

CITY OF SHERWOOD, OREGON

RESOLUTION NO. 309

A RESOLUTION OF THE COUNCIL OF THE CITY OF SHERWOOD STATING A POLICY AGAINST DISCRIMINATION ON THE BASIS OF HANDICAPPED STATUS, ADOPTING A TRANSITION PLAN FOR SUPPORTING HANDICAPPED ACCESS TO CITY FACILITIES AND SERVICES, APPOINTING A PROGRAM COORDINATOR AND AUTHORIZING A GRIEVANCE PROCEDURE FOR ALLEGED CASES OF DISCRIMINATION ON THE BASIS OF HANDICAP.

Whereas, Section 504 of the Federal Revenue Sharing Act and subsequent administrative regulations prohibit discrimination on the basis of handicapped status to individuals seeking access to City facilities, services and employment opportunities;

Whereas, the City of Sherwood is committed to ensuring the fullest access and services to all its citizens and visitors and to providing handicapped status individuals with the means to exercise equal rights and opportunities;

Whereas, in furtherance of the goal of non-discrimination on the basis of handicapped status the City has examined and made findings on architectural and institutional barriers to City facilities and services that may presently exist;

Now Therefore, be it resolved by the Council of the City of Sherwood, Oregon, as follows:

Section 1. Nondiscrimination: That the City of Sherwood does not discriminate on the basis of handicapped status in the provision of its programs, services and personnel practices.

Section 2. Transition Plan: That the City of Sherwood Handicapped Transition Plan, prepared by Benkendorf and Associates and dated November 14, 1984, is hereby adopted.

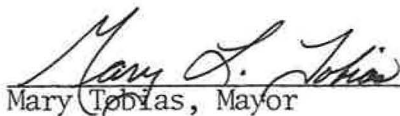
Section 3. Program Coordinator: That Sherwood City Manager James H. Rapp is designated Handicapped Transition Program Coordinator for the City.

Section 4. Grievances: That the City shall establish an administrative grievance procedure for individuals alleging discrimination in receiving equal City access, services and employment opportunities because of their handicapped status.

Section 5. Implementation: That the physical improvements recommended in the aforementioned Handicapped Transition Plan and handicapped status discrimination grievance procedures shall be implemented as soon as permitted by budgetary and other constraints.

Section 6. Public Notice: That the City Recorder/Treasurer immediately provide for broad public notice of the City Council's resolve not to discriminate on the basis of handicapped status.

Approved and Adopted this 28th day of November, 1984.


Mary Tobias, Mayor

ATTEST:


Polly Blankenbaker, Recorder

City of Sherwood Handicapped Transition

DRAFT

Plan

November 14, 1984

Prepared for:

City of Sherwood
P.O. Box 167
Sherwood, Oregon 97140

Prepared by:

Benkendorf & Associates
522 SW Fifth Avenue, Suite 1406
Portland, Oregon 97204
503/226-0068

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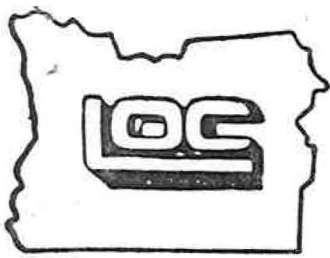
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League of Oregon Cities

SALEM: Local Government Center, 1201 Court Street N.E., P.O. Box 928, Salem 97308, Telephone: (503) 588-6466

EUGENE: Hendricks Hall, University of Oregon, P.O. Box 3177, Eugene 97403, Telephone: (503) 686-5232

December 16, 1983

To: City Managers and City Recorders
From: Stephen C. Bauer, Executive Director
Subject: Implementation of Final Handicapped Regulations

Rules governing discrimination on the basis of handicap went into effect October 17, 1983, giving local governments ninety days from that date to post public non-discrimination notices, and one year to evaluate their programs for evidence of discrimination. These non-discrimination rules were to originally become effective in 1981. However, they were delayed in their implementation when President Reagan's Regulatory Reform Plan froze all federal regulations.

Enclosed you will find several pieces of information which should assist your city in implementing these regulations. The federal register notes that other federal agencies have, for some time, had Section 504 regulations. "Accordingly, many revenue sharing recipients may already have conducted self-evaluations, prepared transition plans, designated responsible employees and established grievance procedures and notified the public of their efforts to comply with Section 504. Any such requirements complied with pursuant to other agency Section 504 regulations may be used to satisfy the revenue sharing requirements." (Emphasis added)

The enclosed outline of FRS handicapped requirements summarizes the regulations your city must meet. In addition, you will find enclosed a sample notice format (yellow page), a commentary on the self-evaluation program (blue page) and the federal register which describes all requirements in detail.

We hope that this information will be of help to you. As further information is developed we will make it available to cities. In the meantime, if any of your cities have already complied with Sec. 504 regulations for other federal agencies we would appreciate receiving a copy of your work as it may relate to self evaluation and transition plans or handicapped grievance procedures. We will then make this material available to other member cities. For further information or if you have questions, please call Dick Townsend at the League office or Fred Williams with the Office of Revenue Sharing, Intergovernmental Relations Division, 2401 'E' Street, N.W., Washington, D.C. 20037, phone (202) 634-5200.

DEPARTMENT OF THE TREASURY
Office of Revenue Sharing
31 CFR Part 51
Fiscal Assistance to State and Local Governments; Discrimination on the Basis of Handicap
AGENCY: Office of Revenue Sharing, Treasury.

ACTION: Final rule.

SUMMARY: Pursuant to order of the Court in *Paralyzed Veterans of America et al. v. Smith et al.*, this rule makes final the interim regulation implementing the incorporation of Section 504 of the Rehabilitation Act of 1973 into 31 U.S.C. 6701 through 6724 the "Revenue Sharing Act." Section 504 prohibits discrimination on the basis of handicapped status in programs of Federal financial assistance. Except for section 51.55(b)(1)(ix), the provisions of the interim regulation that were previously deferred now take effect.

EFFECTIVE DATE: October 17, 1983.

FOR FURTHER INFORMATION CONTACT:

Richard S. Isen, Chief Counsel, Office of Revenue Sharing.

or

 Jacqueline L. Jackson, Attorney-Advisor
 Office of Revenue Sharing, Treasury
 Department, Washington, D.C. 20226,
 (202) 634-5182, TTY (202) 566-2673.

Taped copies of section 51.55 are available upon request.

SUPPLEMENTARY INFORMATION:
Background

On October 10, 1976, the State and Local Fiscal Assistance Amendments of 1976 (Pub. L. 94-488) were enacted, making extensive revisions to the nondiscrimination requirements applicable to the Revenue Sharing Program. Specifically, the Revenue Sharing Act (31 U.S.C. 6716) was amended to incorporate the prohibition against discrimination on the basis of handicap as provided in Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794). Interim regulations implementing the nondiscrimination provisions of the

Amendments were published on April 6, 1977 (42 FR 18362). Until August of 1981, Section 504 was enforced by the Office of Revenue Sharing (hereinafter referred to as the "ORS") pursuant to the general prohibitions contained in § 51.52 of the then interim regulations (31 CFR 51.52).

On April 14, 1978, the ORS published proposed regulations to fully implement Section 504 of the Rehabilitation Act of 1973, as amended (43 FR 15735). An additional proposed rule was published on December 31, 1979 (44 FR 77356) together with proposed age discrimination regulations, to implement the Age Discrimination Act of 1975, and technical revisions of other provisions of Subpart E.

On January 5, 1981, the ORS published (46 FR 1120) a final handicapped discrimination regulation, implementing Section 504 of the Rehabilitation Act of 1973, as amended, for purposes of the Revenue Sharing Program. The regulation was due to take effect on February 4, 1981. On January 29, 1981, the President issued a memorandum entitled "Postponement of Pending Regulations," which in part required the deferral for 60 days of the effective date of any final regulation pending at the date of the memorandum. Pursuant to that memorandum, the ORS published a notice in the *Federal Register* on February 5, 1981 (46 FR 10808), deferring the effective date of the regulation until March 30, 1981, to permit reconsideration by the new Administration.

On February 19, 1981, the President issued Executive Order 12291, entitled "Federal Regulations" (46 FR 12193). The Executive Order required Federal agencies to defer the effective dates of final regulations to permit reconsideration and to prepare a regulatory impact analysis.

The ORS published a notice in the *Federal Register*, on March 31, 1981 (46 FR 19468), that the regulation would be further delayed for a period of 60 days. A companion notice was published in the *Federal Register* on April 3, 1981 (46 FR 20230) requesting public comment on whether to issue the regulation in interim form pending reconsideration. Comment was also requested on whether to delete § 51.55(b)(1)(ix) of the regulation which prohibits discrimination by recipient governments in the exercise of their zoning authority. The ORS received 142 comments during the comment period. On June 1, 1981, the ORS published a notice in the *Federal Register* (46 FR 29261) further delaying the effective date of the regulation until June 16, 1981, to provide additional time for review of the comments. The

decision was made to continue to defer the regulation indefinitely pending completion of the review of the HEW Guidelines by the Department of Justice and the Vice President's Taskforce on Regulatory Relief, pursuant to Executive Orders 12250 and 12291. (The HEW Guidelines are coordination guidelines issued by the Department of Health, Education and Welfare in 1978 and transferred to the Department of Justice by Executive Order 12250, 28 CFR 41.)

As a result of the case, *Paralyzed Veterans of America et al. v. Smith et al.*, U.S. District Court, Central District of California, No. 78-1979 WPG, the regulation was issued in interim form on August 14, 1981 (46 FR 41047). Certain provisions of the regulations issued on January 5, 1981 were continued to be deferred.

The following provisions of the regulation issued on January 5, 1981 were continued to be deferred indefinitely when the regulation was put into interim effect on August 14, 1981:

- § 51.55(b)(1)(ix)—Prohibition against discrimination in exercise of zoning authority
- § 51.55(c)—Self-evaluation requirement
- § 51.55(d)—Designation of responsible employee and adoption of grievance procedures
- § 51.55(e)—Notice
- § 51.55(f)—Administrative requirements for small recipient governments
- § 51.55(k)(4)—Time periods for achieving accessibility
- § 51.55(k)(5)—Transition plan
- § 51.55(k)(6)—Notice

Except for the zoning provision, these provisions are primarily administrative and procedural. The effect of the deferral was to postpone the time periods by which recipient governments must have reviewed their programs, activities, practices and facilities and taken corrective action concerning any deficiencies which may have had discriminatory effects upon handicapped individuals. These provisions were deferred indefinitely because of the possibility that the HEW Guidelines, which mandate the inclusion of the provisions listed above (other than the zoning provision), would be substantially revised and the administrative provisions no longer required.

Section 51.55 was republished September 30, 1981 (46 FR 48034), as a part of the complete republication of all Revenue Sharing regulations contained in 31 CFR Part 51. The deferred provisions were deleted.

The Revenue Sharing handicapped discrimination regulation must now be issued in complete and final form

because of the Judge's ruling in the case *Paralyzed Veterans of America et al. v. Smith et al.*, referenced above. On August 8, 1983, a partial summary judgment was granted against the Federal Government and an order was entered that required the ORS to issue a notice that the final regulation published by ORS on January 5, 1981 (with the exception of the zoning Provision) constitutes the final regulation implementing Section 504 of the Rehabilitation Act of 1973, as amended. The basis for the ruling was the Court's opinion that the April 3rd request for comments on delaying indefinitely the effective date of the handicapped discrimination regulation did not have sufficient specificity to support the deferral of specific provisions of the regulation. This final rule implements the Judge's order. The Judge found, however, that the specific request for comments on the disposition of the zoning provision was correct and did not include that provision in his order. The provisions described above (with the exception of the zoning provisions) will now take effect immediately. The effective date of the zoning provision continues to be deferred for further review.

Additional impetus for the issuance of this regulation in final form is that in March of 1983, the Vice President's Task Force ended its efforts to revise the HEW Guidelines without making revisions. Accordingly, it will not be necessary to make any major revisions to the regulation published on January 5, 1981. The current interim regulation is now issued as a final rule with the provisions previously deferred put into effect.

It should be noted that the administrative provisions have been in effect for some time in the Section 504 regulations of numerous Federal agencies, particularly HHS and the Department of Education with whom the ORS shares recipients. Accordingly, many Revenue Sharing recipients may already have conducted self-evaluations, prepared transition plans, designated responsible employees and established grievance procedures and notified the public of their efforts to comply with Section 504. Any such requirements complied with pursuant to other agency Section 504 regulations may be used to satisfy the Revenue Sharing requirements.

Executive Orders 12291

This regulation has been reviewed and approved by the Office of Management and Budget pursuant to Executive Order 12291, "Federal Regulations." This regulation was

originally determined to be major, and retains the designation despite the fact that it is now issued pursuant to the court order in *Paralyzed Veterans of America et al. v. Smith et al.* However, the regulation is merely a reinstatement of the regulation issued on January 5, 1981 and has not been revised since issuance in interim form on August 14, 1981. At that time a modified regulatory analysis was prepared and approved by OMB, a copy of which is available upon request. The analysis prepared at that time is unaffected by the issuance of the deferred provisions.

Executive Order 12250 and 12067

This regulation has been reviewed and approved by the Civil Rights Division of the Department of Justice pursuant to Executive Order 12250 and Equal Employment Opportunity Commission pursuant to Executive Order 12067 in their capacities as lead agencies concerning Section 504 and employment discrimination respectively. This final regulation has not been amended since the completion of those reviews.

Regulatory Flexibility Act of 1980

The regulation is not expected to have a substantial economic impact on a significant number of small entities. A Regulatory Flexibility Analysis, pursuant to the Regulatory Flexibility Act of 1980 will, therefore, not be prepared.

Need for Immediate Guidance

Because this regulation is issued to implement the Court Order in *Paralyzed Veterans of America et al. v. Smith et al.*, there is good cause for making it effective immediately.

Accordingly, the Director invokes the effective date limitation exception of 5 U.S.C. 553(d)(3).

List of Subjects in 31 CFR Part 51

Accounting, Administrative practice and procedure, Civil rights, Handicapped, Aged, Indians, Revenue sharing, Reporting and recordkeeping requirements.

Authority

This final regulation is issued under the authority of 31 U.S.C. 6701 through 6724 and Treasury Department Order No. 224, dated January 26, 1973 (38 FR 3342) as amended by Treasury Department Order No. 103-1 dated March 18, 1982, and Section 504 of the Rehabilitation Act of 1973 as amended (29 U.S.C. 794).

PART 51—(AMENDED)

In consideration of the foregoing 31 CFR Part 51, § 51.55 is issued in final form and amended by the addition of the following formerly deferred provisions, (paragraphs (c), (d), (e), (f) and (k) (4)-(6)).

Dated October 13, 1983

Michael F. Hill,

Director, Office of Revenue Sharing

§ 51.55 Discrimination on the basis of handicap.

(c) *Self-evaluation.* (1) A recipient government shall, within one year of the effective date of this section, with the assistance of interested individuals, including handicapped individuals and organizations representing them:

(i) Evaluate its current policies and practices and their effects which do not meet the requirements of this section;

(ii) Modify any policies and practices that do not meet the requirements of this section, and take appropriate remedial steps to eliminate the effects of any discrimination that resulted from adherence to these discriminatory policies and practices, except as otherwise provided where structural changes may be required pursuant to paragraph (k) of this section.

(2) Self-evaluations already prepared (or under preparation) to comply with the Section 504 requirements imposed by other Federal departments or agencies, may be used as part of the self-evaluation required pursuant to this section.

(3) The self-evaluation may include but is not limited to an examination of: A recipient government's policies and practices concerning employment decisions; the extent to which its programs and activities are readily accessible to and usable by the handicapped; whether its policies and practices concerning the delivery of aids, benefits and services to beneficiaries are free from discriminatory effects on the handicapped, and whether it is engaging in contractual arrangements which have the effect of subjecting handicapped persons to discrimination.

(4) A recipient government, which government receives \$25,000 or more entitlement funds in each entitlement period, shall, for at least three years following completion of the evaluation required under paragraph (c)(1) of this section, maintain on file, make available for public inspection, and provide to the Director upon request (i) a list of the interested individuals consulted, (ii) a

description of problems identified and (iii) a description of modifications made and remedial steps taken

(d) *Designation of responsible employee and adoption of grievance procedures.* (1) A recipient government which government receives \$25,000 or more entitlement funds in each entitlement period, shall designate at least one person to coordinate its efforts to comply with this section. Where designation of such a person has already been made to comply with the Section 504 requirements of other Federal departments or agencies, that person may also be used to comply with the requirements of this section.

(2) A recipient government, which government receives \$25,000 or more entitlement funds for one or more entitlement periods, shall adopt a grievance procedure that incorporates appropriate due process standards and that provides for the prompt and equitable resolution of complaints alleging any action prohibited by this section. Such procedures need not be established with respect to complaints from applicants for employment or from applicants for admission to post-secondary educational institutions. Existing grievance procedures may be used to meet the requirements of this section.

(e) *Notice.* (1) A recipient government, which government receives \$25,000 or more entitlement funds in each entitlement period, shall take appropriate initial and continuing steps to notify participants, beneficiaries, applicants, and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipient government, that it does not discriminate on the basis of handicapped status in violation of this section. The notification shall state, where appropriate, that the recipient government does not discriminate on the basis of handicapped status in admission or access to, or treatment or employment in, its programs and activities. The notification shall also include an identification of the responsible employee designated pursuant to § 51.55(d). A recipient government shall make the initial notification required by this paragraph within 90 days of the effective date of this section. Methods of initial and continuing notification shall ensure that the information is communicated to the visually or hearing impaired. Such methods may include the use of public service radio and television announcements, and

telecommunications devices, the posting of notices, the publication of notices in newspapers and magazines, the placement of notices in recipient governments' publications, and the distribution of memoranda or other written and taped communications.

(2) Whenever a recipient government publishes or uses recruitment materials or publications containing general information that it makes available to participants, beneficiaries, applicants or employees, or the general public, it shall include in those materials or publications a statement that it is the policy of the recipient government not to discriminate against the handicapped in employment or the provisions of services. A recipient government may meet the requirements of this paragraph either by including appropriate inserts in existing materials and publications or by revising and reprinting the materials and publications.

(f) *Administrative requirements of small recipient governments.* The Director may require any recipient government, which government receives less than \$25,000 in entitlement funds in each entitlement period, to comply with the provisions of § 51.55(c), (d) and (e), in whole or in part, when the Director finds that such requirements are appropriate to remedy a violation of provisions of this section.

(k) . . .

(4) *Time periods—(i) Nonstructural changes for accessibility.* Where a recipient government has determined that certain nonstructural changes are necessary to make its programs and activities readily accessible to and usable by the handicapped, after evaluating its policies and practices during the self-evaluation required pursuant to paragraph (c) of this section, these changes shall be made, with other modifications determined to be needed, within the one year period for completion of the self-evaluation.

(ii) *Structural changes for accessibility.* Except as otherwise provided in paragraph (k)(4) (iii) of this section, where a recipient government has determined that structural changes in facilities are necessary to make its programs and activities readily accessible to and usable by the handicapped, after evaluating its policies and practices during the self-evaluation required pursuant to paragraph (c) of this section, those changes shall be made as soon as possible but not later than three years from the effective date of this section.

A STEP-BY-STEP APPROACH TOWARD COMPLIANCE

Note: Governments that receive less than \$25,000 annually in revenue sharing funds may begin at Step 3.

Step 1. Designate a program coordinator and give an initial notice of local policy against handicapped discrimination.

(Note: Step 1 applies only to governments receiving \$25,000 or more annually.)

The notice must:

- o include a statement that the government does not discriminate on the basis of handicapped status in the provision of its programs, services, and personnel practices;
- o include the name of the program coordinator/responsible employee designated to coordinate the implementation of the handicapped discrimination requirements; and
- o use methods of notification which ensure that visually impaired and hearing-impaired persons will have access to the information.

Methods of providing notice include publication in newspapers and local government newsletters, posting notices in public places, announcements on radio and television, and/or distribution of taped or written communications to groups representing the handicapped.

Step 2. Adoption of a Grievance Procedure.

(Note: Step 2 applies only to governments receiving \$25,000 or more annually.)

Governments must adopt a grievance procedure by October 17, 1984, to ensure the prompt and equitable review of complaints alleging handicapped discrimination. The intent of this requirement is to provide procedures for the local resolution of handicapped discrimination complaints filed by any member of the community (general public or employee). The grievance procedures must include:

- o a publicly available description of the procedures for the submission of the grievance;
- o reasonable timetable for review and resolution of the grievance;
- o procedures for appeal; and
- o provisions for recordkeeping.

NOTE: Existing grievance procedures generally can be adapted to satisfy this requirement if the above provisions are included.

Step 3. Conducting the "Self-Evaluation"

(Note: Step 3 applies to all governments.)

ALL recipient governments have until October 17, 1984, to evaluate their programs, services, activities, policies and practices to determine areas of noncompliance with the handicapped discrimination regulations. This self-evaluation must include a review of all functions of the government regardless of where revenue sharing funds are spent. Handicapped individuals and/or organizations that represent the handicapped must be included in the self-evaluation process. The self-evaluation must include an examination of:

- o employment and personnel policies and practices;
- o the extent to which programs and activities are readily accessible to and usable by the handicapped;
- o the extent to which the delivery of benefits and services are free from discriminatory effects on the handicapped; and
- o the extent to which contractual arrangements are free from subjecting handicapped persons to discrimination.

*** NONSTRUCTURAL CHANGES AS IDENTIFIED BY THE SELF-EVALUATION MUST BE IMPLEMENTED BY OCTOBER 17, 1984 ***

NOTE: Self-evaluations already prepared to comply with the handicapped discrimination requirements imposed by other federal agencies may be used to satisfy the self-evaluation requirements of the revenue sharing regulations if they cover all functions of the recipient.

Step 4. Preparing a "Transition Plan"

(Note: Step 4 applies to all governments, but only when structural modifications are necessary to make programs accessible.)

If required, the transition plan must be prepared by October 17, 1984. The transition plan, like the self-evaluation, must be developed with the assistance of handicapped persons or organizations representing the handicapped. Governments must make a copy of the plan available for public inspection for a period of three years. The transition plan must:

- o identify physical obstacles in the government's facilities that limit the accessibility of its programs to handicapped persons;
- o describe, in detail, the methods that will be used to make the facilities accessible;
- o specify a schedule to achieve full program compliance; and
- o indicate the person responsible for implementing the plan.

*** ALL STRUCTURAL CHANGES MUST BE COMPLETED BY OCTOBER 17, 1986 ***

NOTE: -- Recipients are required either to meet the specifications developed by the American National Standards Institute (ANSI) or provide equivalent access. For an address to obtain a copy of the ANSI Specifications for Making Buildings and Facilities Accessible to and Useable by the Physically Handicapped see page 91.

-- Transition plans already prepared to comply with the handicapped discrimination requirements imposed by other federal agencies may be used to satisfy the requirements of the regulations if they cover all functions of the recipient.

Recordkeeping Requirements

Governments are required to maintain a file of information gathered during the self-evaluation/transition plan process. This information must be available to the public and the Office of Revenue Sharing upon request. These records must be maintained for at least three years following the completion of the self-evaluation. The file must contain:

- o a list of the self-evaluation committee and other interested persons contacted;
- o a description of the policies and practices examined and the problems identified; and
- o a description of the modifications made and remedial steps taken.

SHERWOOD HANDICAPPED PLAN

Transition Plan Methodology

Steps preceding Transition Plan

The first step is to go through the self-evaluation and have a meeting with a handicapped and citizens task force to verify and justify conclusions specifically relating to architectural barriers that apply to the development of the Transition Plan.

1. Self-evaluation completed.
2. Task Force appointed.
3. Task Force (handicapped have advisors) reviewed program evaluations.
4. Task Force have made suggestions and/or generally approved possible structural changes to city facilities.

Transition Plan

The Transition Plan is simply a matter of estimating cost and scheduling of the changes required under the handicap regulations. The changes are a result of the required city programs and buildings self-evaluation.

1. Develop a scheme specifying the steps necessary to complete structural changes.
2. Specify the **time frame** for completion.
3. Estimate Costs.

Preparing the Transition Plan

1. Identify public facilities.
2. Comparing structural sizes to the ANSI Standards.
3. Consequential changes in structure to achieve accessibility and/or standards.
4. Final approval/compromise in structure change plans in meeting with Task Force.
5. Design format of the plan. (Copy from Salem's).
6. Purpose, estimate costs of changes, completion date, etc.

Look at buildings

1. Use a check off list.
2. Measure entry ways, slopes of ramps, height of drinking fountains and public telephones.
3. Note any obvious **hazards**, lack of tactile signage, proper access marking.
4. Ask questions about the public use of these buildings by handicapped citizens. Any common complaints or suggestions?

Check-off List

Necessary structural changes to achieve accessibility to all programs and activities.

1. Doorways at Entrances

- a. Minimum 32" clear opening.
- b. Recommended force required to open a door is 5 to 8 pounds.

2. Entrances

- a. Provide adequate railing, handles and curbs at all stair and ramp locations.
- b. Provide signage showing points of access for handicapped people.

3. Ramps

- a. Maximim percent slope = 8.33%
- b. Maximim length ramp = 30 feet 0 inches
- c. Minimum one-way width = 3 feet 0 inches
- d. Minimum two-way width = 6 feet 0 inches

4. Restrooms

Provide one toilet stall for handicapped in all public toilet rooms. Stall to be one farthest from toilet room entrance.

5. Water Fountains

Should have hand controls, be not higher than 3 feet and the spout should project a minimum of 2 inches beyond adjacent walls.

6. Public Telephones

4 feet maximum height, 2 feet, 3 inches minimum

7. Parking Lots

- a. Handicapped stalls, no more than 100 feet from building entry.
- b. Access to buildings should be smooth and free of barriers which may prove impossible for physically restricted people to negotiate. Paving surfaces should be hard and relatively smooth, curbs should have ramped cuts, walks should be sufficiently wide to accommodate two-way traffic and entrance walks to buildings should slope gently to the platform before the doors.

8. Stairs

Maximum grade change between stairway landings = 6 feet, 0 inches

Provide adequate railings, handles and curbs

Provide lighting - foot candles

COORDINATOR

The coordinator for the process of self-assessment and transition planning must be designated by the City. This individual will function as the contact point and resource person for City Staff and the general public. This designation is required for governments receiving \$25,000 or more annually.

The coordinator for the City of Sherwood is the City Manager, James Rapp (625-5522).

I. FACILITY SELF-EVALUATION SURVEY AND SUMMARY

A. Sherwood City Hall

Attention: James Rapp, City Manager
90 NW First
Sherwood, Oregon 97140
503/625-5522

Building History

The building was formerly the Mayor's house. The present three-story building was built in 1897. It has undergone minor renovations and improvements since then, but the basic floor plan has not been changed. The two upper floors, connected by a stair case, accommodate City Officials offices, a lobby, and City Records. The Police Department is located in the basement.

Structural Barrier Survey

1. Doorways at Entrance:
 - a. Satisfies 32 inch minimum clearance requirement.
 - b. Door is easily opened.
 - c. Front service.

2. Entrances:
 - a. Adequate railings.
 - b. No wheelchair access.

3. Ramps: Does not apply.

4. Restrooms:
 - a. Two public restrooms.
 - b. Door width lacks 3 inches.

- c. No signage indicating public restroom.
 - d. Mens restroom is 1 inch short of the required 66 inch restroom length.
 - e. Womens restroom is 3 inches short of the required length.
 - f. Door travels into the restroom, it ought to travel away from the restroom.
 - g. Lacks grab bars on the side and back walls of the restroom.
5. Water Fountains: Does not apply.
6. Public Telephones: Does not apply.
7. Parking Lot:
- a. Some on street parking.
 - b. Gravel lot in back of City Hall.
 - c. 3 inch curb adjoining street to sidewalk.
8. Stairs:
- a. Adequate grade change.
 - b. Sturdy railings.
 - c. Porch lighting.

B. Sherwood Police Department

Located in the basement of Sherwood City Hall, 90 NW First. Chief of Police is Larry Laws (625-5522).

Building History

See Sherwood City Hall.

Structural Barrier Survey

1. Doorways at Entrances:

- a. Satisfies 32 inch minimum clearance requirement.
 - b. Door opens easily.
2. Entrances:
- a. Lacks adequate sidewalk width and length.
 - b. Entrance is presently inaccessible to the handicapped, but it will need signage indicating accessibility when the entrance becomes accessible.
3. Ramps: Does not apply.
4. Restrooms: Single restroom is not accessible nor does it need to be as long as there is an accessible restroom elsewhere in the building.
5. Water Fountains: Does not apply.
6. Public Telephones: Does not apply.
7. Parking Lot:
- a. Lot behind City Hall is gravel.
 - b. Lacks sidewalk from lot to police entrance.
8. Stairs: Does not apply.

C. Sherwood Senior Community Center

Attention: Marge Stewart
855 N Sherwood Blvd.
Sherwood, Oregon 97140
503/625-5644

Building History

The Senior Community Center was built in 1982 with a HUD grant. It's meeting room is used for all the City Council meetings.

Structural Barriers

None. Satisfies all building code and ANSI Handicapped Requirements.

D. Sherwood Public Library

Attention: LaVerne Will
90 NW Park Avenue
503/625-6688

Building History

A former department store built in 1902 as a mercantile/dry goods store. The City has leased the building on a yearly contract for the past couple of years, but since a new library is under consideration, the contract is being renewed on a monthly basis.

Structural Barriers

1. Doorways and Entrances:
 - a. Both front and back entrances are unlocked and accessible by wheelchair.
 - b. No signage to mark accessibility.
2. Entrance: Satisfies 32 inch minimum.
3. Ramps: Adequate flared ramp entry.
4. Restrooms: Not required by Oregon Building Code because total occupancy is less than 50 people.

5. Water Fountain: Does not apply.
6. Public Telephones: Does not apply.
7. Parking Lots:
 - a. Corner curb should be a flared ramp.
 - b. Accessible by wheelchair.
8. Stairs:
 - a. Located in the rear of the building and lead up to small meeting room.
 - b. Carpeted.
9. Library Interior Circulation:
 - a. Quite managable by wheelchair.
 - b. The aisles are spaced evenly and sufficiently to allow people in wheelchairs to circulate through the Library.

E. Blind and Deaf Access

Blind and deaf access to the public facilities is limited in the City of Sherwood. However, most of the limitations are due to the lack of resources to provide services rather than the existance of architectural barriers.

When the City completes its self-evaluation of its programs and services, then it will be able to solve blind and deaf access problems.

II. SOLUTIONS TO SURVEY FINDINGS

A. Sherwood City Hall

1. Entrance Accessibility Problems:
 - a. Construct a wood or concrete ramp with pipe railings that allows access from the back parking lot to the second floor main entrance.
 - b. Make the basement Police entrance available for doing City business, by making entrance accessible from back parking lot or front street with a wider stretch of pavement. Create a small space for a clerk or other employees to conduct business with handicapped citizens.
 - c. Install an out-of-doors wheel chair lift for access to the main floor porch entrance.
2. Restroom Access: Presently, restrooms are not able to accommodate wheelchairs and do not have grab bars. The recommended solution is as follows:
 - a. Remodel the **upstairs Women's Restroom** if Solution Alternative No. 1 or 3 are recommended. This would entail the addition of grab bars, reversing the door travel and possibly widening the entrance. The minimum length requirement may be appealed through an appeal process.
 - b. Remodel the **downstairs Restroom** if Solution Alternative No. 2 is recommended.
3. Signage: When improvements are made to accommodate handicapped citizens, signage should be improved to mark entrances, restrooms, general circulation direction and emergency information.

B. Sherwood Public Library

Signage: All entrances that are accessible to the handicapped are required to have signage marked with the International Symbol of Accessibility.

III. COST ESTIMATES AND TIME SCHEDULES

DATE	PROJECT	COST
January 1985	Library Signage	\$40
July 1985 (1 Week)	Main Entrance Access	
	a. Wood or Concrete Ramp	\$2,000 - \$3,000
	b. Porch Lift	\$3,000 - \$5,000
	Basement Entrance:	
	c. Police Department Door and Walk Improvements	\$500
	d. First Street Curb Flare	\$450
July 1985	City Hall Signage	\$60
September 1985	City Hall Restrooms	Not determined at this time.

** All structural changes must be completed by October 17, 1986 **

IV. SYNOPSIS

In order to prepare this Transition Plan, several people were organized into a Task Force. From their review of a draft plan, personal survey and experience with those public buildings, they have put forth many helpful ideas to make these buildings truly accessible. Let the names of those people who have been contacted and have been involved with the development of this Transition Plan be recorded here:

- Gil Kummrow
Local Advocate for the Handicapped

- Paul Herren
Local Advocate for the Handicapped

- Marge Stewart
Director of Sherwood Senior Community Center

- Jan Eisenbeitz
Metropolitan Human Relations Commission

- Judy Brown
Commission on the Handicapped

We made initial contact with Judy Brown of the Oregon State Commission of the Handicapped. She was too busy to be of assistance so she referred us to someone working in the local area; Jan Eisenbeitz of the Portland Metropolitan Human Relations Commission. Ms. Eisenbeitz, though concerned about our situation, felt it would be best if we had local Sherwood citizens assist us on our Task Force. So, with the enthusiastic guidance of Gil Kummrow, Paul Herren and Marge Stewart, we were able to put together a sound, practical plan that will make the public buildings accessible to the handicapped.

SYNOPSIS

I. GENERAL CONSIDERATIONS

1. Clear Floor Space needed for a single wheelchair: 30" X 48".
2. Reaches
High forward reach: maximum 48".
Side reach: maximum 54".
3. Turning Spaces:
One wheelchair to turnaround: 60" diameter.
Two wheelchairs to pass each other: 60" wide.
Minimum width - one wheelchair: 36" clear space.

II. PARKING

Parking should be provided nearest the accessible entrance to a facility. There shall be an accessible route from the parking space(s) to the accessible entrance with a minimum of environmental barriers. Spaces should not be placed on grades, unpaved areas, or other hazardous or dangerous areas.

1. Dimensions

When one parking space is required, the space shall be 13' wide, 8' for the vehicle plus 5' for an access isle. When two spaces are required, a common access isle may be used, and the total width of two spaces shall be 21' (8' + 8' + 5').

2. Quantity

	<u>Minimum</u>	<u>Maximum</u>
1 in 50	1	1
51 to 100	2	2
101 to 200	3	4
201 to 300	4	6
301 to 500	5	10
501 to 700	6	14

+1 per 200 or
fraction thereof

3. Signage

Sign centered at 4' with the International Symbol of Access with letters minimum 1" in height to read:

"PARKING BY D.M.V. DISABLED
PERMIT ONLY. VIOLATORS SUBJECT
TO TOWING UNDER O.R.S. 487.935
AND A FINE UP TO \$250.00 UNDER
O.R.S. 487.930."

III. ACCESSIBLE ROUTE

If the terrain is greater than 1:20, it shall be designated a ramp and must comply with all requirements for ramps.

1. Minimum width: 36".
No greater than 1:20 or designated a ramp and must comply with ramp requirements.
2. Passing spaces on accessible routes which are less than 60" wide shall be at no greater than 200' intervals.
3. No level changes on an accessible route greater than 1/2".
4. Accessible routes should avoid all environmental barriers including gradings, manhole covers, and protruding objects. If gradings are present the spaces in the gradings shall be no greater than 1/2" running perpendicular to the direction of travel. Consideration should be given to insuring that an accessible route does not cross an area laden with traffic, or other area potentially dangerous to a disabled individual.
5. If there are changes of level in the accessible route, the following requirements must be met:

0" to 1/4"	No edge treatment required.
1/4" to 1/2"	Edge shall be bevelled.
1/2" or >	Must comply with ramp provisions.

IV. CURB RAMPS

Curb Ramps shall be:

1. No greater than 1:12.
2. No higher than 30" rise.
3. Minimum width of 36", not including flares.
4. Flares no greater than 1:10.
5. Textured with tactile warning.
6. Placed within the crosswalk.

V. RAMPS

1. New construction:

Ramps shall be no greater than 1:12 with a minimum width of 36" and a maximum rise of 30".

2. Existing construction:

Ramps greater than 1:10 but less than 1:8 shall have a maximum rise of 3" and a maximum run of 2'. Ramps greater than 1:12 and less than 1:10 shall have a maximum rise of 6" and a maximum run of 5'.

3. In general:

If ramp has greater than a 6" rise, handrails must be provided on both sides.

They shall extend 12" beyond the top and bottom of the ramp.

They shall be placed 1-1/2" from the wall.

They shall have a gripping surface in a diameter of 1- 1/4" to 1-1/2".

The ramp shall have a 2" edge protection for all potential drop off areas.

4. If landings are required, the following requirements must be met:

Landings at both top and bottom of ramp.

Landings a minimum of 36" wide or as wide as the ramp run.

Length of landings: a minimum of 60".

If the ramp changes directions at a landing, then a minimum landing dimension of 60" X 60" shall be provided.

VI. ENTRANCES

1. One accessible entrance:

At least one accessible entrance to the facility, marked with International Symbol of Access.

2. Door pressures:

Exterior hinged: 8-1/2 lbs maximum.

Interior hinged: 5 lbs maximum.

Sliding and folding: 5 lbs maximum.

Doors should be provided with kickplates at least 10" in height.

3. Door clearances:

32" minimum clear space.

48" space between any series of doors.

3/4" threshold allowed on exterior sliding doors.

(1/2" threshold on all other doors).
Raised thresholds must be bevelled.
If doors are double-leaf design, then at least one must provide 32" minimum clear width.

4. Door hardware:

Door hardware shall be handles, pulls, latches, locks, any of which must be operable with one hand, shall have a shape that is easy to grasp with one hand and shall not require tight grasping, tight pinching or twisting of the wrist to operate. Lever operated mechanisms, push-type mechanisms and U-shaped handles are acceptable designs.

VII. RESTROOMS

1. Number required:

1 per floor per sex. To be designated as accessible to the physically disabled and properly identified with the International Symbol of Accessibility.

2. Sinks:

Sink counters no higher than 34". Accessible approach to the sink 30" wide X 19" deep X 29" high. Knee clearance: Sinks shall have a knee clearance of 29" minimum. Exposed hot water or waste water pipes wrapped for safety.

3. Urinals:

Maximum lip height: 17" with accessible approach of 30" X 48".

4. Faucets:

Lever operated, push-type or self-closing with a minimum open time of 10 seconds.

5. Water closets without stalls:

Front approach: minimum 48" wide X 66" long
Side approach: 48" X 56" or 60" X 56".

6. Water closets with stalls:

Minimum width: 36"
With wall mounted water closet: 66" minimum length.
With floor mounted water closet: 69" minimum length.
Partition toe clearance: 9"

7. Toilet seat heights: at 17" - 19".

8. Toilet paper dispensers: maximum 19".

9. Flush controls: no higher than 44" above floor.
10. Grab bars: 2 grab bars must be provided.
A back grab bar 36" long at 33" - 36" above floor.
A side grab bar 42" long at 33" - 36" above floor.
11. Shower stalls:
Two sizes allowed under code:
36" X 36" or 30" X 60"
a) Shower seat shall be 16" X 23" X 15", at 17"-19", above floor, extend the full depth of the stall on the wall opposite of controls; seat must have a stress strength of 250 lbs.
b) 36" X 36" stall grab bars: 36" X 18"
A back grab bar 18" long at 33"-36" above floor.
A side grab bar 36" long at 33"-36" above floor.
30" X 60" stall grab bars: 30" X 60"
A back grab bar 60" long at 33"-36" above floor.
Side grab bars 30" long at 33"-36" above floor.
c) Faucets: all faucets shall comply with the requirements for sink hardware, being a winged design, and at the opposite side of the shower seat.
d) Shower hose: must be 60" long.
e) Curbs to shower stalls:
shower stalls 36" X 36" a maximum 4" curb.
shower stalls 30" X 60" no curb allowed.

12. Bathtubs:

When bathtubs are provided, an in-tub portable seat or fixed seat at the head of the tub shall be provided, and it shall be at least 15" wide.

- a) Bathtubs with portable seat: 2 grab bars 24" minimum length at the side and front of tubs.
b) Bathtubs with built-in seat: 2 grab bars required 48" minimum length for the side grab bar and 24" minimum length for the head grab bar, mounted out to edge of tub.
c) Faucets: Lever or winged type, complying with requirements for sink hardware.
If shower hose provided, minimum of 60" of shower hose length.

13. Equipment:

Mirrors, dispensers, etc. / maximum height: 48"
preferred height: 40"
Mirrors: bottom edge no higher than 40".
Medicine cabinet: to provide at least 1 shelf below 44".
Any controls workable with a maximum of a 5 lb. force.

VIII. GENERAL CIRCULATION AND ACCESS

1. Circulation:

Facility shall provide an accessible route to all areas of the building which are open and usable by the general public. No portion of the building in which a unique function occurs shall be inaccessible to the disabled.

2. Drinking fountains:

- a) One per floor.
- b) Spout: no higher than 36" maintaining a 4" flow with a 30" X 48" clear floor space approach provided.
- c) Wall/post-mounted fountains:
27" clearance height X 30" wide X 17-19" deep.
- d) Free-standing
requires 30" X 48" clear floor space approach.
- e) Hardware:
Drinking fountain hardware shall comply with the requirements for sink hardware.

3. Telephones:

A clear floor space of 30" X 48".
Highest operable part of phone no greater than 54".
If phone is fully enclosed, a minimum of 30" clear.
Must be equipped with volume control for hearing impaired.
Must be of push-button type with a cord length of 29".
No protruding objects lower than 27".

4. Carpeting:

Carpeting shall be securely attached with a firm cushion or no cushion at all, have level loop, textured loop, level cut pile, or level cut/uncut pile texture, with a maximum pile height of 1/2".

5. Assembly areas:

A minimum of 2 seats provided

<u>Seating Capacity</u>	<u>Accessible Seats Required</u>
0 to 50	2
50 to 500	4
500 +	.5%
	(1/2 minimum)

Forward or rear approach:

If two seats are provided with forward or rear access, the seating shall provide 48" X 66".

Side approach:

If two seats are provided with side access, the design shall be 60" X 66".

Location:

Seating shall be disbursed throughout the facility, and should include seating in all areas and at all ticket price ranges.

Areas to comply:

Access is required to performing areas, stages, arena floors, dressing rooms and locker rooms.

6. Signage:

Signage shall be a width to depth ratio of 3:5 and 1:1.

A stroke width to depth ratio to 1:5 and 1:10. Signage should be color contrasted, raised or indented a minimum of 1/32" (0.8 mm) and 5/8" high, but no higher than 2", with a stroke width of 1/4".

All accessible areas should be marked with the International Symbol of Accessibility.

Signage should be provided in parking areas, at entrances; provide emergency information and general circulation direction.

7. Storage:

Maximum shelf height: 48" maximum forward reach and 54" maximum side reach.

Clothes rod: 54" maximum height.

8. Outlets and Alarms:

Audible and visual:

Both audible and visual alarms shall be provided. The audible level shall be 15 db above the noise level in the facility.

Electrical Outlets:

At no less than 15" above the floor.

9. Protruding Objects:

Objects 27"-80" above the floor:

No more than 4" projection into walks, halls, corridors, passageways or aisles.

Objects below 27":

May protrude any amount.

Freestanding objects:

Freestanding objects mounted on posts may overhang 12" maximum from 27 - 80" above the floor or

ground; and may not reduce clear width an accessible route.

Head room:

Walks, corridor, aisles shall have 80" minimum clear head room.

10. Work Spaces, Seating and Tables:

Clearance for knee space: 27" high X 30" wide X 19" deep.

Table top/work surfaces: 28" - 34".

11. Dwelling Units:

When dwelling units are provided, consideration should be given to the placement of the following items:

mailboxes	laundry facilities
windows	drawers
storage	dining area
cabinets	sleeping areas
shelves	patios
closets	terraces
garages	balconies
heating controls	carports
ventilating controls	
air conditioning controls	
accessible routes to living area	

12. Level Changes:

Changes up to 1/4" (6 mm) no edge treatment.
1/4"-1/2" (6 mm to 12 mm) shall be beveled with slope no greater than 1:2.
1/2" (13 mm) and greater must use ramp.

IX. TACTILE WARNING:

Tactile warning shall comply with the following:

1. Walking surfaces:

1/8" deep, 3/4" - 2" wide raised, or grooves 1/4"-3/4".
Depth 36" in front of hazardous area.

2. Doors:

Doors leading to hazardous areas (boiler rooms, stages, etc.) must have knurled knobs. Knurling is a textured surface on the door handle, knob or

pull to alert a visually impaired individual that he/she is about to enter a hazardous area. Knurled knobs shall not be required on emergency exit doors.

3. Stairs:

All stairs shall have tactile warning at the top of the stair run.

4. Hazardous vehicle areas:

In such areas, a warning strip a minimum of 36" wide must separate the walking area from the driving portion.

X. STAIRS

1. Stair treads: No less than 11", (riser to riser).

2. Nosings:

Radius of curvature no greater than 1/2" shall project no greater than 1-1/2".

3. Handrails: Stairways shall have handrails at both sides of stairs.

4. Handrail extension:

Handrails shall extend 12" beyond the top riser and extend 12" plus the width of one tread at the bottom riser.

Questions and Answers Concerning the Revenue Sharing
Handicapped Discrimination Regulations

1. Must all recipients comply with the handicapped discrimination regulations?

Yes. Every recipient of revenue sharing funds must comply with the provisions of the handicapped discrimination regulations.

2. What do the handicapped discrimination regulations prohibit?

The regulations require that no qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination under any program or activity funded with revenue sharing funds.

3. Who is considered handicapped under the law?

Any person who has a physical or mental impairment that substantially limits one or more major life activity, has a record of such impairment, or is regarded as having such an impairment, is considered handicapped and is protected under the law. Protected handicapped conditions include, but are not limited to: blindness, cancer, cerebral palsy, deafness or hearing impairment, diabetes, epilepsy, heart disease, mental or emotional illness, mental retardation, multiple sclerosis, muscular dystrophy, orthopedic/speech/visual impairment, dyslexia, minimal brain dysfunction, developmental aphasia, spina bifida.

4. Must a government comply with the handicapped discrimination requirements, if there are no handicapped citizens in the community?

A handicapped condition, as described in the answer to the previous question, includes a broad list of impairments which generally could affect citizens in every community in the country. As local governments conduct the self-evaluation of their government services, it is appropriate to presume that they are serving some handicapped citizens.

5. Which governments are subject to the administrative provisions of the revenue sharing handicapped discrimination regulations published in final form in the October 17, 1983 Federal Register?

All governments must comply with certain provisions of these regulations. The following are specific requirements for recipient governments:

All recipients, regardless of the amount of revenue sharing funds received, must:

- ° complete a self-evaluation to identify areas of noncompliance;
- ° make nonstructural changes for accessibility;
- ° prepare a transition plan if structural changes are needed; and
- ° complete structural changes for accessibility.

Recipients receiving \$25,000 or more annually must, in addition to the above, do the following:

- ° provide initial notice to the public regarding its policy on discrimination against handicapped persons;
- ° designate a responsible employee or office to coordinate efforts to comply with regulations;
- ° adopt a grievance procedure;
- ° maintain records for accessibility to auditors and the Office of Revenue Sharing in the event of a compliance review.

6. Are there any exemptions to the administrative requirements for small governments?

Recipients which annually receive less than \$25,000 in revenue sharing funds are exempt from the requirements to maintain a self-evaluation on file, designate a program coordinator, make public notice, and adopt a grievance procedure. All governments must conduct a self-evaluation, prepare a transition plan if structural changes are needed, and complete nonstructural and structural changes within the required time.

7. Governments which receive \$25,000 or more annually in revenue sharing funds must prepare a grievance procedure by October 17, 1984. What information must be included in this procedure?

A grievance procedure must include:

- ° a publicly available description of the procedure for submission of the grievance;
- ° reasonable timetable for review and resolution of the grievance;
- ° procedures for appeal; and
- ° provisions for recordkeeping.

Existing grievance procedures generally can be adapted to satisfy this requirement if the above provisions are included. Be sure that your grievance procedure covers all persons--not just employees.

8. If a local government has already complied with the handicapped discrimination requirements to satisfy other Federal agencies, must it again complete the administrative requirements for ORS?

No. If a local government has already conducted a self-evaluation of all programs and activities, prepared a transition plan, designated a program coordinator, established a grievance procedure, and notified the public of its efforts to comply with the handicapped requirements for another Federal agency, these actions may be used to satisfy the revenue sharing requirements.

9. Are there public notice requirements associated with these administrative procedures?

Governments which receive \$25,000 or more in revenue sharing funds annually must make initial and continuing notice that they do not discriminate on the basis of handicapped status. Methods of notice must ensure that the information is communicated to the visually and hearing impaired by such means as newspaper publication, public service radio and television announcements, posting, or distribution of memoranda or taped communications.

10. What does ORS require regarding continuing notification?

When a local government makes substantial changes to its programs or activities or renovates its facilities in a manner that will affect or improve accessibility, the public, particularly organizations representing the handicapped, should be notified. Such notification should be made in the same manner as the initial notice.

11. Must all local government publications include a policy statement concerning nondiscrimination on the basis of handicap status?

Yes. When a recipient government publishes or uses recruitment material or general information for the public, the materials or publications should include a statement of the policy against handicapped discrimination. The statement should be included in new publications and can be added as inserts to existing publications.

12. What is the scope of the self-evaluation which must be conducted by all recipient governments to determine if their programs and activities discriminate against handicapped citizens and employees?

A recipient government is required to conduct a self-evaluation concerning all of its programs and activities, policies and practices, regardless of whether or not a particular program is funded with revenue sharing funds. The self-evaluation requirement is designed to provide recipient governments with a one-time opportunity to review their programs and activities because a government may, in the future, fund a program not currently funded with revenue sharing funds.

The self-evaluation should include, in general, an examination of your government's:

- °policies and practices concerning employment decisions;
- °programs and activities to make certain that they are readily accessible to and usable by the handicapped;
- °policies and practices to determine if the delivery of aids, benefits, and services are free from discriminatory effects on the handicapped; and
- °contractual agreements which may have the effect of subjecting handicapped persons to discrimination.

13. When must a government complete nonstructural changes for accessibility?

Nonstructural changes for accessibility which have been identified in the self-evaluation must be implemented by October 17, 1984.

14. What should be included in the "Transition Plan?"

The "transition plan" must, at a minimum:

- ° identify physical obstacles that limit the accessibility of its programs or activities to handicapped persons;
- ° describe in detail the methods that will be used to make the facilities accessible;
- ° specify a time schedule to achieve full accessibility; and
- ° identify the person responsible for implementing the plan.

15. What is the deadline for completing structural changes for accessibility?

Problems requiring structural changes, which have been identified during the self-evaluation and set forth in the transition plan, must be corrected no later than October 17, 1986 (other than changes required for transportation systems).

16. How do the handicapped discrimination requirements pertain to a local government's employment practices?

The handicapped discrimination regulations mandate equal opportunity and nondiscrimination in employment. It prohibits discrimination against qualified handicapped persons in all employment actions, decisions, policies and practices.

17. What is meant by the term "qualified handicapped person"?

With respect to employment, it refers to a handicapped person who with reasonable accommodation can perform the essential functions of the job.

18. What is meant by "reasonable accommodation"?

Reasonable accommodation is the modification of a job or the work place to enable a handicapped person to perform a job for which he or she is qualified. Governments are required to make reasonable accommodations for qualified handicapped persons, unless it can be shown that such accommodation will impose undue hardship.

19. Who determines when an accommodation would impose an "undue hardship" on a government?

The issues of reasonable accommodation and undue hardship to the government pertain to the employment of qualified handicapped persons. The initial determination of reasonable accommodation is made by the local government. If ORS receives a complaint or conducts a compliance review, it would determine whether the government's decision is reasonable.

The determination as to whether an accommodation is an undue hardship may be based on: (1) the size of the program, (2) the type or composition of the program, and (3) the cost and nature of the accommodation needed. No accommodation that would require substantial alteration of a recipient government's program or activity would be considered reasonable.

20. What are some examples of reasonable accommodation?

Examples of reasonable accommodation include: job restructuring, modified work schedules, part-time work, acquisition of special equipment, modification of equipment, provisions of readers, or interpreters.

21. Are alcoholics and persons with drug addiction considered handicapped?

Yes. In 1977, the U.S. Attorney General issued a decision which defined drug and alcohol abusers as handicapped. 1978 Amendments to the Rehabilitation Act clarified the status of the alcohol and drug abuser in employment. The Amendments stated that an alcohol or drug abuser is not protected if their current use of alcohol or drugs prevents the individual from performing the duties of the job in question, or whose employment would constitute a direct threat to property or the safety of others. Essentially, only recovered or controlled alcoholics or drug addicts are protected by the handicapped discrimination regulations.

22. How do you know if a government's employment practices discriminate on the basis of handicap?

The key is to examine job criteria to ensure that all criteria are truly job related. If handicapped persons fail to meet specific job standards, the standards should be reviewed to validate their relevance to job performance. It is also important to examine application forms, recruitment procedures, compensation packages, job assignments, training criteria, other fringe benefits, etc.

23. Do these regulations mean that local governments must hire more handicapped persons?

No. The handicapped discrimination regulations do not require affirmative action and, consequently, they do not require specific goals and timetables for the employment of the handicapped. The regulations mandate equal opportunity and require all governments to refrain from placing unnecessary impediments in the way of the employment of qualified handicapped persons. The Director of ORS may require corrective actions short of employment goals to rectify noncompliance.

24. Do the employment practices prohibited under the handicapped discrimination regulations extend to labor unions and organizations providing fringe benefits to employees of the local government?

Yes. The provisions of the handicapped discrimination regulations apply to outside organizations such as labor unions and contractors that provide services to the local government. Each local government should notify such organizations that they must not discriminate against qualified handicapped persons in employment decisions.

25. Must all government buildings be made "barrier free"?

No. The regulations require a local government to operate its programs and activities in a manner that, when viewed in their entirety, are readily accessible to handicapped persons. These revenue sharing regulations do not require a government to make all of its existing facilities accessible to the handicapped. Programs and activities can be made accessible without structural changes by, for example, moving an activity to an already accessible location. Structural change is a last resort if no other method is available. When making decisions regarding the provision of services, priority must always be given to options which allow handicapped persons to function in the most integrated setting appropriate to their needs. Facilities constructed after January 1, 1977, however must be barrier free.

26. What is meant by providing services in the most integrated setting?

This requirement seeks to minimize the separate or different treatment for handicapped citizens. The goal would be to provide handicapped persons with the same setting in which able-persons persons function. It must be emphasized that providing separate or different programs is prohibited unless they are necessary to achieve equal opportunity.

27. What standards should be used to evaluate accessibility? What are ANSI standards?

The regulations allow governments to determine for themselves the most effective means to achieve program accessibility. Governments, however, must provide access at least equivalent to the standards developed by the American National Standards Institute (ANSI). The ANSI standards were developed in cooperation with handicapped individuals, architects, and public officials. The ANSI standards include specifications for doors, stairways, parking, elevators, ramps, sanitary facilities, telephones, etc.

28. If a small government has no public meeting place and holds its meetings in the home of a local official, what accommodations must be made?

Some effort must be made to ensure that handicapped individuals are able to attend the meeting. This can be achieved either by moving the meeting to an accessible location or purchasing a portable ramp to be attached to the house.

29. Must every local government have interpreters, TDD devices, and other auxiliary aids available for public services and public meetings?

No. Local governments must ensure that hearing, speech and visually impaired citizens have an equal opportunity to benefit from public services funded with GRS funds. Further, local governments must develop procedures to ensure that handicapped persons can participate at public meetings. Effective communications for hearing, speech and visually impaired persons can be provided through a variety of auxiliary aids such as sign language interpreters, readers, telephone/teletypewriters (TTY/TDD) devices, amplifier telephones, written messages, brailled material, video tapes, etc. Although the requirement to provide auxiliary aids is mandatory only for governments receiving \$25,000 or more annually in revenue sharing funds, the Director of the ORS may require small governments to provide auxiliary devices if such aids are appropriate to remedy a violation of the handicapped discrimination regulations. Note: Governments may require handicapped citizens to provide advanced notice for the use of auxiliary aids.

Public safety (police & fire), social service, hospital and health care agencies providing emergency services must establish a procedure to ensure an effective means of communicating with hearing and speech impaired persons in emergency situations. The Telecommunication Device for the Deaf (TDD) is a relatively inexpensive aid to enable the hearing and speech impaired to communicate by telephone. Governments may make arrangements to share a TDD within the local area to reduce the expense of the service. Similar agreements can be made to share sign language interpreters.

30. Must elevators be installed in all multi-level government buildings?

Local governments are required to make certain that all programs and activities funded in whole or in part with revenue sharing funds are accessible to the handicapped. This does not mean that every existing facility or every part of every existing facility must be accessible. In most situations, there are alternatives available to the government to make an inaccessible program accessible. For example, a government faced with costly renovations could move those activities funded with revenue sharing funds from the upper floors of a building to the first floor or to another accessible location, provide the service directly to the handicapped, or install a chair lift.

31. Must historic buildings be made accessible to the handicapped?

The regulations provide no specific exemption from the access standards for historic buildings. It is the position of the Office of Revenue Sharing (supported by case law) that the National Historic Preservation Act does not apply to the expenditure of revenue sharing funds. The historic nature of a building should be considered when choosing among alternatives for making the programs and activities conducted in the building accessible. However, the overriding objective must be the provision of program accessibility for the handicapped.

32. Can a freight elevator or a little-used side door be designated as a handicapped access route?

These arrangements may be used only if they are upgraded into regular pedestrian passageways. Remember that the handicapped discrimination regulations require governments to minimize the separate or different treatment for handicapped citizens.

33. What limitations are there to carrying a person? When is it acceptable?

Carrying is an unacceptable alternative to achieve accessibility. It is considered too demeaning and unsafe. It can be used as a temporary measure (with the permission of the handicapped person) while a safer solution is being developed and then only if the carrying is performed by trained personnel such as emergency medical technicians.

34. How is a local government expected to make public transportation systems accessible to the handicapped?

The Office of Revenue Sharing defers to the regulations issued by the Department of Transportation, Urban Mass Transit Administration when dealing with a complaint concerning discrimination in the provision of transportation services. These regulations do not require that jurisdictions make their existing systems accessible to the handicapped. Jurisdictions need only make special efforts to provide handicapped individuals with some kind of transportation services. It is up to the recipient government to decide what direction these efforts will take. Most opt for a para-transit system, a system designed especially to meet the needs of the handicapped.

35. What responsibilities does a recipient have regarding accessibility in local public school systems?

The handicapped discrimination regulations apply to local public school systems which receive revenue sharing funding. If the school system is controlled by the recipient (a dependent district), all schools, including pre-school, elementary, secondary, and post-secondary school facilities must be accessible to and usable by the handicapped. If the school system is fully independent but receives revenue sharing funds from recipient governments, similar requirements apply as those for secondary recipients (see question 37).

The Departments of Health and Human Services (formerly Health, Education, and Welfare) and Education have required local school districts receiving Federal funding to meet similar handicapped accessibility standards over the last several years. All of the requirements for those agencies (publication of policy, designation of program coordinator, preparation of grievance procedure, completion of self-evaluation/transition plan) are the same as those now required by ORS.

36. Must curb cuts be constructed at all intersections?

No. The construction of curb cuts is required only when revenue sharing funds are used for street renovation or construction and when work is being done in areas around curbs. Also, curb cuts and handicapped parking must be included as part of any renovation to the entrance of public buildings.

37. If revenue sharing funds are appropriated to a secondary recipient, e.g., senior citizen organization, library, school district, shelter for battered women, must these organizations comply with the handicapped discrimination regulations?

Yes. The handicapped discrimination regulations also apply to organizations to which funds are transferred. A violation of the handicapped discrimination regulations by a secondary recipient automatically constitutes a violation by the local government. It is recommended that governments use care when considering whether to fund a secondary recipient. Some governments have identified a review board to screen applications for revenue sharing funding. These boards may require the secondary recipient to complete a self-evaluation as a step to qualify for revenue sharing funds.

38. Do the handicapped discrimination regulations apply to programs and activities not funded with revenue sharing funds?

Except for the self-evaluation requirement, no. However, the ORS assumes that all programs and activities are funded with revenue sharing funds unless the recipient government provides clear and convincing evidence to the contrary.

39. What approach will the ORS use to implement and enforce the handicapped discrimination regulations?

The ORS will approach the requirements of the handicapped discrimination regulations in the same manner that it implements and enforces all other program requirements. The primary approach is to achieve voluntary compliance through public education, technical assistance, audit review, and complaint investigation. The ORS has mailed the handicapped discrimination regulations and supplemental fact sheets to all local governments. Public interest groups representing county, city, town, township, and Indian tribal governments have been asked to provide technical assistance. Letters will be sent to the Governors of each State requesting assistance for their local governments. The ORS will include a checklist of program requirements in the Audit Commentary for State auditors and CPA's to review as part of the revenue sharing compliance audit. Finally, the Civil Rights Division of the ORS will investigate complaints of noncompliance filed by citizens or other agencies.

40. What is the position of ORS when it receives a complaint against a government that is in the process of complying with the regulations?

The ORS will apply the same procedures that apply to other civil rights complaints of this nature. These complaints will be investigated and if a government shows itself to be well on the way to achieving compliance, the case may be closed with a compliance agreement.

41. What are the potential consequences of noncompliance with the handicapped discrimination regulations?

In the rare circumstance where a final determination of noncompliance is made and a compliance agreement is not negotiated, the Director of the Office of Revenue Sharing is required to suspend payments until the government enters into a compliance agreement.

42. Who can a local official contact for additional information to comply with the handicapped discrimination regulations?

The ORS recognizes that many local governments have not had previous experience with handicapped discrimination matters. If your government has any questions, you should contact the ORS, Intergovernmental Relations Division at (202) 634-5200. You also may find assistance from your State government, your county, municipal, town, or Native government association. Further, you may find more local assistance from State or local organizations for the blind, deaf, disabled veterans, or vocational rehabilitation. (See p. 8, for a list of national organizations representing handicapped concerns.)