

**Performance Oversight Questions for the  
Office of Disability Rights**

**I. Agency Organization**

- 1 Please provide a complete, up-to-date organizational chart for each division within the agency including, either attached or separately, an explanation of the roles and responsibilities for each division and subdivision.
  - Please include a list of the employees (name and title) for each subdivision and the number of vacant positions.

Office of Disability Rights has no subdivisions. Staff Name and Title are as follows:

Name	Title
Derek K. Orr	Director
Mathew McCollough	Communications Manager
Laura White	ADA Specialist
Haydn Demas	ADA Specialist
Susie Resper-McFadden	ADA Specialist
Anwar Mahmood	Architect
Christina Mitchell	Special Assistant
Sheryll Streets	Administrative Assistant
DD Council Staff	Title
Executive Director	Vacant
Sudie Johnson	Program Analyst
Denise McCain	Program Assistant

- Please provide a narrative explanation of any organizational changes made during the previous year.

In FY 2009, an ADA Specialist position was eliminated upon the separation of the employee holding that position. The responsibilities associated with this position were effectively assumed by other staff working in the same job title.

**II. Personnel**

- 2 Please provide a complete, up-to-date position listing for your agency, which includes the following information:
  - Title of position
  - Name of employee or statement that the position is vacant, unfunded, or proposed.
  - Date employee began in position
  - Salary and fringe, including the specific grade, series, and step of position
  - Job status (continuing/term/temporary/contract)

## II. Personnel (continued)

Name	Position	Grade	Step	Hire Date	Reg/Temp/ Term	Sum of Adj Sal w/Step	Sum of Actual Fringe	Sum of Total Salary
Demas, Haydn G	ADA Specialist	13	2	8/16/1999	Reg	74,792.29	14,485.90	89,278.19
Johnson, Sudie B	Inter. Exec. Director	13	5	5/6/2002	Reg	81,242.00	15,923.43	97,165.43
Mahmood, Anwar	Architect	13	5	5/27/2008	Reg	81,242.00	13,948.74	95,190.74
Mccain, Denise	Program Assistant	11	4	3/23/1987	Reg	55,382.00	10,854.87	66,236.87
McCollough, Matthew	Commun. Manager	12	3	2/4/2008	Term	68,813.32	12,170.60	80,983.92
McFadden- Resper, Susie	ADA Specialist	13	3	1/7/2008	Reg	76,626.00	18,718.70	95,344.70
Mitchell, Christina R.	Special Assistant	12	4	9/15/2008	Reg	68,717.67	21,149.18	89,866.85
Orr, Derek K	Director	10	0	1/22/2008	Reg	133,000.00	25,345.06	158,345.06
Streets, Sheryll Ann	Admin. Asst.	11	4	9/29/1979	Reg	56,089.41	8,331.18	64,420.59
White, Laura E	ADA Specialist	13	2	9/2/2008	Reg	74,438.25	13,126.36	87,564.61
Vacant	Deputy Director	14	0	(blank)	Reg	88,545.00	17,354.82	105,899.82
Grand Total						947,432.94	188,763.66	1,136,196.60

**3 Please provide the number of FY09 full-time equivalents (FTEs) for the agency, broken down by program and activity. Please also note the number of vacancies at the close of FY09, by program and activity, and current vacancy information.**

- **For each vacant position, please note how long the position has been vacant and whether or not the position has since been filled.**
  - **How many vacancies within the agency were posted during FY09 and FY10, to date?**
- In FY 2009, ODR had 10 FTEs. Three (3) positions were in the Agency Management Program and seven (7) positions were in the Disability Rights Program.
- At the close of FY 2009, there was one (1) vacant position – Deputy Director (Agency Management). The position has been vacant since December 15, 2008. The position remains open.
- The position of Director (Agency Management) was posted in FY 2009 and hired in FY 2009. To date, in FY 2010 there have been no ODR posted vacancies.
- For the Developmental Disabilities Council (DDC) – for which ODR serves as the Designated State Agency (DSA) – , the position of Executive Director was posted in February 2010. This position is federally funded and does not impact ODR's local funds budget.

- 4 Please provide a detailed narrative description of the personnel process within the agency. Specifically, please describe how the personnel activity within the agency works in coordination with the DC Department of Human Resources to ensure that human resource needs are met.**

ODR is a tier 3 (?) agency and follows the Policies and Procedures defined and outlined by DC Department of Human Resources. DCHR classifies and posts positions, screens and ranks qualified applications, and submits a selection certificate of screened applicants for ODR interviews. ODR selects the applicant after the interview and makes its recommendations to DHCR, who then checks references and makes the offer for employment. When posting an open position, ODR uses its list-serv of consumers, advocates and service providers to promote the available position to the widest audience possible.

- 5 Does the agency conduct annual performance evaluations of all its employees? Who conducts such evaluations? What steps are taken to ensure that all agency employees are meeting individual job requirements?**

ODR follows the Policies and Procedures defined and outlined by DC Department of Human Resources for the management of employee performance evaluations. All evaluations are conducted by the Director of ODR. Staff is assigned annual performance goals relative to their area of expertise and in line with Annual Agency Performance Goals (Key Performance Indicators in the agency's annual performance plan). In addition, personal professional development goals are also defined by staff. Regular and on-going supervision is held to discuss the status and progress of all defined goals.

- 6 Please list all employees detailed to or from your agency, if any. Please provide the reason for the detail, the detailed employee's date of detail, and the detailed employee's projected date of return.**

There are no detailed employees to ODR.

- 7 Please provide the Committee with:**

- **A list of all employees who receive cell phones, personal digital assistants, or similar communications devices at agency expense**

Derek K. Orr, Director – Blackberry  
Haydn Demas, ADA Specialist – Blackberry

- **A list of all vehicles owned, leased, or otherwise used by the agency and to whom the vehicle is assigned**

ODR has no vehicles. For travel, ODR employees use Metrocards and the DC Fleetshare program.

- **A list of employee bonuses granted in FY09 and FY10, to date, if any**

No bonuses have been granted to ODR staff in FY 2009 nor FY 2010.

- **A list of travel expenses, arranged by employee**

*Travel Expenses by Employee*

<b>Vendor Name</b>	<b>Total</b>
ANWAR MAHMOOD	540.52
Metro Card Smart Trip (agency-wide use)	900.00
Grand Total	1,440.52

- **A list of the total overtime and workman’s compensation payments paid in FY 09 and FY10, to date**

In FY 20’09 there was one (1) hour of overtime paid to the Administrative Assistant. No overtime payments have been made thus far in FY 2010. There have been no workman’s compensation payments in FY 2009 and FY 2010.

**III. Budget**

- 8 Please provide a chart showing your agency’s approved budget and actual spending, by program, for FY09 and FY10, to date. In addition, please describe any variance between fiscal year appropriations and actual expenditures for FY09 and FY10, to date.**

Please refer to Budget Attachments G

- 9 Please list any reprogramming’s, in or out, which occurred in FY09 or FY10, to date. For each reprogramming, please list the total amount of the reprogramming, the original purposes for which the funds were dedicated, and the reprogrammed use of funds.**

FY 2009:

\$95,000, within nonpersonal services to realign budget to reflect Director’s priorities at the beginning of the fiscal year.

\$138,430, from personal services (vacancy savings) to nonpersonal services primarily to cover: fixed costs, assistive technology/reasonable accommodations equipment, and the expansion/build-out of existing office space.

\$8,885.47, from personal services (vacancy savings) to nonpersonal services to cover increased office expansion costs.

FY 2010:

\$13,000, within nonpersonal services, from Professional Service Fees and Contracts to Rentals Machinery and Equipment (for Copier contract).

**10 Please provide a complete accounting for all intra-District transfers received by or transferred from the agency during FY09 or FY10, to date.**

FY 2009:

\$4,000 from ODR to EOM for support services (MOU).

\$43,733.43 from ODR to DRES for fixed costs (city-wide MOU/Intra-district).

\$28,565 from SB0/FEMA to ODR for reimbursable inauguration costs.

**11 Please identify any special purpose revenue accounts maintained by, used by, or available for use by your agency during FY09 or FY10, to date. For each account, please list the following:**

- The revenue source name and code
- The source of funding
- A description of the program that generates the funds.
- The amount of funds generated by each source or program in FY09 and FY10, to date
- Expenditures of funds, including the purpose of each expenditure, for FY09 and FY10, to date

ODR has no special purpose revenue accounts.

**12 Please provide a list of all projects for which your agency currently has capital funds available. Please include in this list a description of each project, the amount of capital funds available for each project, a status report on each project, and planned remaining spending on the project.**

- Please provide an assessment of work done in FY 09 and FY10, to date, as part of capital project AM0-PL104 (*ADA Compliance Pool*).

Please refer to Attachment A
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**13 Please provide a complete accounting of all federal stimulus funds received for FY09 and FY10, to date.**

ODR was not the recipient of any Federal Stimulus funding.

**14 What steps have been taken during FY09 and FY10, to date, to reduce the following:**

- Space utilization
- Communications costs
- Energy use

ODR has complied with the DRES Facilities Management Plan that addresses space utilization, communication costs and energy use.

**15 Please identify any legislative requirements that the agency lacks sufficient resources to properly implement.**

There are no legislative requirements that ODR lacks sufficient resources to properly implement.

#### IV. Contracting and Procurement

**16 Please list each contract, procurement, lease, and grant (“contract”) awarded or entered into by your agency during FY09 and FY10, to date. For each contract, please provide the following information, where applicable:**

- **The name of the contracting party**
  - **The nature of the contract, including the end product or service**
  - **The dollar amount of the contract, including budgeted amount and actually spent**
  - **The term of the contract**
  - **Whether the contract was competitively bid or not**
  - **The name of the agency’s contract monitor and the results of any monitoring activity**
  - **Funding source**
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- ODR has one (1) awarded contract for the period FY 2009 and FY 2010. The FY 2010 contract is an extension of the FY 2009 awarded contract to **Cjaga, Inc.**
  - Cjaga, Inc, is a vendor of Sign Language Interpretation services. The contract provides for centralized funding for Sign Language Interpretation services for residents and consumers who are Deaf and accessing District programs and services.
  - The contract is budgeted at \$150,000. The contract operates on a reimbursement for service basis. In FY 2009, the contract was reimbursed at \$ 126,000.
  - The contract is a one (1)-year contract and will expire in November 2010.
  - The contract was competitively bid in the Fall of FY 2008 and renewed for a one (1) - year extension period ending November 2010. An new RFP will be released in the Fall of FY 2010 for SLI services.
  - The ODR contract monitor is Haydn Demas. The regular and on-going monitoring activity of the contract has resulted in no deficiencies or issues related to the deliverables defined by the contract.
  - The funding source for the contract is the FY 2010 ODR’ budget (local funds).

**17 Please provide a list of all MOU(s) currently in place and any MOU(s) planned for the coming year.**

ODR has an MOU in place with the DC Office of Human Rights and the Executive Office of the Mayor (EOM). Please provide 1 sentence on what MOU accomplishes.

ODR is in the process of finalizing an MOU with the Rehabilitation Services Administration (RSA). Please provide 1 sentence on what MOU accomplishes.

ODR’s collaboration and partnership with the Department of Real Estate Services (DRES) will be outlined in an “Accessibility Management Plan” to be developed on or before July 2010. The Accessibility Plan will outline the process for the identification, prioritization and management of District Government accessibility projects.

- 18 Please describe the steps taken by the agency to provide oversight and management for contracts. Specifically, how does the agency ensure that its programmatic needs are being met? How does the agency ensure that contracting actions are standardized across various programs?**

ODR follows the Policies and Procedures defined and outlined by Office of Contracting and Procurement (OCP) for the monitoring of contracts. ODR has one (1) contract in place (a centralized contract for the provision of Sign Language Interpretation services). ODR has a trained COTR (Haydn Demas) who holds regular face-to-face meetings with the vendor to review quality of the service, any need for revision to the delivery of the service as well as billing and invoice review.

- 19 What is the process, including a timetable, for the procurement of goods and services? How many steps must the agency take in order to complete a procurement? What is the process for a sole-source procurement?**

ODR's procurement needs are primarily general office supplies. The Administrative Assistant conducts a monthly inventory review and supplies are ordered following the Policies and Procedures defined by OCP for use of the P-Card.

- 20 Please describe the methods used by your agency to monitor contract compliance. If your agency has a written policy on contract monitoring, please provide a copy of the policy.**

In addition to the response provided to Question # 18, ODR conducts a monthly satisfaction survey of consumers and residents who have received Sign Language Interpretation services. The results of these surveys are shared with the contract vendor during the monthly COTR meeting.

## **V. Agency Programs and Policies**

- 21 Please list each policy initiative of your agency during FY09 and FY10, to date. For each initiative please provide:**

- **A detailed description of the program**
- **The name of the employee who is responsible for the program**
- **The total number of FTE's assigned to the program**
- **The amount of funding budgeted to the program**

ODR is responsible for the continuous implementation, training and monitoring of the District's "Effective Communication Policy" (Attachment B) and the District's "Reasonable Accommodation Policy" (Attachment C). Within the scope of their position and role, all ODR staff is responsible for ensuring these initiatives are successfully applied to all District Government administrative and programmatic services. These initiatives are intrinsic to the fulfillment of our mission, and therefore do not have a specific budgeted costs or assigned staff.

- 22 Please describe any initiatives your agency implemented within FY09 or FY10, to date, to improve the internal operation of the agency or the interaction of the agency with outside parties. Please describe the results, or expected results, of each initiative.**

In October 2009, ODR assumed the role as the Designated State Agency for the Developmental Disabilities Council. This restructuring is designed to ensure a comprehensive approach to planning and initiative development for people with disabilities.

- 23 Please provide a list of all studies, research papers, and analyses (“studies”) the agency prepared, or contracted for, during FY09 and FY10, to date. Please state the status and purpose of each study.**

ODR conducted no studies, prepared research papers, or conducted analyses.

- 24 If applicable, please explain the impact on your agency of any legislation passed at the federal level during FY09 or FY10, to date.**

On September 25, 2008, the Federal Government signed into law the ADA Amendments Act (ADAAA). It became effective on January 1, 2009. The ADAAA makes important changes to the definition of the term "disability". While these legislative changes do not impact the operations of the Office of Disability Rights, all ODR training materials have been updated and revised to reflect these changes.

- 25 Please list all regulations for which the agency is responsible for oversight or implementation. Please list by chapter and subject heading, including the date of the most recent revision.**

Not Applicable.

- 26 Please list and describe any ongoing investigations, studies, audits, or reports on your agency or any employee of your agency, or any investigations, studies, audits, or reports on your agency or any employee of your agency that were completed during FY09 or FY10, to date.**

Not Applicable.

- 27 Please identify all electronic databases maintained by your agency, including the following:**

- **A detailed description of the information tracked within each system**
- **Identification of persons who have access to each system, and whether the public can be granted access to all or part of each system**
- **The age of the system and any discussion of substantial upgrades that have been made or are planned to the system**

ODR maintains three (3) “Quickbase” databases. They are as follows:

**1. Complaints, Information and Referral, and Technical Assistance.**

- a. This database maintains all requests for assistance classified as complaints, information/referral and technical assistance. \*\* See sample data entry form attached.
- b. All staff have access to this database.

**2. Sign Language Program.**

- a. This database maintains all requests for SLI services, including financial summaries of each event. \*\* See sample data entry form attached.
- b. Access to this database is limited to the Director, SLI Coordinator, Administrative Assistant and Special Assistant.

**3. Training.**

- a. This database maintains information for ODR training events. See sample data entry form attached. \*\* See sample data entry form attached.
- b. Access to this database is limited to the Director, Communications Manager, Administrative Assistant and Special Assistant.

**28 What has the agency done in the past year to make the activities of the agency more transparent to the public? In addition, please identify ways in which the activities of the agency and information retained by the agency could be made more transparent.**

Throughout fiscal year 2009, ODR was actively outreaching and meeting with community organizations on a regular basis and reminded them to call upon us to address any ADA/accessibility-related issues that they may be experiencing. The Office participated in at least 101 community-based events and met with an estimated 4,500+ District residents during the course of the previous fiscal year.

**29 Please identify any statutory or regulatory impediments to your agency's operations.**

Not applicable.

**30 Please identify all recommendations identified by the Office of the Inspector General or the D.C. Auditor during the previous 3 years affecting your agency. Please note what actions have been taken to address these recommendations.**

Not applicable.

**31 As part of the FY10 Budget Report, the Committee made recommendations on facility condition assessments. Please provide an update on the office's work on this effort.**

- **For FY09 and FY10, to date, how many facilities have been assessed for accommodation needs?**

In FY 2009 and FY 2010, the ODR staff Architect provided expert technical assistance in the area facility assessment for accessibility for 45 District Government Buildings as well as District funded community based projects.

The ADA Self-Assessment conducted by 23 agencies in FY 2009, included an accessibility review of 102 program sites.

- **How is the office tracking these assessments?**

This data is tracked manually using an excel spread sheet maintained by the ODR Architect stored in an electronic file that can be accessed by all staff and this is updated monthly. In addition, some of the assessments conducted are tracked as Technical Assistance requests in our "Complaints, Information and Referral, and Technical Assistant" "database".

**32 The FY10 budget included a reduction of funds for building accommodations. How has the office managed to achieve goals in FY10 with reduced funding levels?**

The budget reduction was for DC Government employee "Reasonable Accommodations" – "not building accommodations."

**33 Please describe the affects on the office's operations of the elimination of a sign language interpreter position.**

The elimination of this position has had no impact on the operations of the Agency. The centralized contract for the provision of Sign Language Interpreter services has proven to be a highly effective and efficient model for meeting the effective communication needs of District consumers and residents.

*Questions 34-41 relate to the office's FY09 Performance Accountability Report.*

**34 Initiative 1.1: Increasing physical access.**

- **Please list which capital improvements were made during FY09 and FY10, to date.**
- **What additional improvements are planned for FY10?**

<b>Please refer to Attachment A</b>
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▪ **How are priority projects identified?**

In collaboration with DRES the prioritization for accessibility modifications to District Government owned buildings and facilities is based on the following:

- Level of use by the public
- Social need
- Citizen Rights
- Program uniqueness
- Geographic distribution
- Critical nature of the service provided

In addition, ODR works with DRES on Prioritization of Accessibility Modifications within Facilities based on the following criteria:

- Building entrance and primary path of travel
  - The highest priority is placed on those barrier removal items that provide accessibility at the main entrance of a facility or improve a path of travel to the portion of the facility where program activities take place (e.g., parking, walks, ramps, stairs, doors, corridors, etc.).
- Barrier removal items that improve access to program use areas
  - A second level priority is placed on those barrier removal items that improve or enhance access to program use areas (e.g., pools, sports areas, public offices, restrooms, etc.)
  - A third level priority is placed on those barrier removal items that improve access to amenities serving program areas (e.g., drinking fountains, telephones, site furnishings, vending machines).

**The Office's FY10 Performance Plan includes development of an approval chain for capital projects. What staff resources exist at ODR to conduct these technical reviews? When does ODR expect to complete this MOU?**

ODR's collaboration and partnership with the Department of Real Estate Services (DRES) will be outlined in an "Accessibility Management Plan" to be developed on or before July 2010. The Accessibility Plan will outline the process for the identification, prioritization and management of District Government accessibility projects.

**35 Initiative 1.2: Accessible taxicabs.**

- **Please describe current plans to provide accessible taxicabs. What is the timeline for implementation?**

For the past two years, the Office of Disability Rights has worked on the D.C. Accessible Taxi Pilot Project Implementation Group headed by the Metropolitan Washington Council of Governments (COG), chaired by the DC Taxi Commission, and including transportation experts from other local governments in the region. The goal of this group was to bring wheelchair accessible taxicabs to the District. The National Capital Region Transportation Planning Board (TPB) received funding under the New Freedom program of the Federal Transit Administration (FTA) to fund a two-year wheelchair accessible taxicab pilot program in the District. In addition, Councilmember Jim Graham (D-Ward 1) introduced legislation under DC Law 6-97, DC Official Code Section 50-301 et. Seq., that contributed \$200,000 to the "Wheelchair Accessible Taxicab Promotion Fund Act of 2007."

In addition to the federal funds, the success of funding accessible taxis is due to joint support from the DC Taxicab Commission and the Office of Disability Rights.

The Office of Disability Rights has worked diligently with the Implementation Group to ensure that the program achieves its goal. As a result, two taxi services Yellow and Royal were awarded grants to provide the wheelchair accessible taxicabs. Since January 2010, eight new wheelchair accessible taxicabs have been available in the District for the very first time to provide transportation service to people with disabilities. Another 12 accessible vehicles are slated to hit the streets in mid March.

**36 Initiative 2.1: Disability rights education.**

- **Please provide the results of the survey of ADA Coordinators' experience.**

Please refer to Attachment D
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**37 Initiative 2.2: Technical assistance program.**

- **Please identify the top complaints received by District residents and by agency staff.**

**District Residents and Consumers**

- Lack of accessible housing
- How to navigate the DCHA process for low-income housing
- Accessible Transportation

**District Employees**

- Requests for Reasonable Accommodations

**38 Initiative 2.3: ADA compliance plans.**

- **Please identify the 108 ADA self-Assessments submitted during FY09.**
- **What has the office learned over the past year from public comments regarding District compliance with the ADA?**

Please refer to Attachment E

**39 Initiative 3.1: Assessing DC employment.**

- **Please provide a copy of the draft report on the results of the Employee Survey or, alternatively, the results of the survey.**

Please refer to Attachment F

#### **40 Initiative 3.2: Accommodation policies.**

- **Please describe the steps taken by ODR to increase new job opportunities for persons with disabilities within the District government.**

##### **INITIATIVE 3.1: Assess current DC employment of people with disabilities.**

In an effort to maintain and advance a diverse and inclusive workforce, in the Spring of 2009, the Office of Disability Rights conducted an anonymous Employee Survey on Disability Employment Practices within the District Government, via email. This Survey aimed to assess the hiring, accommodation and retention practices of District Government employees with disabilities.

1,118 out of approximately 35,000 District Employees responded to the survey. The results of the data have been summarized into a draft report and ODR will continue to work with DCHR on how to best utilize and implement the recommendations associated with this project.

##### **INITIATIVE 3.2: Develop District-wide reasonable accommodation policies and funding mechanisms.**

ODR implemented a centralized funding mechanism to assist employees and their respective agencies identify the appropriate reasonable accommodation equipment, software, etc. needed by the employee to ensure the highest degree of effectiveness and efficiency in the work place. In addition to the purchases made, ODR developed a "Reasonable Accommodation" planning process to use with each employee. The goal of this centralized approach was to assist and promote the practices that would expand the hiring of people with disabilities.

#### **41 Initiative 4.1: Olmstead Plan.**

- **What is the expected date to release the finalized plan?**

ODR projects that the finalized Olmstead Plan will be released in April 2010.

# ATTACHMENTS

## Attachment A

Please provide an assessment of work done in FY 09 and FY10, to date, as part of capital project AM0-PL104 (*ADA Compliance Pool*)

Initiative 1.1: Increasing physical access.

Building	FY09	FY10	Remaining Expenditures Expected	Scope	Notes
MPD-4 Georgia Avenue NW	\$463,973.42	\$33,635.69	\$20,000.00	ADA upgrades to basement and first floor (bathrooms, doors, entrance, site access)	<ul style="list-style-type: none"> <li>Rear Key Pad to be replaced by Card Reader;</li> <li>Meeting Room egress to be resolved</li> </ul>
New York Ave. Shelter NE	257,898.31	7,125.60	0*	ADA upgrades (bathrooms, doorways) to first floor of shelter and parking area	*Contractor Terminated. Bid repackaging, completion of construction. Approx \$109,000 has not been spent from that contract. Up to \$20,000 is for change orders not yet processed. We need up to \$50,000 of the unspent funds to complete the project, leaving \$39,000 available.
Emery Shelter, NE	627,254.28	32,055.24	0	ADA upgrades (elevator, ramp, bathrooms) to 1st and 2 <sup>nd</sup> floor interior, and exterior access and parking.	Project Complete

**Attachment A (continued)**

Madison Shelter NE	143,174.34	16,102.72	60,000.00*	ADA upgrades to basement and first floor (elevator, bathrooms, doors, entrance and site)	*Contractor terminated. Bid re-packaging, completion of construction, Hazmat abatement. Approximately \$300,000 has not been spent from that contract. Up to \$60,000 is for change orders not yet processed. We need up to \$300,000 to complete the project, inclusive of Hazmat abatement, leaving us a \$60,000 deficit.
Subtotal	\$1,492,300.30	\$88,919.25	\$80,000.00		
Other Work, including signage, UDC, DC Animal Shelter	414,829.62	0	(\$39,000.00)		Unspent funds from NY Avenue
Totals	\$1,907,129.92	\$88,919.25	\$121,400		

**The FY10 projects are as follows:**

Building	FY10	Notes
2 <sup>nd</sup> District MPD	\$250,000.00	All four MPD projects are combined into a single project (These projects are on hold until Master Plan for ADA is established)
6 <sup>th</sup> District MPD	250,000.00	
Youth Service Police	250,000.00	
One Judiciary Square	245,000.00	
DC General Emergency Care	250,000.00	DC General ADA is combined with a DHS project – so the total goes up to \$719,000
Total	\$1,245,000.00	(This compares to the \$1,404,415.40 available in combined Pre-Encumbrances and One Year Allotment Balance, from the Capital Spending report, 2010. The \$1.4Million must cover FY10 projects (\$1,245,000) plus remaining expenditures expected (\$41,000), or approximately \$1,286,000.)



## ATTACHMENT B

### GOVERNMENT OF THE DISTRICT OF COLUMBIA ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Memorandum 2008-2  
September 26, 2008

**TO:** All Department and Agency Heads  
**ORIGINATOR:** Eve Hill, Director of the Office of Disability Rights  
**SUBJECT:** DISTRICT OF COLUMBIA POLICY FOR PROVISION OF AUXILIARY AIDS  
AND SERVICES FOR COMMUNICATION WITH PEOPLE WITH  
DISABILITIES

The District of Columbia is committed to making District programs, services, and activities available to everyone, regardless of disability. People with disabilities are entitled to fair and equal access to service. In addition, the District is committed to compliance with the Americans with Disabilities Act (ADA).

District government agencies will provide auxiliary aids and services when necessary to ensure that communication with individuals with vision, hearing, and speech disabilities is as effective as communication with nondisabled individuals. No surcharge or fee will be assessed for the provision of auxiliary aids and services. In determining which auxiliary aid to provide, District agencies will give primary consideration to the request of the individual with a disability.

Auxiliary aids and services include:

Access for people with vision impairments to written/visual materials:

- Large print text (Arial font, 18 point or larger)
- Audio description
- Provision of qualified staff or a reader to read written material aloud
- Provision of a qualified staff person or notetaker to write material for the person with a disability
- Audiotaped text
- Braille text
- Screen-readable (e.g., Word) electronic formats
- Other methods of making visually delivered materials accessible to individuals with vision impairments

Access for people who are deaf or hard of hearing to aural materials:

- Handwritten or typed notes if the communication is short and simple
- Qualified sign language interpreters if the communication is not short and simple (either in person or video interpretation) and for large meetings or events
- Real-time captioning for large meetings or events
- Open or closed captioning of video materials
- Assistive listening devices
- Written transcripts
- Other methods of making aurally delivered materials accessible to people with hearing impairments

#### **Requests for Auxiliary Aids or Services**

Requests for auxiliary aids or services should be made to the agency in advance of the meeting, hearing, or other activity provided by the District. However, when advance notice is not provided, District agencies will make efforts to provide auxiliary aids or services. District agencies must inform the public about how to request auxiliary aids or services (whom to call, how far in advance). District agencies will not set unreasonable requirements for advance notice needed for auxiliary aids or services.

#### **District Agency Response to Requests for Auxiliary Aids or Services**

When an auxiliary aid is requested, the District agency will give primary consideration to the choice of the individual with a disability. It is important to consult with the individual to assess what auxiliary aid(s) will be effective.

The District will honor the individual's choice unless:

- Another equally effective means of communication is available, or
- Provision of the auxiliary aid would fundamentally alter the service, program, or activity, or
- Provision of the auxiliary aid would result in undue financial or administrative burdens to the District.

Agencies should consult with the Office of Disability Rights (202-724-5055) when considering provision or denial of auxiliary aids or services. Agencies should respond to requests for auxiliary aids within a reasonable time by notifying the individual of the proposed auxiliary aid to be provided.

#### **Grievance Procedure**

If an individual with a disability is dissatisfied with a District agency's proposed or provided auxiliary aid or service, he or she may contact the DC Office of Disability Rights (202-724-5055) or the agency's ADA Coordinator.

#### **Captioning of Videos**

Videos for distribution, display, or internet posting should be closed or open captioned or otherwise made accessible to people with hearing disabilities.

#### **Sign Language Interpreters**

There are several common types of sign language, including American Sign Language and Signed English. In addition, each spoken language generally has its own sign language. It is important to consult with the person with a disability to find the kind of interpreter he or she needs.

Sign language interpreters must be qualified – able to sign what is being said by the hearing person and able to voice what is being signed by the person who is deaf. This communication must be conveyed accurately, objectively, and impartially, through the proper use of any necessary specialized vocabulary.

Friends and relatives, including minor children, generally should not be used as interpreters unless the person with a disability specifically requests it, having been informed that an outside interpreter can be provided, and

- The friend or relative is able to interpret effectively and accurately,
- The friend or relative has no apparent or potential conflict of interest, and
- The friend or relative is of sufficient age and maturity.

While sign language interpreters are not required to be certified, there are several certifying bodies, including the Registry of Interpreters for the Deaf and the National Association of the Deaf.

In situations where an interpreter is not available, video relay interpreting may be used. Video relay interpreting requires a high-speed internet connection, a computer, a USB video camera, and videoconferencing software. In order to be effective, video relay interpreting requires strict adherence to technical standards for equipment and connection. Video relay interpreting may not be effective in all situations or for all individuals who are deaf.

**EFFECTIVE DATE:** This Memorandum shall be effective September 2, 2008

## **ATTACHMENT C**

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**D.C. GOVERNMENT  
MANUAL FOR ACCOMMODATING EMPLOYEES WITH DISABILITIES**

**1.0 Introduction**

**1.1 The Office of Disability Rights**

The DC Office of Disability Rights is available to assist agencies and employees with disabilities with reasonable accommodations and other disability issues.

<http://odr.dc.gov>  
(202) 724-5055  
[odr@dc.gov](mailto:odr@dc.gov)

Haydn Demas, ADA Compliance Specialist (Employment)  
(202) 442-4692  
Haydn.Demas@dc.gov

**1.2 Purpose of the Manual**

The purpose of this Manual is to provide guidance on how to reasonably accommodate District employees and applicants for positions within the District government. This Manual outlines a uniform approach to providing reasonable accommodations consistent with federal and District laws. The Manual explains the obligations of both the District agencies and individuals with disabilities, and it answers some of the questions about reasonable accommodations facing District agencies.

**2.0 Overview**

**2.1 Legal Requirements**

The District of Columbia Government (the District) is required by federal and District laws to provide equal employment opportunity to qualified individuals with disabilities. The Americans with Disabilities Act of 1990 (ADA) and the D.C. Human Rights Act of 1977, as amended, seek to eliminate discrimination against individuals with disabilities to ensure that our workforce is as diverse as our society. The District has a legal obligation to provide reasonable accommodations as required to facilitate the employment of qualified employees and applicants with disabilities. Beyond its legal obligations, the District is committed to providing accommodations that will allow its employees with disabilities to contribute at the highest levels.

## **2.2 Purpose of Reasonable Accommodation**

The purpose of reasonable accommodation is to provide employment opportunities for persons with disabilities who otherwise would not be able to perform the essential functions of their job, and to allow employees with disabilities to perform or be more productive.

Reasonable accommodations may include, but are not limited to:

- Making existing facilities accessible;
- Job restructuring;
- Change of work schedules or place of work;
- Extended leave;
- Telecommuting;
- Reassignment to a vacant position;
- Acquisition or modification of equipment or devices, including computer software and hardware;
- Appropriate adjustments or modifications of examinations, training materials or policies; and
- Provision of qualified readers and/or sign language interpreters and other similar accommodations.

Reasonable accommodations must be provided in a timely manner. The process of considering requests for accommodations and providing reasonable accommodations must always include an “interactive process” of mutual communication and consultation between the qualified individual with a disability and the District agency providing the accommodation. Accommodation decisions should be based primarily on whether they will help the applicant or employee be a successful and productive member of the District’s workforce.

Most accommodations cost little or nothing. The District is not required to provide an accommodation if it would cause an undue financial or administrative hardship in light of the overall financial and administrative resources available.

In addition, the District is not required to provide an accommodation if doing so would pose a direct threat to health or safety.

## **3.0 Definitions**

### **3.1 Who is a Person with a Disability?**

- A person with a disability is
  - An individual with a physical or mental impairment that substantially limits one or more of the person’s major life activities;
  - An individual with a record of such an impairment; or
  - An individual who is perceived to have such an impairment”.
- A person is “substantially limited” in performing a major life activity if s/he is materially restricted in a major life activity.
- Examples of “major life activities” include walking, lifting, seeing, performing manual tasks, sitting, breathing, speaking, hearing, learning, reading, personal care/grooming, and other activities.
- A “qualified individual with a disability” means an individual with a disability who satisfies the requisite skill, experience, education, and other job-related requirements of the employment functions of the position, and who, with or

without reasonable accommodation, can perform the essential functions of the position.

An individual with an injury covered under workers' compensation may be protected by the ADA, but is not automatically protected. To be protected by the ADA, the employee must meet the ADA's definition of disability. The ADA does not require an employer to provide a reasonable accommodation for an employee with an occupational injury who does not have a disability as defined by the ADA.

### 3.2 What is a Reasonable Accommodation?

A reasonable accommodation can be described as any change or adjustment to the job, the work environment or the way work is customarily done which permits a qualified applicant or employee with a disability to perform the essential functions of a job or to enjoy the equal benefits and privileges of employment as are available to a similarly situated employee without a disability.

Reasonable accommodation may occur in three phases of employment:

- *In the application process.* Reasonable accommodation must be provided in the job application process to provide a qualified applicant with a disability with an equal opportunity to be considered for the position;
- *In the performance of the essential functions of a job.* Reasonable accommodation must be provided to enable a qualified person with a disability to perform the essential functions of the job. This may include changes or adjustments to the work environment, to the manner or circumstances in which the position is customarily performed, or to employment policies;
- *In the receipt of all benefits of employment.* Reasonable accommodations must be provided to enable an employee with a disability to enjoy benefits and privileges of employment equal to those enjoyed by similarly situated employees without disabilities. This would include equal access to lunchrooms, meetings, employer-sponsored services, employee benefits, social events, etc.

In determining whether a requested accommodation is reasonable, agencies should consider several factors, including:

- The nature and cost of the change;
- The number of people who could benefit from the change (including members of the public); and
- Additional benefits or detriments that would result from the change.

### 3.3 What are the “Essential Functions” of a Position?

- **Essential functions** are those that are fundamental and central to the purpose of the position. An agency must provide reasonable accommodations to an employee with a disability to allow the employee to accomplish the essential functions of the job, but an agency is not required to exempt an employee with a disability from performing the essential functions of the job.

A function may be essential because:

- The position exists to perform that function
- There are a limited number of employees available who could perform that function
- The function is highly specialized

It is important to determine whether something is really an essential function or whether it is simply a way of *performing* an essential function. An essential function is what the completed task is, not *how* that task is completed. As such, results oriented language should be used as much as possible; an essential function may be for an employee to *relocate* (as opposed to *lift*) 50 lb. boxes.

Factors in determining whether a task is an essential function include:

- The employer’s judgment;
  - Position description written before the job was advertised and filled;
  - Amount of time the employee spends performing the function;
  - Functions performed by others in the same or similar job classifications;
  - Work performed by current and past incumbents;
  - Consequences if this position did not perform the function; and
  - Number of available employees who could perform the function.
- **Marginal functions** are useful responsibilities, but are not central to the purpose of the position. These functions can be reassigned without destroying the basic purpose of the position.

#### **4.0 When Can the District Deny an Accommodation?**

##### **4.1 Undue Hardship**

The agency may decline to provide an accommodation because such accommodation is unduly

- Expensive;
- Extensive;
- Substantial;
- Disruptive; or
- Would fundamentally alter the nature or operations of the agency

Whether an accommodation causes an undue hardship must be determined in light of all available financial and administrative resources.

##### **4.2 Direct Threat**

An agency may decline to provide an accommodation because the accommodation would pose a direct threat to health or safety. In order to be a direct threat, there must be a significant risk of substantial harm. The determination of a direct threat must be based on an individualized assessment of the applicant or employee with a disability, must rely on current medical knowledge, and must not be based on generalized assumptions or stereotypes.

#### **5.0 Reasonable Accommodation Process**

##### **5.1 Request Process (Employee Requests an Accommodation)**

Employees or applicants with disabilities may request reasonable accommodations of the employer, regardless of title, salary, grade, bargaining unit, employment status (permanent, temporary, provisional, emergency) or civil service status (regular, exempt). This request does not have to be in writing, be formal or use any special language. An individual may use “plain English” and need not mention the ADA or use the phrase “reasonable accommodation.”

Here are some examples from the Job Accommodation Network:

Example A: An employee tells her supervisor, "I'm having trouble getting to work at my scheduled starting time because of medical treatments I'm undergoing." This is a request for a reasonable accommodation

Example B: An employee tells his supervisor, "I need six weeks off to get treatment for a back problem." This is a request for a reasonable accommodation.

Example C: A new employee, who uses a wheelchair, informs the employer that her wheelchair cannot fit under the desk in her office. This is a request for a reasonable accommodation.

Example D: An employee tells his supervisor that he would like a new chair because his present one is uncomfortable. Although this is a request for a change at work, his statement is insufficient to put the employer on notice that he is requesting reasonable accommodation. He does not link his need for the new chair with a medical condition.

A request for accommodation also may be made by a family member, health professional, or other representative who is acting on the individual's behalf with the individual's consent.

The employee usually initiates the reasonable accommodation process by inquiring about the process from a supervisor, Human Resources representative, EEO Counselor, or the ADA Coordinator at the agency. If the supervisor is contacted first, the ADA Coordinator should be brought in early in the process.

If an employee with a known or obvious disability is having performance problems, a supervisor may suggest an accommodation, but only after making a preliminary determination that the performance problem is related to the employee's disability. This is an exception to the general rule against inquiring about disabilities, and extends *only* to those with known or obvious disabilities.

The reasonable accommodation does not have to be requested at the beginning of employment. However, a reasonable accommodation request will not cancel out any prior disciplinary actions.

## **5.2 Interactive Process**

The ADA requires that the employer engage in an interactive dialogue with the individual with a disability concerning reasonable accommodations. It is best to take a methodical approach in addressing requests for reasonable accommodation from employees.

Immediately upon receiving the reasonable accommodation request, the agency ADA Coordinator/EEO Counselor should schedule a meeting with the employee as soon as possible. The employee's collective bargaining agent or other person(s) of his/her choosing may assist the employee during this meeting.

The agency's ADA Coordinator should conduct an informal, interactive discussion with the employee. The discussion should include the following steps:

- 1) A review of the agency's detailed, written job description/vacancy announcement delineating the "essential functions" of the position from the "marginal functions."
- 2) A determination of how the employee's impairment/disability limits his/her ability to perform the essential functions of his/her job in order to identify the employee as a qualified individual with a disability.

- 3) An identification of potential accommodations and assessment of the effectiveness of such accommodations on the employee's job performance.
- 4) Identification of the type of accommodation needed. The Job Accommodation Network can be contacted for assistance in making this assessment at 1-800-232-9675 (Voice/TTY) or <http://janweb.icdi.wvu.edu/>.
- 5) Consideration of the preference of the employee; however, the agency has the right to select among the alternatives available, as long as they are effective.
- 6) Selection and implementation of the effective reasonable accommodation by the agency as expeditiously as possible. Keep the dialogue open with the employee and discuss time lines for obtaining the accommodation and follow up with the employee on unexpected delays.

The agency may find it difficult to accommodate the disability because it is not well understood or because neither the employee nor the ADA Coordinator know what equipment, modification or accommodation will enable the employee to perform the essential functions of the job. The agency ADA Coordinator should consult the Office of Disability Rights (ODR) for additional reference material and service organizations that may help in identifying appropriate accommodations.

### **5.3 Medical Documentation and Confidentiality**

If the disability is not obvious, and there is no other medical information already on record for the employee, the agency can require the employee to submit documentation from a physician or other medical professional concerning the existence and extent of the disability. Before consulting with the physician, it is necessary to obtain the individual's written consent for the release of medical information to the agency.

The employee's medical information must be maintained in a confidential file separate from the employee's personnel file or other records and must not be revealed to anyone who does not need to know in order to provide the accommodation. In some instances, the employee's supervisor does not need to know about the person's disability or accommodations. In those situations, the information should not be shared with the supervisor.

Information about the employee's disability or accommodations should not be revealed to co-workers, customers, or members of the public.

### **5.4 ADA Determination**

After the initial meeting and review of medical documentation (if submitted by the employee's healthcare professional), the agency will make a determination whether the employee is a qualified individual with a disability and develop a Reasonable Accommodation Plan for the employee.

### **5.5 Reasonable Accommodation Plan**

The Reasonable Accommodation Plan will:

- (i) State whether the employee is a "qualified individual with a disability" as defined by the ADA;
- (ii) Outline the employee's essential job functions needing accommodation;

- (iii) Recommend types of accommodation; consideration will be given to the preference of the employee, however, the agency has the right to select among the alternatives available; and
- (iv) Determine whether any accommodation causes an undue hardship or poses a direct threat.

## **6.0 Types of Reasonable Accommodation**

- A “no-tech” accommodation costs little or no money...just time, support and creativity (e.g., additional preparation time for an individual, or a color-coded filing system).
- A “low-tech” accommodation is any accommodation that is technologically simple or unsophisticated, and readily available in most offices (e.g., replacing a door knob with an accessible door handle, providing a magnifier).
- A “high-tech” accommodation is any accommodation that uses advanced or sophisticated devices (e.g., screen reading software with synthesized speech).

## **6.1 Examples of Possible Accommodations**

### 6.1.1 Job Restructuring

Job restructuring as a form of reasonable accommodation may involve reallocating or redistributing the marginal functions of a job. Job restructuring frequently is accomplished by exchanging marginal functions of a job that cannot be performed by a person with a disability for marginal job functions performed by one or more other employees. An employee must be able to perform the essential functions of the job, but where it is possible to remove certain non-essential tasks from an employee's work requirements, this should be done.

Example: An agency has two data processing clerks. Typing on the computer is an essential function, using the phone is a marginal one. If a qualified data processing clerk had a speech impairment, it would be reasonable to assign the function of using the phone to the employee without a speech impairment in exchange for doing that employee's filing.

The agency is not required to reallocate essential job functions.

It may be a reasonable accommodation to change when or how the essential functions are done. These include:

- Reassign work at the existing site among coworkers.

Example: If a secretary had a vision impairment that prevented the secretary from typing in small spaces on forms, whenever such forms needed to be prepared, they might be assigned to another secretary without a vision impairment. In exchange, the secretary with a disability could assume one of the colleague's duties, such as filing.

- Eliminate non-essential tasks.

Example: If a part of the job is not necessary, it could be eliminated entirely. A mail clerk, rather than travelling to the post office in the early morning, might be allowed to wait for regular mail delivery.

- Reassign visits to accessible sites.

Example: A repairperson who uses a wheelchair could service the accessible sites, while the other sites could be assigned to someone who does not have a mobility impairment.

- Allow work in other than the traditional office setting.

Example: A surveyor can make calls on a designated line from home instead of having to come regularly to an inaccessible office to make those calls.

### 6.1.2 Modified Work Schedules and Flexible Leave Policies

Changing a regular work schedule or establishing a flexible leave policy may be a reasonable accommodation unless it would cause an undue hardship. Modified work schedules may include flexibility in work hours or the work week, or part-time work.

People whose disabilities may need modified work schedules include individuals:

- Who require special medical treatment for their disability (such as people with cancer, HIV/AIDS, or mental illness);

- Who need rest periods (including some people who have multiple sclerosis, cancer, diabetes, respiratory conditions, or mental illness); and
- Whose disabilities (such as diabetes) are affected by eating or sleeping schedules,

Flexible leave policies should be considered as a reasonable accommodation when people with disabilities require time off from work because of their disabilities. The agency is generally not required to provide additional paid leave as an accommodation, but should consider allowing use of accrued leave or leave without pay, where this will not cause an undue hardship.

People with disabilities may require flexible leave because of:

- Medical treatment related to the disability;
- Repair of a prosthesis or equipment;
- Temporary adverse conditions in the work environment (an air-conditioning breakdown causing temperature above 85 degrees could seriously harm the condition of a person with multiple sclerosis); or
- Training in the use of an assistive device or a guide dog. (If an assistive device is used at work and provided as a reasonable accommodation, and if other employees receive training during work hours, then the disabled employee should receive training on this device during work hours, without the need to take leave.)

Some qualified people with disabilities are unable to work a standard 9:00 a.m. to 5:00 p.m. workday, or a standard Monday to Friday work week. Depending on the nature of the work assignment and operational requirements, changes to work schedules and hours may be a reasonable accommodation as long as it does not result in an undue hardship.

Example: An employee who needs kidney dialysis treatment is unable to work on two days because treatment is only available during work hours on weekdays. Depending on the nature of the work and nature of the work operation, it may be possible to perform work assignments at home on the weekend or to work three days a week as a part-time employee.

### **6.1.3 Modification or Purchase of Equipment and Devices**

Purchase of equipment or changes to existing equipment may be effective accommodations for people with many types of disabilities. There are many devices that make it possible for people to overcome existing barriers to performing functions of a job. These devices range from very simple solutions, such as an elastic band that can enable a person with cerebral palsy to hold a pencil and write, to “high-tech” electronic equipment that can be operated by head or mouth movements by people who cannot use their hands.

Types of equipment and devices that may be appropriate include:

- Teletypewriters (TTYs), telecommunications devices for the deaf (TDDs), text telephones (TTs), or video phones to enable people with hearing and/or speech impairments to communicate over the telephone;
- Telephone amplifiers for people with hearing impairments;
- Special software for standard computers and other equipment to enlarge print or convert documents to spoken words for people with vision and/or reading disabilities;
- Tactile markings on equipment in Braille or raised print for people with visual impairments;

- Telephone headsets, speaker phones, and adaptive light switches for people with manual disabilities;
- Talking calculators for people with visual or reading disabilities;
- Raised or adjustable-height desks for employees who uses wheelchairs;
- Modified equipment controls for hand and foot operation for a person with limited hand or foot control;
- Keyboard armrest and finger guides mounted on keyboards to keep persons with motor control impairments from striking keys in error;
- Clipboards for employees with manual impairments; and
- Refreshable Braille displays or Braille printers for blind employees.

The agency is only obligated to provide equipment that is needed to perform a job; there is no obligation to provide equipment that the individual uses regularly in daily life, such as glasses, a hearing aid or a wheelchair. The agency may be obligated to provide items of this nature if special adaptations are required to perform a job.

Example: An employee with a mobility impairment owns and uses a manual wheelchair. However, if the employee's job requires movement between buildings that are widely separated and the employee's mobility impairment prevents operation of a wheelchair manually for that distance, or if heavy, deep-pile carpeting prevents operation of a manual wheelchair, then it may be a reasonable accommodation to provide an employee with a motorized wheelchair at work.

#### **6.1.4 Training**

Reasonable accommodation should be provided, when needed, to give employees with disabilities equal opportunity to benefit from training to perform their jobs effectively and to advance in employment. Needed accommodations may include providing:

- Accessible training sites;
- Training materials in alternate formats (e.g., large print, Braille, audiotape, or electronic format) to accommodate a disability; and
- Sign language interpreters or captioning.

#### **6.1.5 Modification of Policies**

Policy modifications may include:

- Change of a workplace policy that prohibits something an employee with a disability needs to do their job (e.g., allowing a person with a disability to be accompanied by a service animal, allowing food at the workstation of a person with diabetes, allowing personal items at the desk of a person with a psychiatric disability);
- Development of an emergency evacuation procedure to provide effective egress for employees with difficulty in mobility in case of emergency; or
- Provision of accessible parking for an employee with a qualified parking permit designated for persons with disabilities.

#### **6.1.6 Modification of Physical Site (building and facility)**

Employment activities must take place in an integrated setting. Employees with disabilities may not be segregated into particular facilities or parts of facilities. This means that architectural barriers may have to be removed or altered to provide structural accessibility to the workplace. However, the agency is not required to make structural changes that are unreasonable and would impose an undue hardship.

In existing structures, structural changes are necessary to the extent that they will allow an employee with a disability to perform the essential functions of the job, including access to work stations, and normal support facilities such as bathrooms, water fountains, and lunchrooms.

Non-structural changes are allowed instead of structural changes if they achieve the same result.

Example: A training is provided in a location without an accessible restroom. Rather than modify the restroom, the training can be moved to an accessible location.

Example: A water fountain is too high for a person in a wheelchair. Rather than lower the drinking fountain, cup dispensers may be installed.

### **6.1.7 Provision of Readers, Communication Access Providers, or Personal Assistants**

Individuals with communication disabilities (e.g., vision, hearing, and speech disabilities) should be able to communicate effectively with others as needed for their job duties and should have access to information needed for the job. Identifying the needs of the employee in relation to specific job tasks will determine whether or when an interpreter, reader, or other communication access provider may be needed.

It may be a reasonable accommodation to provide a reader for a qualified individual with a vision disability, if this would not impose an undue hardship. In some job situations a reader may be the most effective and efficient accommodation, but in other situations equipment may enable an individual with a vision disability to perform job tasks more accurately.

Example: A social worker who is blind requests a reader for paperwork, interviews, and report generation. A reader could be provided for several hours a day. If reading materials consist of complex or technical material, then the reader's vocabulary and reading level should be commensurate with the documents to be read.

Communication access providers (e.g., sign language interpreter or real time captioner) as needed may be a reasonable accommodation for a person who is deaf, if this does not impose an undue hardship.

Example: A deaf person applies for a job as a Clerk-Typist. It may be necessary to obtain a qualified interpreter for a job interview, because the applicant and interviewer must communicate fully and effectively to evaluate whether the applicant is qualified to do the job. Once hired, however, if the employee is doing clerical work, computer applications, or other job tasks that do not require much verbal communication, an interpreter may only be needed occasionally. Interpretation may be necessary for training situations, staff meetings or employee parties, so that this person can fully participate in these functions. Communication on the job may be handled through different means, depending on the situation, such as written notes, "signing" by other employees who have received basic sign language training, or by typing on a computer.

Providing an assistant as needed may be a reasonable accommodation for a person with a disability, if this does not impose an undue hardship.

Example: An assistant may be needed to retrieve items on shelves, file, or selectively assist a person with quadriplegia with other clerical duties.

Example: An assistant may be needed to guide a blind person who must travel as part of the job.

### **6.1.8 Reassignment to a Vacant Position and Light Duty**

If an employee develops his/her disability after being on the job, and can no longer perform the essential functions of his/her job, the employer may need to reassign the employee to a vacant position within the agency or within District government, if doing so does not constitute an undue hardship. The new position should be one that the employee is qualified to perform and that pays a comparable salary. Reassignment does not require the employee to compete for the new position.

Reassignment does not require the employer to violate a seniority system or collective bargaining agreement under which someone else is entitled to the vacant position. Reassignment should be considered ONLY if there are no reasonable accommodations available that would allow the employee to perform the essential functions of his/her current job.

Reassigning an employee with a disability to a light duty job might be required as a reasonable accommodation, depending on how an employer's light duty program is designed. If an employer reserves certain jobs for light duty, rather than creating light duty jobs as needed, the employer must reassign the employee to a vacant, reserved light duty position as a reasonable accommodation if (1) the employee cannot perform his/her current position because of his/her disability, with or without a reasonable accommodation; (2) the employee can perform the light duty job, with or without a reasonable accommodation; and (3) the reassignment would not impose an undue hardship. This is because reassignment to a vacant position and appropriate changes to an employer's policy are forms of reasonable accommodation required by the ADA, absent undue hardship. There is, however, no requirement to create a light duty position or any other position under the ADA.

### **6.1.9 Other Accommodations**

There are many other accommodations that may be effective for people with different disabilities in different jobs. Some other accommodations that may be appropriate include:

Example: An employee makes sporadic site visits to a home for inspection. Mileage is paid as part of the job. Instead, an employee who doesn't drive may be allowed to use paratransit or taxicabs instead of a personal car.

Example: A person with mental retardation is hired for a maintenance position. An employer may offer the use of a job coach for individualized on-the-job training services.

Example: A person with a learning disability may require assignments and instructions to be communicated by e-mail, rather than verbally.

Example: If a person's disability makes it difficult to come to the office, and the job can be done off-site, an accommodation may be to allow the person to work from home.

## **6.2 Timing and Review of Accommodations to Ensure Effectiveness**

Once an accommodation is approved, it should be implemented as soon as possible.

Within 4 - 6 weeks after the accommodations have been granted, the agency should assess the effectiveness of the accommodation(s) in enabling the employee to perform the essential functions of the job. If there is a need for additional accommodations, or changes to the existing accommodations, the agency should reevaluate the accommodations.

If the accommodations are not effective and there are no other methods of accommodation that can assist the employee in performing the essential functions of the job, then the accommodation of reassignment to a vacant position within the agency or within District government will be discussed.

## **7.0 Denying a Request for an Accommodation**

The agency may reject an employee's request for a reasonable accommodation for the following reasons:

1. The employee is not an individual with a qualifying disability.
  - a) A temporary impairment, such as a broken arm, is not significant enough to be considered a qualifying disability, taking into account its duration and the extent to which it actually limits a major life activity.
  - b) The employee is unable to provide requested documentation from a medical professional that demonstrates that he/she has a qualifying disability.
2. The employee is able without an accommodation to:
  - a) Perform the essential functions of the job or
  - b) Participate in and/or benefit from the service or activity in an equally effective manner as employees without disabilities
3. The requested accommodation will not enable the employee to perform the essential functions of the job.
4. The employee's request for a reasonable accommodation is primarily for non-disability reasons, rather than because of a disability.
5. The employee's request for a reasonable accommodation would impose an undue hardship on the operations of the agency and there is no alternative reasonable accommodation.
6. The employee's requested accommodation would pose a direct threat to health or safety.

When denying a requested accommodation, the agency must consider available alternative accommodations that would be reasonable and effective and would not constitute an undue hardship or direct threat.

An employee who believes s/he has been wrongly denied a reasonable accommodation may

- Request reconsideration by the agency;
- File a complaint with the agency EEO Counselor or ADA Coordinator;
- File a complaint with the DC Office of Disability Rights;
- File a complaint with the DC Office of Human Rights; or
- File a complaint with the federal Equal Employment Opportunity Commission

## ATTACHMENT D

### OFFICE OF DISABILITY RIGHTS 2010 ADA Coordinators Survey

#### Scope of Survey

In an effort to advance and maintain the District Government's commitment to a fully inclusive workplace, the Office of Disability Rights (ODR) conducted its annual ADA Coordinator Survey in January 2010. This informal survey aimed to assess the role and effectiveness of the ADA Coordinator in dealing with issues and problems of agency employees and/or members of the public who have disabilities. The survey was designed to evaluate:

- 1) Amount of time spent by ADA Coordinators on disability related issues;
- 2) Number of disability-related discrimination complaints and/or reasonable accommodation requests received and resolved by ADA Coordinators;
- 3) Training received by ADA Coordinators;
- 4) Disability related information provided to District employees and members of the public with disabilities; and
- 5) Accessibility

#### Methodology

The survey was formatted in a Word document and was comprised of eighteen (18) questions. It was sent by email to the Agencies' ADA Coordinators in December 2009. Each ADA Coordinator was asked to complete the survey and the deadline to return the survey to the ODR was January 15, 2010. In addition to the ADA Coordinators' responses to the survey questions, ODR staff knowledge and observations were also included in the findings of this summary.

#### Key Findings

##### Time Spent by ADA Coordinators on Disability-related Matters

- Most ADA Coordinators reported that they devoted less than 10% of the week to their responsibilities as an ADA Coordinator;
- Many ADA Coordinators indicated that they work with the general public on a daily basis;
- About 50% of the ADA Coordinators responded that they have experience working with persons with disabilities;
- More than 50% of the ADA Coordinators stated that there are other employees in their agencies who deal with persons with disability related issues;
- Most ADA Coordinators stated that they work with at least one person with a disability per month.

##### Disability-related Complaints and Reasonable Accommodation Requests

- According to the survey, the frequency of disability related complaints received by District agencies varied from no reported complaints by OCT to weekly complaints by UDC;
- More than 40% of the agencies that received one (1) to four (4) complaints in FY 2009, reported that they were related to the agency's practices, programs and services;
- 50% of the agencies that reported receiving complaints indicated that the issues were successfully resolved without seeking the assistance of ODR or other investigative agencies, such as the OHR or EEOC;
- Most ADA Coordinators reported that they received two (2) to four (4) reasonable accommodation requests a year;
- The ADA Coordinators indicated that if their agencies failed to accommodate the person with a disability, the consequence suffered would be that the person with a disability would miss opportunities available to others.

## **ADA Coordinator Training in the Americans with Disabilities Act (ADA)**

- All ADA Coordinators reported that they received training in Title I of the ADA (Employment) and Reasonable Accommodation for District employees;
- The ADA Coordinators listed that they received training in Title II of the ADA (Accessibility to local government); and
- The ADA Coordinators also listed that they received Sensitivity training in ADA related issues.

## **ADA Information Provided by the Agencies**

- According to the survey, all agencies post signs and posters that state accommodations are available to persons with disabilities;
- A few agencies conduct outreach efforts to persons with disabilities informing them that accommodations are available upon request;
- Most agencies' public relation materials state that accommodations are available to persons with disabilities upon request;
- All the ADA Coordinators report that their agencies put up signs or posters that indicate that reasonable accommodations are available to qualified employees with disabilities upon request; and
- Many agencies have a reasonable accommodation request procedure for employees located in the agency's employee handbook and new employee orientation materials;
- 50% of responding agencies indicated that they offer specific services or programs to persons with disabilities.

## **Accessibility**

- According to the survey, 100% of the agencies that responded provide telephone and computer equipment that is accessible to individuals with sensory disabilities;
- The ADA Coordinators reported that many agencies received one (1) to four (4) sign language interpretation (SLI) requests per year, with several, such as DCPS, received more than ten (10) in FY 2009.

## **Conclusions and Recommendations**

Based on the findings of the Survey, many ADA Coordinators attempted to resolve the work-related complaints of their employees with disabilities internally; that many agencies receive requests for reasonable accommodation from employees and other persons with disabilities (including requests for sign language interpretation); and that the ADA Coordinators believe that if their agencies failed to accommodate the person with a disability, the consequence suffered would be that the person with a disability would miss opportunities available to others. District agencies make an effort to be compliant with the ADA by informing their employees and the public that the services, programs and buildings are accessible, and that they could receive accommodations when requested.

The ODR strives to provide quality training and technical assistance to the ADA Coordinators to ensure that evidence based practices and policies are followed to safeguard the civil rights of District residents with disabilities. In order to pursue that goal, the ODR:

- Has initiated a quarterly newsletter to provide ADA updates on judgments and rulings on ADA matters;
- Will? encourage more dialog among ADA Coordinators on disability related issues and resolutions;
- Will? provide additional training in more disability related issues; and
- Will encourage District Agencies to do more outreach to persons with disabilities.

**ATTACHMENT E**

**42 Initiative 2.3: ADA compliance plans.**

**Please identify the 108 ADA Self-Assessments submitted during FY09.**

- Twenty-three (23) District agencies voluntarily submitted their ADA compliance plans to the Office of Disability Rights during fiscal year 2009. Each agency’s compliance plan was based on four areas of evaluation:
  1. Employment
  2. Internal and External Program Operations
  3. Communication Assess and Assessment
  4. Facilities Inventory (ADA Self-Assessment)
  
- Due to the fact that several agencies occupy multiple facilities across the District, these entities were able to evaluate the physical environment and submit a Facilities Inventory (ADA Self-Assessment) of each location. The Facilities Inventory assessed several architectural elements, including: Parking; Exterior Accessible Routes; Curb Ramps; Ramps; Entrances; Doors (Exterior and Interior); Lobbies and Corridors; Public Rooms and Spaces; Signage; Vertical Circulation (Elevators/Lifts); Restrooms; Water Fountains; Public Telephones; and Self-Serving Vending Machines.
  
- The participating agencies conducted ADA self-assessments on one hundred and eight (108) different facilities owned or contracted by the District government. The following is a comprehensive list of participating agencies and the number of Facilities Inventories (ADA Self-Assessments) provided by them during FY2009:

<b>Participating Agency</b>	<b>Submission of ADA Assessments</b>
1. Office of Cable Television	1
2. Department of Insurance, Securities, and Banking	2
3. Department of Small & Local Business	1
4. DC Public Library	10
5. Department of Human Services	1
6. Office of Disability Rights	1
7. Office of Veteran Affairs	1
8. Department of Mental Health	22
9. Board of Elections and Ethics	1
10. Department of Consumer and Regulatory Affairs	1
11. Office of Latino Affairs	1
12. Office of the Attorney General	2
13. Office of Zoning	1
14. Department of Parks and Recreation	46
15. Department of Corrections	3
16. DC Arts and Humanities	1
17. Office of Asian and Pacific Islanders Affairs	1
18. Secretary of the District of Columbia	2
19. Office of the Chief Technology Officer	5
20. Serve DC	1

21. Office of Boards and Commissions	1
22. Office of the Deputy Mayor for Planning and Economic Development	2
23. Homeland Security and Emergency Management Agency	1

**What has the office learned over the past year from public comments regarding District compliance with the ADA?**

- Based on ODR’s ongoing communications with various District agencies and community organizations and in evaluating the ADA compliance plans provided by the 23 agencies, the District government and its employees have made steady progress in fiscal year 2009 toward ensuring that this city becomes a model of accessibility for years to come.
- Progress is indicative, because the agencies possess a sense of their strengths and weaknesses in serving senior citizens and individuals with disabilities. With this increased sense of awareness comes ownership and accountability, and the participating agencies have shown a greater commitment to ensuring that their quality services, programs, and activities are compliant with the ADA during the current fiscal year and all the ones to follow.
- The following recommendations are coming directly from the participating agencies and the community members, and they are based on the lessons learned and specific opportunities for improvement in overall delivery and accessibility of District government services. The recommendations have been reviewed and arranged under four thematic categories which are also listed accordingly in the ADA compliance plan assessment tool: Employment; Internal and External Program Operations; Communication Assess and Assessment; and Facilities Inventory (ADA Self-Assessment).

**1. Employment**

- A. Opportunities for supervisors and employees to receive ongoing training on Title I of the ADA and possess the understanding on how to properly utilize the Reasonable Accommodation Process.
- B. Incorporate clear policies, procedures, and protocols for reasonable accommodation requests from qualified applicants and employees.
- C. Recruitment Practice: Clear inclusive language in position descriptions and applications for government employment opportunities (i.e.: *Individuals with disabilities are encouraged to apply and Reasonable accommodations are given upon request*).
- D. Implement more diligent measures to ensure that the fulfillment of ADA Title I nondiscrimination practices are enforced and met in contractual agreements provided to District government grantees and contractors.
- E. Establishing procedures and protocols for handling complaints from applicants and employees effectively and efficiently.

**2. Internal and External Program Operations**

- A. Agencies need to actively inform and are willing to provide reasonable accommodations to the public upon request at their community events. A few agencies have been adding the following statement on all their disseminated materials: “Auxiliary aids and services, such as sign language interpretation, will be provided upon request. At least 5-7 days in advance are needed to accommodate a request.”
- B. Implement more proactive measures to ensure that the fulfillment of ADA Title II nondiscrimination and access requirements are enforced and met in contractual agreements provided to District government grantees and contractors.
- C. Develop clear policies, procedures, and protocols for reasonable accommodation requests from community members willing to participate in District government services, programs, and activities.

- D. Establishing procedures and protocols for handling program related disability grievances from community members effectively and efficiently.
- E. Agency emergency contact numbers (i.e: HSEMA, FEMS, MPD) for individuals with disabilities are not highly publicized - Develop provisions to provide additional notifications to the public on a wider scale.

**3. Communication Assess and Assessment**

- A. Develop clear policies, procedures, and protocols for auxiliary aids and services requests from community members willing to participate in District government services, programs, and activities.
- B. Create and implement a mechanism to evaluate that an aid or service provided is an effective means of communication.
- C. Opportunities for supervisors and employees to receive ongoing training on Effective Communication Practices, including how to effectively utilize the Telecommunications Relay Services and other auxiliary aids and formats.
- D. Ensure that all agency documents are available and accessible in alternative formats, such as MS Word and electronic formats, to allow easier transferability of information. Some agencies' Adobe PDF documents are not readable by individuals with visual disabilities relying upon screen reading technologies.

**4. Facilities Inventory (ADA Self-Assessment)**

- A. All restroom measurements must comply with ADA Accessibility Guidelines (ADAAG).
- B. Availability of more accessible parking and the universal sign of accessibility placed in appropriate locations.
- C. Decrease of door pressures, especially to public entrances and restrooms.
- D. Utilization of universal sign of accessibility to restrooms, if facilities are fully accessible. Some restrooms post the universal sign of accessibility, though the facilities are clearly not accessible.
- E. Some agencies' public service counters and tables are not accessible (i.e.: too high) for persons with disabilities to communicate with the District employee or complete any paperwork.
- F. Emergency Warnings and Evacuation - Make sure that all fire alarms, flashing lights, and sounds are all operational in the facility.

## ATTACHMENT F

### Office of Disability Rights Employee Survey Summary Fall 2009

The mission the Office of Disability Rights (ODR) is to ensure that every program, service, benefit, and activity operated or funded by the District of Columbia is fully accessible to, and usable by, people with disabilities. The ODR oversees the District's obligations under the Americans with Disabilities Act (ADA) as well as other federal and local disability rights laws. It provides technical assistance, training, dispute resolution, policy guidance, and expertise on disability rights issues to District agencies and the disability community. And the ODR coordinates the ADA compliance efforts of District agencies and works with the agency ADA coordinators to ensure that the District is responsive to the needs of the disability community and employees with disabilities.

#### Project Scope

The D.C. Government is committed to a fully inclusive workplace. In an effort to maintain and advance that commitment, in the spring of 2009, the Office of Disability Rights conducted an Employee Survey on Disability Employment Practices within the District Government. This Survey aimed to assess the hiring, accommodation and retention practices of District Government employees with disabilities. The survey was designed to evaluate:

- 1) Number of employees with disabilities who are currently employed in the District Government;
- 2) Reasonable accommodations that have been provided to employees with disabilities, and;
- 3) Accommodations and/or services that would better support employees with disabilities.

#### Methodology

The survey was comprised of twelve (12) questions which were disseminated to District employees by email in February 2009. Employees were encouraged to complete the survey on-line and it took approximately 5 minutes. The survey's application was by Google Apps, and it was made accessible to everyone. A Word document version of the survey was also available upon request. There was no requirement for employees to complete the survey, and employees were assured that the information gathered was confidential and would not be shared with their employer; and that the information would be used to review the accessibility services for employees with disabilities. The survey emphasized the sharing of their perspective on the practices and patterns of District Government agencies as they relate to employees with disabilities. The deadline date for employees to return the survey was June 11, 2009.

#### Sampling Size and Demographics

- 1,118 out of approximately 35,000 District Employees responded to the survey.
- 742 Respondents were over 40 years of age (67%).
- 680 Respondents were female (61%).
- 438 Respondents were male (39%)
- 253 employees (23%) self-identified as having a disability.

#### Key Findings about District Employees with Disabilities

The survey indicated that out of the 253 Respondents who self-identified as having a disability:

- 136 employees (54%) indicated that they had their disability before they began to work for District Government;

- 66 employees (26%) reported that they incurred their disability after their District Government employment;
- 51 employees (20%) indicated that their disability was caused due to on- the-job injury during the course of fulfilling their work assignments.

### **Disability Disclosure**

- 102 employees (40%) listed a physical limitation caused by arthritis, Parkinson's disease, head injury or heart disease as their primary disability.
- 52 employees (21%) indicated mobility impairment as the second most significant disability caused by amputation, spinal cord injury, paralysis, multiple sclerosis (MS) or cerebral palsy (CP).
- Other disabilities listed included mental impairment, sensory disability (deafness, blindness), chronic disease, HIV, Lupus, cancer, hypertension and diabetes.

### **Reasonable Accommodations and District Employees**

Looking at reasonable accommodations in the District of Columbia Government, the survey found that for the employees who self identified as having a disability:

- Job flexibility (including a flexible work schedule, leave, telecommuting) was the most requested accommodation (29%);
- Physical accessibility, i.e., improving accessibility to District Government buildings (25%)
- Workplace accommodations, such as changes to workplace policy, accessible communication services, document formats, and software (15%)
- Transportation and more accessible parking (12%).

When respondents were asked what accommodations would be beneficial to them:

- 25% indicated job flexibility, such as a flexible work schedule, leave, and telecommuting
- 21% reported training for District employees on disability issues and more supportive co-workers
- 18% reported workplace accommodations, such as changes to workplace policy, more accessible communication services, document formats, and software to employees with disabilities
- 14% reported District-wide Policy and Benefit changes, such as changes to the District's reasonable accommodation policy and health insurance benefits for employees with disabilities.
- 10% reported better transportation and more accessible parking for employees with disabilities
- 10% indicated physical accessibility i.e. improving accessibility to District Government buildings (entrances, elevators).

The survey indicated that the reasonable accommodations respondents had most trouble obtaining patterned closely the most requested reasonable accommodations

- Job flexibility such as a flexible work schedule, telecommuting (25%),
- Accessible transportation to and more accessible parking spaces for the disabled at District Government office buildings (12%)
- Physical accessibility to District Government office buildings, such as more accessible entrances (11%)
- Workplace accommodations such as changes to workplace policy, more accessible communication services, document formats, and software to employees with disabilities (9%)
- Accommodations not specified (39%).

## **Agency Responses to Requests for Reasonable Accommodations**

When the survey asked the respondents what accommodations their agencies provided, the survey showed that:

- Job flexibility was the accommodation that their agencies currently offered (25%);
- Workplace accommodations (22%)
- Training and supportive co-workers (18%);
- Physical accessibility (15%);
- District-wide policy and benefit changes (12%);
- Transportation and parking (6%).

**Note:** Total responses are greater than the number of respondents as many respondents provided multiple responses.

## **Employee Suggestions to increase the District's Employment of Individuals with Disabilities**

When asked what actions the District should do to increase the employment of individuals with disabilities, 414 respondents responded to this question in the following manner:

- 147 respondents (22%) suggested that there be more education and training of employees and management on disability issues;
- 131 respondents (20%) indicated increase outreach to and recruitment of people with disabilities;
- 87 (13%) suggested improved physical accessibility to the workplace in District Government buildings;
- 66 respondents (10%) better workplace accommodations such as changes to workplace policy that are more accommodating to employees with disabilities, making communication services, document formats, and software more accessible;
- 50 (8%) indicated District-wide Policy and benefit changes such as changes to the reasonable accommodation policy and health insurance benefits;
- 37 (6%) suggested that the District partner with external organizations such as Gallaudet University, DC Center for Independent Living;
- 26 respondents (4%) suggested enforcement of existing policies/law, such as the American with Disabilities Act and the DC Human Right Act;
- 26 respondents (4%) suggested greater job flexibility including leave, and telecommuting;
- 14 respondents (2%) suggested improved transportation and more accessible parking spaces.

Other suggestions included:

- making the survey accessible;
- creating a more welcoming/supportive environment for persons with disabilities by listening to them, using appropriate person centered terminology, being more understanding on the type of disabilities that employees have and educating employees that not all disabilities are visible;
- establishment of support groups and buddy system for persons with disabilities;
- creation of an inter-agency task force to work on issues such as a supply of healthy foods in the vending machines, exercise rooms, walking clubs, among others.

## **Conclusions**

The conventional wisdom would have been that with an aging workforce (67% of those reporting over 40 years) in the District Government, many more employees would have self-identified with a disability than 23%. It must be noted that the District appears to be an inclusive employer considering that 54% of respondents indicated that they had their disabilities before they were hired (granted many of these disabilities may not have been visible at the time of hire).

Based on the fact that the most significant disabilities were physical limitation and mobility impairments, it follows that accommodations related to those impairments, such as job flexibility, physical accessibility, workplace accommodations, transportation and parking would be the most requested accommodations. But they were also the accommodations most respondents had trouble obtaining.

## **Recommendations**

The ODR recommends several action steps to enhanced and improve the District's approach to remediating these issues through continued education and training of management and employees about the ADA and Reasonable Accommodations. The action steps outlined below would begin to address these issues and would provide the accommodations of District employees with disabilities for the complete accessibility going forward.

- ODR will partner with the Department of Human Resources (DCHR) to present ADA Reasonable Accommodation Training at the New Employee Orientations.
- ODR will partner with DCHR/DCPS in its outreach efforts to recruit students with disabilities for employment with the District Government at local high schools and universities.
- ODR will partner with the Office of Human Rights (OHR) in its outreach efforts at events in the local community in order to educate and recruit people with disabilities for employment with the District of Columbia Government
- ODR to sign a Memorandum Of Agreement (MOA) with the Department of Disability Services/Rehabilitation Services Administration (RSA) to provide assessment services and retraining in accommodating District employees with disabilities.
- ODR to arrange with the Office of Risk Management (ORM) to access its bank of light duty jobs in order to provide light duty positions as an accommodation for District employees with disabilities.
- ODR will enhance its partnership with DC Real Estate Services (DCRES) to ensure that District buildings are accessible to employees (consumers and residents) with disabilities.

The Office of Disability Rights is strongly committed to enabling the District Government to increase its outreach to, and recruitment of, persons with disabilities, and to improve the workplace environment for employees with disabilities.

**ATTACHMENT G**