

# **Americans with Disabilities Act Self Evaluation Tool**

**{Public Law 101-336} Requires State and Local Governments to conduct a Self Evaluation of their programs to identify barriers and once the barriers to people with disabilities are identified, to establish a Transition Plan to remove barriers to ensure program Accessibility**

## **A. GENERAL INSTRUCTIONS**

### **Sample Self-Evaluation Guide For State of Local Government Services**

This Self-Evaluation Guide is based upon the "ADA Self-Evaluation Guide for Public Entities" developed by the Texas Governor's Committee on People with Disabilities and The Office for Civil Rights, U.S. Department of Health and Human Services.

The Self-Evaluation Guide includes items found in Title I - Employment and Title II - Public Services of the Americans with Disabilities Act. It is designed to help employment managers and service providers comply with the law. It is a tool for identifying and eliminating potential problem areas identified in the law.

**All public entities are required to do a self-evaluation {28 CFR Part 35.105}.**

A time-proven method for conducting a successful self-evaluation involves identifying a mix of knowledgeable people with disabilities as well as professionals in the rehabilitation field and advocates for people with disabilities to consult with your organization on barriers to employment and general accessibility.

### **How to Use The Self-Evaluation Guide**

The Self-Evaluation Guide has been re-worded from legal language that is easier to read and understand. A notation next to each question in the plan cites the reference for that question in PL 101-336 and 29 CFR part 1630 of the Equal Employment Opportunity Commission Regulations for Title I employment, and 28 CFR Part 35 of the Department of Justice Title II Regulations for State and Local Government Services. The guide is divided into four major parts for your convenience.

Both Part I and Part II are in checklist form. A "No" response to a question indicates a potential policy, procedure or program barrier. The Action/Due date is the improvement (action) that needs to be made and the date of estimated completion for the improvement. Action/Due date responses should be in narrative, and should specify how and when the agency intends to remove the barrier.

The Self-Evaluation Guide provides interim (perhaps long-term) solutions to facility deficits which may not be corrected until funding is available. Strategies which specify solutions to inaccessible programs must be developed immediately and then revised annually.

Part I deals with issues affecting Title I **employers\*** and includes a brief introduction and a summary of key definitions.

Part II deals with the Title II requirements for **self-evaluation**.

Part III is a "Quick Look" **Checklist for accessibility**.

Part IV is a partial list of agencies, organizations and disability groups which can provide you with **Information and Assistance**.

At the end of both Parts I and II are signature and date blocks for the **Checklist Evaluator**.

## **B. PART I - TITLE I EMPLOYMENT**

### **1. Introduction to Title I, with Definition of Terms**

Self-Evaluation Guide  
For State and Local Government Services

Parts I and II of this Self-Evaluation Guide includes items found in Title I - Employment and Title II - Public Services of the Americans with Disabilities Act and its implementing Regulations. Explanation and documentation to support and describe answers given will provide a proper evaluation of agency programs and services using the Self-Evaluation Guide to develop a self-evaluation plan. Retain this information on file as evidence of your efforts at compliance.

#### **Title I: Employment**

Title I prohibits covered employers from discriminating against a "qualified individual with a disability in any term, condition or privilege of employment".

#### **Key Definitions Summary**

{Important: See Public Law 101-336, Title I, Sections 101 and 201 and 29 Code of Federal Regulations (CFR) part 1630 of the Equal Employment Opportunity Commission (EEOC) Regulations Sections 1630.2 and 1630.3 for detailed definitions.}

**Public Entity** - means (A) any State or local government;

(B) Any department, agency, special purpose district, or other instrumentality of a State or States or local government; and

(C) The National Railroad Passenger Corporation, and any commuter authority (as defined in section 103(8) of the Rail Passenger Service Act).

**Public Employer** - means any State or local government employer with 15 or more employees.

**Qualified Individual with a Disability** - means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.

**Reasonable Accommodations** - means (A) making existing facilities and worksites used by qualified employees with disabilities accessible to and usable by them (B) job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations.

**Undue Hardship** - means an action requiring significant difficulty or expense when considered in light of the factors set forth in Section 101(10)(B) of the law, such as the nature and cost of the accommodation, the overall financial resources of the covered entity and the type of operations of the covered entity.

**Effective Date:** January 26,

## **2. Self-Evaluation Guide for Title I**

**Citations from Title I of ADA Law and 29 CFR part 1630 of the EEOC Regulations**

### **a) CHECKLIST-MANDATORY (items 1-17)**

**Sect 102(a) Sect 1630.4**

1. Have you reviewed your employment policies to be sure that you and your employees are giving

nondiscriminatory treatment to applicants and employees with disabilities?

Employment policies to review include recruitment, advertising, and job application procedures; hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring; rates of pay or any other form of compensation and changes in compensation; job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists; leaves of absence, sick leave or any other leave; fringe benefits available by virtue of employment, whether or not administered by the covered entity; selection and financial support for training, including apprenticeships, professional meetings, conferences and other related activities, and selection for leaves of absence to pursue training.

Have you reviewed other activities including employee, social and recreational programs; as well as any other term, condition, or privilege of employment?

Yes [ ]      No [ ]      Action/Due Date: \_\_\_\_\_

Explanation: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Sect 102(b)(1) Sect 1630.5**

2. Have you reviewed your employment practices to make sure that they do not limit, segregate or classify job applicants or employees in ways that adversely affect their opportunities or status because of the disability of the applicant or employee?

Yes [ ]      No [ ]      Action/Due Date: \_\_\_\_\_

Explanation: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Sect 102(b)(2) Sect 1630.6**

3. Have you reviewed your employment practices to make sure that you are not participating in a contractual or other arrangement or relationship that subjects your qualified applicant or employee

with a disability to discrimination {i.e., relationships with employment or referral agencies, labor unions, or organizations that provide fringe benefits, training, or apprenticeship programs}?

Yes [ ]      No [ ]      Action/Due Date: \_\_\_\_\_

Explanation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Sect 102(b)(3) Sect 1630.7**

4. Have you reviewed your employment practices to make sure that you are not using standards, criteria, or methods of administration that have the effect of discrimination on the basis of disability, or that perpetuate the discrimination of others who are subject to common administrative control?

Yes [ ]      No [ ]      Action/Due Date: \_\_\_\_\_

Explanation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Sect 102(b)(4) Sect 1630.8**

5. Have you reviewed your employment practices to make sure that you are giving nondiscriminatory treatment to applicants and employees who have a friend, associate, or family member with a disability?

Yes [ ]      No [ ]      Action/Due Date: \_\_\_\_\_

Explanation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Sect 102(b)(5)(A) Sect 1630.9**

6. Have you determined the process you will use to decide at which point "reasonable

accommodation" causes an "undue hardship"?

Yes [ ]      No [ ]      Action/Due Date: \_\_\_\_\_

Explanation: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Sect 102(b)(5)(A) Sect 1630.9**

7. Do you have a policy concerning "reasonable accommodation" that specifies the decision making process for identifying, arranging for and/or paying for, and determining undue hardship for reasonable accommodation?

Yes [ ]      No [ ]      Action/Due Date: \_\_\_\_\_

Explanation: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Sect 102(b)(5)(B) Sect 1630.9**

8. Do you have a procedure to document decisions not to hire or promote because of "undue hardship"?

Yes [ ]      No [ ]      Action/Due Date: \_\_\_\_\_

Explanation: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Sect 102(b)(6) Sect 1630.10**

9. Have you reviewed the requirements of your jobs (job descriptions, employment tests, or other selection criteria) to be sure that no criteria are included that would discriminate against an individual with a disability unless such criteria are job-related and consistent with business necessity?

Yes [ ] No [ ] Action/Due Date: \_\_\_\_\_

Explanation: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Sect 102(b)(7) Sect 1630.11**

10. Are your hiring procedures (applying, testing, and interviewing for a job) carried out in wheelchair accessible locations and with accessible formats, such as a reader/Braille/audio cassette for vision-impaired people, written materials/sign language interpreters for hearing-impaired people and personal assistance for people with manual impairments?

Yes [ ] No [ ] Action/Due Date: \_\_\_\_\_

Explanation: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Sect 102(b)(7) Sect 1630.11**

11. Have you made sure that employment tests, including performance, medical, drugs, and psychological test, are selected and administered in a way to ensure that test results accurately reflect the skills or aptitude necessary to perform the job rather than reflect the impaired sensory, manual, or speaking skills of the applicant or employee, unless the sensory, speaking, or manual ability is necessary to perform critical element(s) of the job?

Yes [ ] No [ ] Action/Due Date: \_\_\_\_\_

Explanation: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Sect 102(c) Sect 1630.13**

12. Have you made sure that your employment application forms do not contain questions as to whether an applicant is an individual with a disability?

Yes [ ] No [ ] Action/Due Date: \_\_\_\_\_

**Explanation:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Sect 102(c) Sect 1630.13(a)**

13. Do you ensure that you do not require medical exams or any other kind of pre-employment inquiry into an applicants disability until after a conditional offer of employment has been made to the applicant? Yes [ ]

No [ ] **Action/Due Date:** \_\_\_\_\_

**Explanation:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Sect 102(c) Sect 1630.13(b)**

14. Except as permitted in question 15 below, do you ensure that you do not require a medical examination of an employee, or make inquiries into whether an employee is an individual with a disability, or as to the nature and severity of such disability?

Yes [ ] No [ ] **Action/Due Date:** \_\_\_\_\_

**Explanation:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Sect 102(c) Sect 1630.14**

15. If your department conditions an offer of employment based upon the job applicant's satisfactory completion of a medical examination, do your procedures conform to the requirements of the law prohibiting inquiries as to the nature and severity of disabilities except as they are job-related and that information obtained regarding the medical condition or history of any employee is collected and maintained on separate forms and in separate medical files and treated as a confidential medical record, except that:

- a) Supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations;
- b) First aid and safety personnel may be informed, when appropriate, if the



disability might required emergency treatment; and

c) Government officials investigating compliance with this part shall be provided relevant information on request and that information obtained regarding medical condition or history of an employee shall not be used for any purpose inconsistent with this part?

Yes [ ] No [ ] Action/Due Date: \_\_\_\_\_

Explanation: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### Sect 104 Sect 1630.16

16. Have you reviewed your personnel policies and practices to be sure that an applicant or employee who is a recovering alcohol or drug abuser (not currently using alcohol or drugs) is included in accordance with the law?

Yes [ ] No [ ] Action/Due Date: \_\_\_\_\_

Explanation: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### Sect 105

17. Have you posted equal employment opportunity notices in an accessible format (i.e. in large print, Braille, and audio cassette) in accordance with Section 105 Posting Notices?

Yes [ ] No [ ] Action/Due Date: \_\_\_\_\_

Explanation: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### b) CHECKLIST-HIGHLY RECOMMENDED BUT NOT MANDATED BY THE ADA (items 18-26)

18. When you recruit for employees, do your procedures include all types of individuals with disabilities because of the nature of the media used, i.e., print media for individuals with hearing

impairments and large print, Braille or verbal media for persons with vision impairments?

Yes [ ] No [ ] Action/Due Date: \_\_\_\_\_

Explanation: \_\_\_\_\_  
\_\_\_\_\_

19. Have you written job descriptions for each of your positions that spell out the "essential functions" of each job in task-completion, as opposed to physical or mental-characteristic terms?

Yes [ ] No [ ] Action/Due Date: \_\_\_\_\_

Explanation: \_\_\_\_\_  
\_\_\_\_\_

20. Have you written job descriptions for each of your positions that also spell out the "marginal functions" of each job {those functions you need someone to perform but that do not absolutely have to be performed by every person occupying that particular position}?

Yes [ ] No [ ] Action/Due Date: \_\_\_\_\_

Explanation: \_\_\_\_\_  
\_\_\_\_\_

21. Have you reviewed your applicant interviewing techniques to make certain that they concentrate on how applicants will complete tasks that are "essential functions" of the position the applicant is applying for rather than eliciting information about the applicant's physical or mental condition?

Yes [ ] No [ ] Action/Due Date: \_\_\_\_\_

Explanation: \_\_\_\_\_  
\_\_\_\_\_

22. Have you evaluated workplace accessibility?

Yes [ ] No [ ] Action/Due Date: \_\_\_\_\_

Explanation: \_\_\_\_\_  
\_\_\_\_\_

23. Have you looked at barriers to advancement including dead-end jobs and pay structures that may deny opportunities for upward mobility to employees because of a disability?

Yes [ ] No [ ] Action/Due Date: \_\_\_\_\_  
Explanation: \_\_\_\_\_

24. Have you reviewed leave policy, medical, hospital, accident, life insurance, and retirement, transportation and/or daycare provided to employees by you as employer, and other fringe benefits to ensure that they give nondiscriminatory treatment to people with disabilities?

Yes [ ] No [ ] Action/Due Date: \_\_\_\_\_  
Explanation: \_\_\_\_\_

25. Are your social and recreational activities made accessible to all employees?

Yes [ ] No [ ] Action/Due Date: \_\_\_\_\_  
Explanation: \_\_\_\_\_

26. Have you reviewed all of your contracts to ensure that they provide equal opportunities for employees with disabilities to include:

- a) Leases—consider applicant, employee, and customer access;
- b) Off-site event contracts—consider applicant, employee, and customer access;
- c) Training/Apprenticeships;
- d) Collective bargaining agreements?

Yes [ ] No [ ] Action/Due Date: \_\_\_\_\_  
Explanation: \_\_\_\_\_

\_\_\_\_\_  
Checklist Evaluator

\_\_\_\_\_  
Date

\_\_\_\_\_  
ADA Coordinator

\_\_\_\_\_  
Date

## **C. PART II - TITLE II PUBLIC SERVICES**

### **1. Introduction to Title II, with Definition of Terms**

Title II prohibits discrimination denying full and equal enjoyment of goods, services, privileges, advantages, or equal access to any State activity.

#### **KEY DEFINITIONS SUMMARY**

{Important: See 28 Code of Federal Regulations Part 35 of the Department of Justice Title II Regulations Section 35.104 for State and Local Government Services.}

#### **AUXILIARY AIDS AND SERVICES-INCLUDES THE FOLLOWING-**

(1) Qualified interpreters, notetakers, transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDD's), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments;

(2) Qualified readers, taped text, audio recordings, Brailled materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments;

(3) Acquisition or modification of equipment or devices; and

(4) Other similar services and actions.

**FACILITY** - means all or any portion of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walks, passageways, parking lots or other real or personal property, including the site where the building, property, structure, or equipment is located.

**Historic Preservation Programs** - means programs conducted by a public entity that have preservation of historic properties as a primary purpose.

**Historic Properties** - means those properties that are listed or eligible for listing in the National Register of Historic Places or properties designated as historic under state and local law.

**Public Entity means -**

(1) Any State or local government;

(2) Any department, agency, special purpose district, or other instrumentality of a State or States or local government; and

(3) The National Railroad Passenger Corporation, and any commuter authority (as defined in section 103(8) of the Rail Passenger Service Act).

**Qualified Individual with a Disability** - means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services, or the participation in programs or activities provided by a public entity.

**Qualified Interpreter** - means an interpreter who is able to interpret effectively, accurately, and impartially both receptively and expressively, using any necessary specialized vocabulary.

**Section 504** - means section 504 of the Rehabilitation Act of 1973 {Pub. L. 93-112, 87 Stat. 394 (29 U.S.C. 794)}, as amended.

**State** - means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

## **2. Self-Evaluation Guide for Title II**

**(Citations from DOJ Title II Regulations & Technical Assistance Manual)**

### **a) GENERAL ACCESSIBILITY (items 1-26)**

Have you reviewed your Department services as a public entity under Title II, Americans with Disabilities Act, Public Services Section 201(1) and 28 CFR part 35 of Department of Justice Regulations

**to make certain that...**

#### **Sect 35.105(a)**

1. Do you have conducted an updated self-evaluation that evaluates your current services, policies, and practices (for both employment and provision of benefits and services) and the effects thereof that do not or may not meet the requirements of the ADA Regulations and, to the extent

modifications of any such services, policies and practices is required, proceed to make the modifications?

Yes [ ] No [ ] Action/Due Date: \_\_\_\_\_

Explanation: \_\_\_\_\_  
\_\_\_\_\_

**Sect 35.105(b)**

2. Do you have provided an opportunity to interested persons, including individuals with disabilities, to participate in the self-evaluation process by submitting comments?

Yes [ ] No [ ] Action/Due Date: \_\_\_\_\_

Explanation: \_\_\_\_\_  
\_\_\_\_\_

**Sect 35.105(c)**

3. Does departmental policy and procedure manuals state that for at least three years following completion of the self-evaluation, you maintain on file and make available for public inspection:

- a) a list of the interested persons consulted;
- b) a description of areas examined and any problems identified; and
- c) a description of any modifications made?

Yes [ ] No [ ] Action/Due Date: \_\_\_\_\_

Explanation: \_\_\_\_\_  
\_\_\_\_\_

**Sect 35.106**

4. Do you have a means, in accessible formats for those with sensory impairments, for notifying and that you have notified applicants, participants, beneficiaries, unions and professional organizations with whom you have collective bargaining agreements and other interested persons about information regarding the provisions of the ADA and its applicability to your employment, services, programs, and activities and of your nondiscrimination policy?

Yes [ ] No [ ] Action/Due Date: \_\_\_\_\_

Explanation: \_\_\_\_\_  
\_\_\_\_\_

**Sect 35.106**

5. Do your written materials (publications) include a notice of nondiscrimination?

Yes [ ]      No [ ]      Action/Due Date: \_\_\_\_\_

Explanation: \_\_\_\_\_  
\_\_\_\_\_

**Sect 35.107(a)**

6. Have you designated at least one employee to coordinate your efforts to comply with and carry out your responsibilities under the ADA, including investigation of any complaints alleging noncompliance or any actions that would be prohibited by the ADA?

Yes [ ]      No [ ]      Action/Due Date: \_\_\_\_\_

Explanation: \_\_\_\_\_  
\_\_\_\_\_

**Sect 35.107(a)**

7. Have you made available to all interested individuals the name, address and telephone number of the employee or employees designated to coordinate your responsibilities under the ADA?

Yes [ ]      No [ ]      Action/Due Date: \_\_\_\_\_

Explanation: \_\_\_\_\_  
\_\_\_\_\_

**Sect 35.107**

8. Have you adopted and published grievance procedures that incorporate due process standards and that provide for the prompt and equitable resolution of complaints of discrimination against an individual with a disability, including job applicants, employees, customers, and visitors?

Yes [ ]      No [ ]      Action/Due Date: \_\_\_\_\_

Explanation: \_\_\_\_\_  
\_\_\_\_\_

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**Sect 35.130(b)(1)(I)-(IV)**

9. Nondiscriminatory treatment is given directly or through contractual licensing or other arrangements to people with disabilities in the full and equal enjoyment of aids, benefits, or services that is equal to and as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that afforded to other individuals and that they are not provided differently or separately unless such action is necessary to ensure that services are as effective as those provided to others.

Yes [ ]      No [ ]      Action/Due Date: \_\_\_\_\_  
Explanation: \_\_\_\_\_

**Sect 35.130(b)(1)(V)**

10. Do you provide significant assistance to anyone that discriminates on the basis of disability in providing any aid, benefit, or service to beneficiaries of your public program?

Yes [ ]      No [ ]      Action/Due Date: \_\_\_\_\_  
Explanation: \_\_\_\_\_

**Sect 35.130(b)(1)(VI)**

11. Have you made sure that individuals with disabilities are allowed the opportunity to participate as members of your planning or advisory boards?

Yes [ ]      No [ ]      Action/Due Date: \_\_\_\_\_  
Explanation: \_\_\_\_\_

**Sect 35.130(b)(2)**



12. Even if separate or different programs or activities are provided for individuals with disabilities, are they not denied the opportunity to participate in those that are not separate or different if they so choose?

Yes [ ] No [ ] Action/Due Date: \_\_\_\_\_

Explanation: \_\_\_\_\_  
\_\_\_\_\_

**Sect 35.130(b)(3)**

13. Do you utilize, directly and/or through contractual or other arrangements, standards, criteria, or methods of admission that do not:

- a) have the effect of subjecting qualified individuals with disabilities to discrimination on the basis of disability;
- b) have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the public entity's program with respect to individuals with disabilities; or
- c) perpetuate the discrimination of another public entity if you both are subject to common administrative control or are agencies of the State?

Yes [ ] No [ ] Action/Due Date: \_\_\_\_\_

Explanation: \_\_\_\_\_  
\_\_\_\_\_

**Sect 35.130(b)(4)**

14. In your process for determining the site or location of a facility, do you make selections that have the purpose and effect of accomplishing the objectives of the service, program, or activity for individuals with disabilities?

Yes [ ] No [ ] Action/Due Date: \_\_\_\_\_

Explanation: \_\_\_\_\_  
\_\_\_\_\_

**Sect 35.130(b)(5)**

15. In your process for selection of procurement contractors, do you use selection criteria that do not subject qualified individuals with disabilities to discrimination?

Yes [ ]      No [ ]      Action/Due Date: \_\_\_\_\_  
Explanation: \_\_\_\_\_  
\_\_\_\_\_

**Sect 35.130(b)(6)**

16. Do you administer licensing and certification programs in a manner that allows qualified individuals with disabilities full and equal access, and to the extent that you establish requirements for the programs or activities of licensees, or certified entities that such requirements ensure full and equal access for qualified individuals with disabilities to such programs or activities?

Yes [ ]      No [ ]      Action/Due Date: \_\_\_\_\_  
Explanation: \_\_\_\_\_  
\_\_\_\_\_

**Sect 35.130(b)(7)**

17. Do you make reasonable modifications to policies, practices or procedures, when such modifications are necessary to offer goods or services, etc., to individuals with disabilities unless doing so would fundamentally alter the goods or services, etc.?

Yes [ ]      No [ ]      Action/Due Date: \_\_\_\_\_  
Explanation: \_\_\_\_\_  
\_\_\_\_\_

**Sect 35.130(b)(8)**

18. Do you keep from imposing eligibility criteria that screens out individuals with disabilities (unless such criteria can be shown to be necessary for the provision of the goods, services, etc. being offered)?

Yes [ ]      No [ ]      Action/Due Date: \_\_\_\_\_  
Explanation: \_\_\_\_\_  
\_\_\_\_\_

**Sect 35.130(d)**

19. Do you administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities. (where possible, the same setting offered to others)?

Yes [ ] No [ ] Action/Due Date: \_\_\_\_\_

Explanation: \_\_\_\_\_  
\_\_\_\_\_

**Sect 35.130(e) (1)**

20. Is it true that you do not require an individual with a disability to accept an accommodation, aid, service, opportunity, or benefit, designed to provide the individual with an equal opportunity to participate, which such individual chooses not to accept?

Yes [ ] No [ ] Action/Due Date: \_\_\_\_\_

Explanation: \_\_\_\_\_  
\_\_\_\_\_

**Sect 35.130(e)(2)**

21. Is it true that notwithstanding Section 35.130(e)(1) and question number 20 above, you do not allow the representative or guardian of an individual with a disability autonomous authority to decline food, water, medical treatment, or medical services for that individual?

Yes [ ] No [ ] Action/Due Date: \_\_\_\_\_

Explanation: \_\_\_\_\_  
\_\_\_\_\_

**Sect 35.130(f)**

22. Is it true that you do not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of measures, such as the provision of auxiliary aids or program accessibility, that are required to provide that individual or group with nondiscriminatory treatment?

Yes [ ] No [ ] Action/Due Date: \_\_\_\_\_  
Explanation: \_\_\_\_\_  
\_\_\_\_\_

**Sect 35.130(g)**

23. Are people with friends, associates or relatives of people with a disability provided goods, services, facilities, privileges, advantages, accommodations, and other opportunities on a nondiscriminatory basis?

Yes [ ] No [ ] Action/Due Date: \_\_\_\_\_  
Explanation: \_\_\_\_\_  
\_\_\_\_\_

**Sect 35.131**

24. Do you serve and provide equal access to otherwise qualified individuals who are not engaging in current illegal use of drugs?

Yes [ ] No [ ] Action/Due Date: \_\_\_\_\_  
Explanation: \_\_\_\_\_  
\_\_\_\_\_

**Sect 35.133**

25. Do you maintain in operable working conditions those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities including snow removal from pathways of travel and ramped entrances?

Yes [ ] No [ ] Action/Due Date: \_\_\_\_\_  
Explanation: \_\_\_\_\_  
\_\_\_\_\_

**Sect 35.134 and Sect 1630.12 for employment under Part I**

26. Is it true that you do not, nor do those you do business with, discriminate against, coerce,

intimidate, threaten, or interfere with any individual because that individual has opposed any act or practice made unlawful by the ADA, or because that individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the ADA, or because that individual exercised, enjoyed or aided or encouraged any other individual in the exercise or enjoyment of any right granted or protected by the ADA?

Yes [ ]      No [ ]      Action/Due Date: \_\_\_\_\_  
Explanation: \_\_\_\_\_  
\_\_\_\_\_

**b) PROGRAM ACCESSIBILITY (items 27-51)**

**Sect 35.150**

27. Have facility audits of the agencies facilities been completed?

Yes [ ]      No [ ]      Action/Due Date: \_\_\_\_\_  
Explanation: \_\_\_\_\_  
\_\_\_\_\_

**Sect 35.150 (b)**

28. Has a plan for program modifications been developed that will effectively compensate for each facility barrier until the facility can be made accessible?

A public entity may comply with the requirements of this section through such means as redesign of equipment, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities, use of accessible rolling stock or other conveyances, or any other methods that result in making its services, programs or activities readily accessible to and usable by individuals with disabilities. (reference number 6 of the transition plan)

Yes [ ]      No [ ]      Action/Due Date: \_\_\_\_\_  
Explanation: \_\_\_\_\_  
\_\_\_\_\_

**Sect 35.150 (b)**

29. Have program modifications been attached to the facility audit/transition plan? (reference number 6 of the transition plan)

Yes [ ] No [ ] Action/Due Date: \_\_\_\_\_

Explanation: \_\_\_\_\_  
\_\_\_\_\_

Have you reviewed agency program(s), service(s) and activitie(s) under Title II program accessibility of the ADA

**to determine if:**

**Sect 35.150(a)**

30. Do you operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities?

{This does not: (1) Necessarily require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities; (2) require a public entity to take any action that would threaten or destroy the historic significance of an historic property; or (3) require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. The public entity may comply with the requirements of this section through such means as redesign of equipment, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities, use of accessible rolling stock or other conveyances, or any other methods that result in making its services, programs, or activities readily accessible to and usable by individuals with disabilities. The public entity is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section. The public entity in making alterations to existing buildings, shall meet the accessibility requirements of ADAAG. The public entity shall give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate.}

Yes [ ] No [ ] Action/Due Date: \_\_\_\_\_

Explanation: \_\_\_\_\_  
\_\_\_\_\_

**Sect 35.150(a)**

31. If an action called for in question number 31 above would result in a fundamental alteration in the nature of a service, program, or activity, or in undue financial and administrative burdens, do you take any other action that will not result in such an alteration or such burdens but will nevertheless ensure that individuals with disabilities receive the benefits or services provided by your public entity?

Yes [ ]      No [ ]      Action/Due Date: \_\_\_\_\_  
Explanation: \_\_\_\_\_

**Sect 35.150(d)(1)**

32. In the event that structural changes to facilities will be undertaken to achieve program accessibility, have you developed and posted a transition plan complete with an interim program accessibility plan setting forth the steps necessary to complete such changes?

Yes [ ]      No [ ]      Action/Due Date: \_\_\_\_\_  
Explanation: \_\_\_\_\_

**Sect 35.150(c)**

33. Where structural changes in facilities are planned to comply with the obligations for program access, were such changes made by January 26, 1995, or in any event as expeditiously as possible?

Yes [ ]      No [ ]      Action/Due Date: \_\_\_\_\_  
Explanation: \_\_\_\_\_

**Sect 35.150(d)(1)**

34. Do you provide an opportunity to interested individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the transition plan by submitting comments and a copy of the transition plan is made available for public inspection? (see Part IV **Information and Assistance**)

Yes [ ]      No [ ]      Action/Due Date: \_\_\_\_\_  
Explanation: \_\_\_\_\_

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**Sect 35.150(d)(3)**

35. Does your transition plan, at the minimum: (i) identify physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities; (ii) describe in detail the methods that will be used to make the facilities accessible; (iii) specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identifies steps that will be taken during each year of the transition period; and (iv) indicate the official responsible for implementation of the plan?

Yes [ ]      No [ ]      Action/Due Date: \_\_\_\_\_

Explanation: \_\_\_\_\_  
\_\_\_\_\_

**Sect 35.150(b)(2)**

36. In meeting the requirements of 35.150(a) in historic preservation programs, do you give priority to methods that provide physical access to individuals with disabilities?

Yes [ ]      No [ ]      Action/Due Date: \_\_\_\_\_

Explanation: \_\_\_\_\_  
\_\_\_\_\_

**Sect 35.150(b)(2)**

37. In cases where a physical alteration to an historic property is not required because the action would threaten or destroy the historic significance, or would result in a fundamental alteration in the nature of a service, program or activity, or in undue financial and administrative burdens, alternative methods of achieving program accessibility include: (i) using audio-visual materials and devices to depict those portions of an historic property that cannot otherwise be made accessible; (ii) assigning persons to guide individuals with disabilities into or through portions of historic properties that cannot otherwise be made accessible; or (iii) adopting other innovative methods and you adopt these alternatives where possible.

Yes [ ]      No [ ]      Action/Due Date: \_\_\_\_\_

Explanation: \_\_\_\_\_



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**Sect 35.150(d)(2)**

38. If your state agency has responsibility or authority over streets, roads, or walkway, your transition plan includes a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs that gives priority to walkways serving entities covered by the ADA, including state and local government offices and facilities, transportation, places of public accommodations, and employers, followed by walkways serving other areas.

Yes [ ]      No [ ]      Action/Due Date: \_\_\_\_\_  
Explanation: \_\_\_\_\_  
\_\_\_\_\_

**Sect 35.151(a)**

39. Each facility or part of a facility constructed by, on behalf of, or for the use of a public entity are to be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by individuals with disabilities, if the construction was commenced after January 26, 1992 {Design and construction in conformance with the Americans with Disabilities Act Accessibility Guidelines (ADAAG)[Appendix A to 28 CFR part 36] shall be deemed to comply with the requirements of this section.}

Yes [ ]      No [ ]      Action/Due Date: \_\_\_\_\_  
Explanation: \_\_\_\_\_  
\_\_\_\_\_

**Sect 35.151(d)(1)**

40. Do alterations to historic properties comply, to the maximum extent feasible, with section 4.1.7 of ADAAG?

Yes [ ]      No [ ]      Action/Due Date: \_\_\_\_\_  
Explanation: \_\_\_\_\_  
\_\_\_\_\_

**Sect 35.(151)(d)(2)**

41. If it is not feasible to provide physical access to an historic property in a manner that will not threaten or destroy the historic significance of the building or facility, have you provided alternative methods of access pursuant to the requirements of 35.150?

Yes [ ] No [ ] Action/Due Date: \_\_\_\_\_

Explanation: \_\_\_\_\_  
\_\_\_\_\_

**Sect 35.151(e)(1)**

42. Do newly constructed or altered streets, roads, and highways contain curb ramps or other sloped areas at any intersection having curbs or other barriers to entry from a street level pedestrian walkway?

Yes [ ] No [ ] Action/Due Date: \_\_\_\_\_

Explanation: \_\_\_\_\_  
\_\_\_\_\_

**Sect 35.151(e)(2)**

43. Do newly constructed or altered street level pedestrian walkways contain curb ramps or other sloped area at intersections to streets, roads, or highways?

Yes [ ] No [ ] Action/Due Date: \_\_\_\_\_

Explanation: \_\_\_\_\_  
\_\_\_\_\_

**c) COMMUNICATIONS ACCESSIBILITY (items 42-48)**

**Sect 35.160(a)**

44. Have you taken appropriate steps to ensure that communications with applicants, participants,

and members of the public with disabilities are as effective as communications with others?

Yes [ ] No [ ] Action/Due Date: \_\_\_\_\_

Explanation: \_\_\_\_\_  
\_\_\_\_\_

**Sect 35.160(b)(1)**

45. Have you furnished appropriate auxiliary aids and services (see part two title II definitions) where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by your public entity?

Yes [ ] No [ ] Action/Due Date: \_\_\_\_\_

Explanation: \_\_\_\_\_  
\_\_\_\_\_

**Sect 35.160(2)**

46. In determining what type of auxiliary aid and service is necessary, have you given primary consideration to the requests of the individual with disabilities?

Yes [ ] No [ ] Action/Due Date: \_\_\_\_\_

Explanation: \_\_\_\_\_  
\_\_\_\_\_

**Sect 35.161**

47. Have you taken steps to ensure that where you communicate by telephone with applicants and beneficiaries, TDD's or equally effective telecommunication systems are used to communicate with individuals with impaired hearing or speech?

Yes [ ] No [ ] Action/Due Date: \_\_\_\_\_

Explanation: \_\_\_\_\_  
\_\_\_\_\_

**Sect 35.162**

48. Are telephone emergency services, including 911 services, provided to ensure direct access to individuals who use TDD's and computer modems?

Yes [ ] No [ ] Action/Due Date: \_\_\_\_\_  
Explanation: \_\_\_\_\_  
\_\_\_\_\_

**Sect 35.163(a)**

49. Do you ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities?

Yes [ ] No [ ] Action/Due Date: \_\_\_\_\_  
Explanation: \_\_\_\_\_  
\_\_\_\_\_

**Sect 35.163(b)**

50. Do you provide signage at all inaccessible entrances to each of your facilities, directing users to an accessible entrance or to a location at which they can obtain information about accessible facilities and do you ensure that the international symbol for accessibility is used at each accessible entrance of a facility?

Yes [ ] No [ ] Action/Due Date: \_\_\_\_\_  
Explanation: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Checklist Evaluator \_\_\_\_\_ Date

\_\_\_\_\_  
ADA Coordinator \_\_\_\_\_ Date

**1. PART III - A "Quick Look" Checklist for Accessibility**

This checklist is designed as a tool in a quick appraisal of potential problem areas for accessibility. State and local government agencies can use this checklist to make sure that facilities audits have found all problem areas. Completion of these items **WILL NOT** achieve compliance with ADA or state and local barrier-free design standards. The checklist will however, identify facility barriers which deny individuals with disabilities an opportunity to participate in and benefit from program services, and activities of a state agency.

For a more comprehensive listing of accessibility requirements see

- The Architectural and Transportation Barriers Compliance Board Checklist  
<http://www.access-board.gov/adaag/checklist/a16.html>
- DBTAC-NW Accessibility Checklist  
[http://www.dbtacnorthwest.org/\\_public/site/files/Checklist\\_FullPage\\_IHDI\\_MSPub\\_2003\\_DBTAC.pdf](http://www.dbtacnorthwest.org/_public/site/files/Checklist_FullPage_IHDI_MSPub_2003_DBTAC.pdf)
- 

<u>ITEM TO BE PERFORMED</u>	<u>YES</u>	<u>NO</u>
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**Building Access**

1. Are 96" wide parking spaces designated with a 60" aisle?
2. Are parking spaces near main building entrance?
3. Is there a "drop off" zone at building entrance?
4. Is the gradient from parking to building entrance 1:12 or less?
5. Is the entrance doorway at least 32 inches?
6. Is door handle (lever handles) easy to grasp?
7. Is door easy to open (less than 8 lbs. pressure)
8. Are other than revolving doors available?

**Building Corridors**

1. Is path of travel free of obstruction and wide enough for a wheelchair?
2. Is floor surface firm, level and not slippery?
3. Do obstacles (phone, fountains) protrude no more than 4 inches?
4. Are the elevator controls low enough (54") to be reached from a wheelchair?
5. Are elevator markings in Braille and raised letters the blind?
6. Does elevator provide audible signals for the blind?
7. Does elevator interior provide a turning area of 51" for wheelchairs?

<u>ITEM TO BE PERFORMED</u>	<u>YES</u>	<u>NO</u>
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**Restrooms**

- 1. Are restrooms near building entrance/personnel?
- 2. Do doors have lever handles?
- 3. Are doors at least 32" wide?
- 4. Is restroom large enough for wheelchair turnaround (60" minimum)?
- 5. Are stall doors at least 32" wide?
- 6. Are grab bars provided in toilet stalls?
- 7. Are sinks and counters at least 30" high with room for a wheelchair to roll under?
- 8. Are sink handles easily reached and used?
- 9. Are soap dispensers, towels, no more than 48" from floor?

**Personnel Office**

- 1. Are doors at least 32" wide?
- 2. Is the door easy to open?
- 3. Is the threshold no more than 1/2" high?
- 4. Is the path of travel between desks, tables wide enough for wheelchairs?

**2. PART IV - INFORMATION AND ASSISTANCE**

The attached Resource Listing at the end of this Self-Evaluation Guide is a partial directory of helpful agencies and organizations. The resources can provide technical advice and assistance.

\_\_\_\_\_  
Checklist Evaluator

\_\_\_\_\_  
Date

\_\_\_\_\_  
ADA Coordinator

\_\_\_\_\_  
Date

**PART IV - Information and Assistance**

**National Organizations**

**Sources for Technical Assistance**

**DBTAC Northwest**

6912 220<sup>th</sup> St. SW, Suite 105  
Mountlake Terrace, WA 98043  
800-949-4232  
www.dbtacnorthwest.org

**National Alliance for the Mentally Ill**

2102 Wilson Boulevard, Suite 302  
Arlington, VA 22201  
(703) 524-7600

**American Foundation for the Blind**

15 West 16th Street  
New York, NY 10011  
(212) 620-2000  
(212) 620-2158 (Text Telephone)

**Further Information on  
ADA Requirements**

For more specific information about ADA requirements affecting Public Services and Public Accommodations, contact:

**Office on the Americans with Disabilities Act**

**Civil Rights Division**

**U.S. Department of Justice**

P.O. Box 66118

Washington, DC 20035-6118

(202) 514-0301

(202) 514-0383 (Text Telephone)

For more specific information about ADA requirements affecting employment, contact:

**Equal Employment Opportunity Commission**

1801 L Street NW  
Washington, DC 20507  
1-800-669-EEOC  
1-800-800-3302 (Text Telephone)

For more specific information about ADA requirements affecting transportation, contact:

**Department of Transportation**

400 Seventh Street SW  
Washington, DC 20590  
(202) 366-9305  
(202) 755-7687 (Text Telephone)

For more specific information about requirements for accessible design in new construction and alterations, contact:

**Architectural and Transportation Barriers  
Compliance Board**

111 18th Street NW, Suite 501  
Washington, DC 20036  
1-800-USA-ABLE (Voice/Text Telephone)