

SECTION 504/ ADA PLAN UPDATE NOVEMBER 2001

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OREGON DEPARTMENT OF TRANSPORTATION



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I. INTRODUCTION

The Department of Transportation is committed to comply with the Americans with Disabilities Act (ADA), which protects qualified applicants and employees with disabilities from unlawful discrimination in recruitment, hiring, promotion, discharge, pay, training, fringe benefits, classification, and other aspects of employment. The ADA also outlaws discrimination against individuals with disabilities in State and local government services, public accommodations, transportation, and telecommunications.

The purpose of this plan is to provide assurance that the Oregon Department of Transportation (ODOT) will fully comply with the requirements of Section 504 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act of 1990; meet all related U.S. Department of Transportation requirements, including MCSAP program; bring together into a single document related plans, such as the Self-Evaluation and Transition Plan; and describe implementation roles, responsibilities and procedures.

It is the intent of the Department to periodically update this plan to reflect changes in organizational structure and responsibilities, status of compliance activities and any new policies or procedures.



Oregon

John A. Kitzhaber, M.D., Governor

Department of Transportation

Office of the Director
355 Capitol St. NE
Salem, OR 97301-3871

II. SECTION 504/ADA POLICY STATEMENT

The Oregon Department of Transportation (ODOT) will ensure no qualified individual with a disability shall, solely on the basis of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to , discrimination under any of its programs, services, or activities as provided by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA). ODOT further assures that every effort will be made to provide nondiscrimination in all of its programs and activities regardless of the funding source, including MCSAP, NHTSA, FTA, FRA, FHWA, and state funds.

In the event ODOT distributes federal funds to governmental entities, the Department will ensure Section 504/ADA provisions are written into all agreements and will monitor these agreements for compliance.

ODOT's Office of Civil Rights is responsible for monitoring all Section 504/ADA activities. Mr. David Dixon, Affirmative Action Officer, is hereby appointed Section 504/ADA Coordinator under the provisions of 49 CFR 27.13. Mr. Dixon may be contacted at (503) 986-3814.

Signature on File
Bruce A. Warner, Director
Oregon Department of Transportation

12/21/2001
Date

III. AUTHORITIES

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 790

Provides that: “No qualified handicapped person shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from Federal financial assistance.” (Prohibits discrimination based on physical or mental handicap.)

49 CFR 27

States, “The purpose of this part is to carry out the intent of Section 504 of the Rehabilitation Act of 1973 (USC 794) as amended, to the end that no otherwise qualified disabled individual in the United States shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” (Non discrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.)

The Americans with Disabilities Act, P.L. 101-336

Provides that: “(N)o qualified individual with a disability shall, by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose district, or other instrumentality of a State or a local government.” (Provides enforceable standards to address discrimination against individuals with disabilities.)

The Civil Rights Restoration Act of 1987, P.L. 100-209

Provides clarification of the original intent of Congress in Title VI of the 1964 Civil Rights Act, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973. (Restores the broad, institution-wide scope and coverage of the non-recipients, sub-recipients and contractors, whether such program and activities are federally assisted or not.)

28 CFR 35 (Public Services)

Implements Title II of the ADA, prohibiting discrimination on the basis of disability by state and local government. Covers employment, services, programs and activities of state and local government, regardless of funding source. Among other things, requires Self-Evaluation and Transition Plans.

29 CFR 16.30 (Employment)

Implements Title I of the Americans with Disabilities Act of 1990 (ADA) requiring equal employment opportunities for qualified individuals with disabilities. Covers public and private employers with 15 or more employees. Enforced by the Equal Employment Opportunity Commission (EEOC).

49 U.S.C. 306

Outlines the responsibilities of the U.S. Department of Transportation and at (c) outlines the Secretary's authority to decide whether a recipient has not complied with applicable Civil Rights statutes or regulations, requires the Secretary to provide notice of the violation, and requires necessary action to ensure compliance.

E.O. 13160

Nondiscrimination on the basis of race, sex, color, national origin, disability, religion, age, sexual orientation, and status as a parent in federally conducted education and training.

28 CFR 36

DOJ regulations governing nondiscrimination on the basis of disability by public accommodations and commercial facilities.

28 CFR 41

Implementation of Executive Order 12250, Nondiscrimination on the basis of handicap in Federally assisted programs.

IV. ORGANIZATION

GENERAL

The Manager of the Office of Civil Rights is responsible for ensuring implementation of the Department's Section 504/ADA program. The Manager reports to the Deputy Director of Central Services.

The Section 504/ADA Coordinator is in the Office of Civil Rights.

The Section 504/ADA Coordinator is responsible for the day-to-day implementation of the Section 504/ADA requirements in all program areas.

COORDINATOR RESPONSIBILITIES

The Section 504/ADA Coordinator is charged with the responsibility for implementing, monitoring, and ensuring ODOT's compliance on a day-to-day basis, with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. Section 504/ADA Coordinator responsibilities are:

1. Conducting and periodically updating the Department's Self-Evaluation, and reviewing current policies and practices for implementing Section 504/ADA.
2. Identifying shortcomings in compliance and working with managers to develop remedies where necessary.
3. Evaluating remedial steps taken to eliminate the effects of discrimination.
4. Investigating and providing for prompt and equitable resolution of complaints alleging discrimination under Section 504 or ADA. Employment related complaints may be referred to a human resource generalist trained in conducting discrimination complaint investigations.
5. Coordinating with, and reporting to, enforcement bodies such as the Oregon Disabilities Commission, the U.S. Department of Justice, and the Federal Highway Administration.
6. Developing and periodically updating ODOT's Section 504/ADA Transition Plan to maintain compliance with ADA accessibility standards (ADAAG).
7. Follow developed procedures to provide reasonable accommodations for persons with disabilities and monitor compliance.
8. Collecting statistical data on disabled employees and participants in Department programs and activities, as required by federal regulations.
9. Conducting Section 504/ADA training programs for managers and employees.

10. Preparing a yearly summary of Section 504/ADA accomplishments and problem areas for the Federal Highway Administration Update Report.
11. Developing Section 504/ADA information for dissemination to the general public, including the "Notice to the Public" offer to provide reasonable accommodation, etc.
12. Monitoring compliance activities throughout ODOT.
13. Managing the agreement with the Oregon Disabilities Commission for providing interpreter services for hearing impaired individuals.
14. Providing technical assistance to management, employees, and the public regarding Section 504/ADA.

V. INTERNAL AND EXTERNAL DISSEMINATION

INTERNAL

The Section 504/ADA Plan will be brought to the attention of employees in the following ways:

- The Director's Section 504/ADA Policy Letter shall be disseminated to all staff and posted on employee bulletin boards in offices around the state.
- The Section 504/ADA Plan will be posted on the Civil Rights website.
- Human Resource Generalist conducts ADA training with managers throughout ODOT.
- The Section 504/ADA Plan shall be discussed in new employee orientation programs and management training core classes (this is a mandatory class for managers).
- The Section 504 ADA Plan will be posted on the Office of Civil Rights Intranet website, along with other ADA issues, resources, etc. Once posted, it will be advertised through the Department's employee newsletter, **Transcript**.
- Supervisors will hold meeting with employees to discuss the Section 504/ADA Plan and their responsibilities in regard to the Plan.

EXTERNAL

External groups shall be made aware of the ADA Plan through the following means:

- The Department's employment advertisements shall state that "ODOT is an Equal Opportunity, Affirmative Action employer committed to a diverse workforce".
- Recruiting sources, including minority and women's organizations, minority publications, organizations representing persons with disabilities, community service agencies, and colleges shall be informed of the Department's policy.
- Contractors and vendors shall be informed of the Department's policy.
- Copies of the policy and the ADA Plan will be made available to the public upon request.

VI. REASONABLE ACCOMMODATION POLICY MEMO



Oregon

John A. Kitzhaber, M.D., Governor

Department of Transportation
Transportation Building
355 Capitol St. NE
Salem, OR 97301

DATE: July 31, 2001
TO: All ODOT Managers and Supervisors
FROM: Bruce Warner, Director
SUBJECT: Reasonable Accommodation Policy

It is the policy of the Oregon Department of Transportation to provide reasonable accommodation to any qualified employee, applicant for employment, volunteer, contractor, or member of the public under the Americans With Disabilities Act of 1990.

Reasonable accommodations will be made on a case-by-case basis for qualified individuals with known physical or mental impairments. It is the responsibility of the individual with a disability to request an accommodation.

Examples of accommodations under the ADA include: use of sign language interpreters, adjusting testing and interview procedures, making publications available in alternative formats such as large print or audio tape, providing assistive listening devices, modifying work schedules or assignments, modification of equipment, making facilities and offices accessible, reassigning jobs and modifying policies or procedures.

Information on specific procedures for requesting accommodations, management training on the ADA, technical assistance available through the Oregon Disabilities Commission, Job Accommodation Network, etc. may be found in the Department's "Section 504/ADA Plan". Copies may be obtained through the Office of Civil Rights.

To request an employment or workplace accommodation, contact a Human Resource Generalist. For any other type of accommodation (program accessibility), contact the Department's ADA Coordinator at (503) 986-3849. Disputes relating to requests for accommodation shall be resolved in accordance with the Department's discrimination complaint procedures.

--PLEASE POST ON EMPLOYEE BULETIN BOARDS--

VII. EMPLOYMENT RELATED REASONABLE ACCOMMODATION GUIDELINES

ACCOMMODATING DISABILITIES

In accordance with Title V (Section 504) of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, Oregon Department of Transportation is committed to ensuring provisions are made for reasonable accommodations of both employees and the public. This accommodation includes recruitment, new hires, current employees, promotion, and retention of employees with acquired disabilities, as well as Agency-sponsored training, information exchange, or social activities. The Agency has completed a review of the current services, policies, facilities, and practices for compliance. Notifications to persons with disabilities of their right to request and receive reasonable accommodation will be included on all employee bulletin boards and in new employee training packets.

REASONABLE ACCOMMODATION GUIDELINES

Purpose

To establish a collaborative process by which the Department of Transportation provides reasonable accommodation for qualified applicants and employees with disabilities at their request.

General Information

The Department of Transportation is committed to comply with the Americans with Disabilities Act (ADA), which protects qualified applicants and employees with disabilities from unlawful discrimination in recruitment, hiring, promotion, discharge, pay, training, fringe benefits, classification, and other aspects of employment.

The Department shall provide reasonable accommodation to employees and outside applicants in order for them to perform their jobs or participate fully in Agency programs and employment related activities unless it can be demonstrated that to do so would cause an undue hardship on the Department or if it places others at physical harm or risk.

Requests for accommodation will be reviewed on a case-by-case basis and each request will receive a response. The process to determine accommodation will be conducted in a mutually interactive manner.

Information obtained during the accommodation process concerning the medical condition or history shall be held as confidential medical records. Access shall only be provided on a need to know basis.

Definitions

- **Management Team:** Human Resources Generalist, Manager, member of the Finance staff, and Safety staff, and Office of Civil Rights staff.
- **Essential Functions:** a) The function may be essential because the reason the position exists is to perform that function; b) the function may be essential because of the limited number of employees available among whom the performance of that job function can be distributed; and/or c) the function may be highly specialized so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function.
- **Confidential Medical Records:** Employee medical records, e.g., doctor releases, accommodation requests, etc., maintained in Human Resources in separate and locked files.
- **Person with a disability:** A person who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.
- **Physical Impairment:** Any physiological disorder, disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, sensory, respiratory, speech, cardiovascular, digestive, skin, or endocrine. A temporary condition may be a disability where it is significant enough to substantially limit a major life activity.
- **Mental Impairment:** Any mental or psychological disorder or characteristic, including, but not limited to, mental retardation, head injury, emotional/mental illness, or learning disability. A temporary condition may be a disability where it is significant enough to substantially limit a major life activity.
- **Major Life Activity:** Breathing, walking, hearing, seeing, speaking, learning, working, or self-care.
- **Qualified Person with a Disability:** A person with a disability who can meet the skills, experience and other requirements, and with or without reasonable accommodation, can perform the essential functions of a job.
- **Undue Hardship:** Significant difficulty, expense, or impact on the Agency when considered in light of factors set forth in this policy and as defined by the ADA.

Procedures

APPLICANTS FOR EMPLOYMENT

Manager	Identifies essential functions of the position on the position description.
Human Resources	Develops recruitment announcements, which include an offer to provide reasonable accommodation to applicants, upon their request, who need assistance to participate in the application and/or selection process.
Applicant	<p>Must meet the qualifications for the job and follow the application procedure described on the job announcement. Applicant must qualify by examination in the same way as a non-disabled applicant</p> <p>May submit oral or written request for accommodation to the manager in order to participate in the interview.</p>
Manager	<p>During the interview process, may not inquire as to whether, or to what extent, an individual has a disability.</p> <p>Determines if the applicant is qualified to perform the essential functions of the job with or without reasonable accommodation.</p>

NEW HIRES AND CURRENT EMPLOYEES

Manager	Identifies essential functions of the position on each employee's position description.
Employee	An employee who believes that (s)he possesses a disability which prevents or hampers his/her ability to perform an essential function of his/her position must provide an oral or written request for accommodation to the manager.
Manager	Provides employee <i>with Request for Accommodation</i> form and a copy of the employee's position description.
Employee	Submits to the manager, in a timely manner, the completed <i>Request for Accommodation</i> form and

complete medical documentation which verifies and describes the employee's disability and possible employer accommodations which would enable the employee to perform the essential functions of his/her job.

Manager
Notifies HR Generalist of employee request for reasonable accommodation. Provides Human Resources with request and other supporting documentation, e.g., medical certification.

HR Generalist
Coordinates and conducts a review to determine whether or not the person has a disability that qualifies under the ADA by thorough evaluation of medical documentation.

Ensures that the employee is qualified to perform the essential functions of the job with or without reasonable accommodations.

May explore job modification alternatives by consulting with the individual, the attending health care provider, or other accommodation specialists.

At the Department's expense, may require a second medical opinion regarding either an employee's disability or options for accommodation.

Reviews to determine if the accommodation shall enable the individual to perform the essential functions of the job.

Management Team:
HR Generalist
Manager

Performs job analysis and evaluates the employee submitted recommendation(s) based on the following factors:

- Safety Officer
Optional: Finance Staff
- a) Essential functions of the job
 - b) Classification and compensation implications
 - c) Reasonable accommodation alternatives
 - d) Nature and cost of accommodation(s)
 - e) Availability of financial resources
 - f) Effect of accommodation on Department operations

Reviews recommendation(s) and alternatives. Makes decision.

HR Generalist
Ensures Agency-wide consistency in approach to

approving or denying accommodation requests.

Notifies employee and Affirmative Action Officer in writing of decision. Documents all actions taken by the Department.

Employee Accepts or rejects the accommodation. May propose different accommodations.

Management Team If alternative accommodations are proposed, consults with the appropriate staff, managers, and accommodation specialists to determine if the proposed alternatives are feasible or would pose an undue hardship.

Makes decision.

HR Generalist Notifies employee and Affirmative Action Officer in writing of decision.

Employee Accepts or rejects the decision.

If employee rejects the accommodation(s) offered and cannot perform the essential functions of the job as a result of the rejection, the employee will not be considered a qualified individual with a disability. Disciplinary action, up to and including termination from the position, may be initiated by the Department.

Manager Implements reasonable accommodation, if approved.

Documents and provides information to the Affirmative Action Officer upon request.

Reviews accommodations for temporary conditions every 30 days. In most cases, temporary conditions are not ADA qualifying - see HRG.

Reassignment

The ADA does not require that an employee be promoted or assigned to a higher paying job as an accommodation nor does it require the Department to create a position.

If the accommodation request is denied, the Department must determine whether the employee can perform, or continue to perform, the essential functions of his/her current position. If not, the employee may be eligible for

reassignment to another vacant position for which the employee is qualified. Personnel will assist in determining qualifications, identifying vacancies, and coordinating the interviews and reassignment. The steps in determining reassignment, in order of priority are:

1. Vacant, equivalent position (in terms of pay, status, FTE, etc.), in the same Division/Region.
2. Vacant, equivalent position, in another Division/Region within ODOT.
3. Vacant, lower classification position, in same Division/Region.
4. Vacant, lower classification position, in another Division/Region within ODOT.
5. If there does not exist another vacant position throughout the Department, with equivalent or lower classification for which the employee is qualified, the Department will act in accordance with the applicable collective bargaining agreement and policies based upon business requirements.

If the employee must be reassigned to a lower-salaried position, employers are not required to maintain the employee's salary at the former higher level. The employer must treat the impact on the employee's salary in a manner consistent with similar actions for other employees (e.g., voluntary demotions).

Employees cannot employ "bumping rights" to an occupied position as an accommodation for a disability.

References

Americans with Disabilities Act

VIII. WORKPLACE HARASSMENT POLICY

The Oregon Department of Transportation



POLICY

	NUMBER PER 19-01-02	SUPERSEDES PER19-01-01 (5-22-87)
	EFFECTIVE DATE 06-02-98	PAGE NUMBER 1 OF 3
	REFERENCE Title VII of the Civil Rights of 1964; ORS 659.030	
SUBJECT WORKPLACE HARASSMENT POLICY	APPROVED SIGNATURE 	

PURPOSE

To reaffirm the Department's policy prohibiting all workplace harassment; to clarify conduct that constitutes workplace harassment; and to provide an effective complaint procedure for employees who believe they have been victims of such conduct.

POLICY

It is the policy of the Oregon Department of Transportation that all employees, customers, contractors and visitors to the worksite, enjoy a positive, respectful, and productive work environment, free from behavior, actions, or language constituting workplace harassment.

Engaging in workplace harassment is unacceptable conduct which will not be tolerated. Any employee found to have engaged in workplace harassment will be subject to disciplinary action up to and including dismissal. Managers and supervisors who know or should have known of workplace harassment and fail to report such behavior, or fail to take immediate, appropriate, corrective action, will be subject to disciplinary action up to and including dismissal.

GUIDELINES

1. Workplace harassment is a form of offensive treatment or behavior, which to a reasonable person creates an intimidating, hostile, or abusive work environment. It may be sexual, racial, based on national origin, age, disability, religion or a person's sexual orientation. It may also encompass other forms of hostile, intimidating, threatening, humiliating, or violent behavior which are not necessarily illegal discrimination, but are nonetheless prohibited by this Policy.
2. It is misconduct for an employee to direct the subject behavior at another employee of whatever stature, or to customers, contractors, or visitors to the work site.
3. It is misconduct for managers or supervisors who know or should have known of workplace harassment, to fail to report such behavior, or to fail to take immediate, appropriate, corrective action.

4. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical behavior of a sexual nature when:
 - submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or is used as a basis for any employment decision (granting leave request, promotion, favorable performance appraisal, etc.); or
 - such conduct is unwelcome and has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
5. Illegal harassment may consist of verbal or physical behavior which relates to an individual's race, color, national origin, religion, age and/or disability when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
6. Workplace harassment can also be verbal or physical behavior which is derogatory, abusive, disparaging, "bullying", threatening or disrespectful, even if unrelated to a legally protected status.
7. To aid employees in identifying prohibited behavior, the following specific examples of workplace harassment are provided (it should be understood that these examples are not meant to be all-inclusive):
 - unwelcome touching of a personal nature, which can encompass leaning over, cornering or pinching;
 - sexual innuendoes, teasing and other sexual talk such as jokes, personal inquiries, persistent unwanted courting and sexist put-downs;
 - slurs and jokes about a class of persons, such as persons who are disabled, homosexual, or a racial minority;
 - display of explicit or offensive calendars, posters, pictures, drawings or cartoons which reflect disparagingly upon a class of persons or a particular person;
 - derogatory remarks about a person's national origin, race, language, or accent;
 - disparaging or disrespectful comments even if unrelated to a person's race, color, sex, national origin, religion, age, disability or sexual orientation; or
 - loud, angry outbursts or obscenities directed toward another employee, a customer, contractor, or visitor in the workplace.

NONRETALIATION:

This policy prohibits retaliation against employees who bring harassment charges or assist in investigating charges. Any employee found to have engaged in retaliatory action or behavior will be subject to discipline.

COMPLAINT PROCEDURE:

Actor

Action

Employee

Informs offending individual of the behavior and requests that it cease;

Reports incident to his or her immediate supervisor or the up line manager if the issue involves the immediate supervisor; (Note: alleged incidents involving the threat of physical violence should always be reported immediately to the Personnel Section.)

If not resolved,

Files a complaint with the Office of Civil Rights or Personnel Section.

If not resolved,

May file a complaint with the Civil Rights Division of the Bureau of Labor and Industries or the Equal Employment Opportunity Commission. (Note: an employee has a right to file a complaint directly with one of these agencies, without first following the steps outlined above.)

Customer or Visitor
(if applicable)

Reports incident to appropriate Deputy Director or Region Manager

Supervisor

Informs the offending individual of the behavior and directs that it cease;


Reports incident to Office of Civil Rights or Personnel Section, and takes immediate, appropriate, corrective action, if appropriate;

Considers any "re-entry" issues affecting the parties, particularly for incidents which involved sexual harassment or the threat of physical violence; and

Continues to monitor the work environment for any further problems.

Note: For represented employees, applicable collective bargaining agreements also contain procedures through which complaints of this nature may be addressed.

IX. DIVERSE WORKFORCE POLICY

The Oregon Department of Transportation 	NUMBER PER 09-04-01	SUPERSEDES New
	EFFECTIVE DATE January 17, 2001	PAGE NUMBER 1 of 2
<h1 style="text-align: center;">POLICY</h1>	REFERENCE a President's Initiative: One America b Federal Highway Administration: 23 CFR, PT. 230, Subpart C c US Department of Transportation: Part 21 d Oregon Revised Statutes: Affirmative Action Policy, 243.305 and 659.025 e Governor's Executive Order 96-38 f ODOT's Affirmative Action Plan g ODOT's Affirmative Action/EEO Policy Letter dated 7/27/99 h Reasonable Accommodation Policy i Workplace Harassment Policy, PER 19-01-02	
SUBJECT <h3 style="text-align: center;">DIVERSE WORKFORCE POLICY</h3>	APPROVED SIGNATURE <p style="text-align: center;">/ s / Grace Crunican</p>	

PURPOSE:

To implement a systematic strategy that integrates the promotion and management of workforce diversity and affirmative action into every facet of the Oregon Department of Transportation's (ODOT's) business

BACKGROUND:

ODOT has long recognized the need to eliminate the effects of past and present societal discrimination based on race, religion, national origin, age, gender, sexual orientation, marital status and disabilities. The increasing diversity of Oregon's population demands that we renew and extend these efforts in order to maintain our organizational effectiveness and provide a high quality of life for all of our citizens.

In addition to ODOT's recognition that positive managing of diversity has an essential business benefit, ODOT is required to comply with a variety of federal, state and organizational laws and policies, as referenced above. Such compliance is essential to continued qualification for federal financial assistance.

DEFINITIONS:

For purposes of this policy, "workforce diversity" is defined as a situation in an organization wherein a mosaic of people bring a variety of backgrounds, styles, perspectives, values, and beliefs as assets to the groups and organizations with which they interact.

POLICY:

As a fundamental business strategy, and as organizational policy, ODOT commits itself to deliberately achieve and maintain a diverse workforce that collectively places a high value on respecting and drawing on the diversity of its workforce that promotes a culture of inclusiveness in all things and in all matters.

IMPLEMENTATION STRATEGY:

ODOT intends to institute this policy through the creativity and initiative of its managers, using two significant tools as briefly described below. These tools are described fully as Attachments (1) and (2).

1. **Diversity Council:** A representative group of middle managers that will serve as a communications forum, a liaison regarding diversity issues between the various divisions and the executive management staff, a policy research/development resource and as a focal point for ongoing information and education on the diversity activities, challenges, developments, and successes within ODOT.
2. **Affirmative Action Plan:** ODOT’s Affirmative Action Plan includes background material, statistical information relative to divisional diversity, requirements and guidance for developing division and section plans. Goals developed from these plans are to be included in managers’ annual performance plans.

RESPONSIBILITY

ACTION

Deputy Directors	Consolidate all Section Plans for your division to produce the Division Affirmative Action Plan. The diverse workforce implementation goals will be included in performance plans to be reviewed and updated annually.
Deputy Director Direct Reports	Produce the Section Affirmative Action Plan. Diverse workforce implementation goals will be included in performance plans to be reviewed and updated annually. Through their leadership and direct supervisory role, managers have primary responsibility for the success of the Section Affirmative Action Plan.
Diversity Council	Guide the organization to accomplish the Diverse Workforce Policy. Details of council operation can be found in Attachment 1, Diversity Council Charter.
Office of Civil Rights	Function as the primary technical resource to ODOT managers and employees to accomplish the Diverse Workforce Policy. The Affirmative Action Officer will revise and update ODOT’s Affirmative Action Plan each biennium.

Attach. 1: Diversity Council Charter

Attach 2: Affirmative Action Plan available from the Office of Civil Rights, 503-986-4350

X. ADA ACCOMMODATION REQUEST FORM



ADA ACCOMMODATION REQUEST FORM

STATEMENT ON REASONABLE ACCOMMODATIONS

The Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12101 et seq., prohibits discrimination in employment against qualified individuals with Disabilities. The Department of Transportation (ODOT) is committed to ensuring it does not discriminate against qualified individuals with Disabilities. ODOT will provide reasonable accommodations to qualified individuals with disabilities where such accommodation will allow the individual to perform the essential functions of their, unless there is an undue hardship. All requests for reasonable accommodations and any related medical information will be kept separate from the applicant/employee’s personnel file. Accommodation information will be kept confidential except to the extent a supervisor must be notified to implement an approved accommodation. In order to analyze your request for accommodation, it may be necessary for ODOT to contact your care provider to assist us in determining (1) if you have a disability covered by the ADA, and (2) if so, what reasonable accommodations may be required. Please execute the attached medical release to assist us in entering into this interactive process with your caregiver. If an applicant/employee needs assistance in filling out this request for an accommodation, the applicant/employee should contact the Department of Transportation, Human Resources for assistance.

A. TO BE COMPLETED BY APPLICANT/EMPLOYEE:

Name of Applicant/Employee: _____

Social Security Number: _____ Day Phone: _____

Address: _____ City: _____ State: _____ Zip: _____

1. I am requesting the following reasonable accommodations(s) so that I can perform the essential functions of my position:

2. I am making this request for an accommodation because I am an individual with a physical or mental impairment, which substantially limits one or more major life activities. I have the following physical or mental impairment:

3. I have the following functional limitations as a result of this impairment:

(Date)

(Signature of Applicant/Employee)

Please return completed form:
Oregon Department of Transportation
Attn: **(HRG Name and Address)**

XI. AUTHORIZATION TO RELEASE MEDICAL INFORMATION



AUTHORIZATION TO RELEASE MEDICAL INFORMATION

I authorize ODOT representative **(HRG name)**, HR Generalist and ODOT's legal counsel to review certain medical records or summaries for records that exist and are authored by the health providers listed below regarding my physical and mental health while employed at ODOT. These ODOT representatives may contact the named health care providers about these records or summaries, and elicit written and oral reports. I understand that such contact by these individuals is for the sole purpose of assessing my physical and/or mental health in relationship to the duties that are associated with my employment at ODOT and whether accommodations are warranted. This authorization continues from this date until **[reasonable ending date]**.

Signature

Date

Health Care Provider(s)

Name:

Address:

Phone Number:

Please return completed form:
Oregon Department of Transportation
Attn: **(HR Generalist name and address)**

XII. DISCRIMINATION COMPLAINT PROCEDURE

OVERVIEW

These procedures cover all complaints filed under Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination in Employment Act of 1967, Civil Rights Restoration Act of 1987, the Americans with Disabilities Act of 1990 and applicable Department policies.

Any person who feels that he or she has been subjected to discrimination on the basis of race, color, national origin, gender, religion, age, disability, or sexual orientation has the right to file a complaint with the Department's Office of Civil Rights. See Section XIV, page 34, for Discrimination/Harassment Complaint Form.

Intimidation or retaliation against an employee who files a complaint or participates in a complaint investigation are prohibited by law.

Complaints must be filed within 180 days of the alleged discriminatory event or practice. Complaints may be filed in person or in writing. They should be directed to:

Office of Civil Rights
Oregon Department of Transportation
800 Airport Road S. E.
Salem, Oregon 97301-4798

These procedures do not deny or limit the right of a complainant to file a formal complaint with an outside enforcement agency (BOLI, EEOC, U.S. Dept. of Transportation, FHWA, or U. S. Dept. of Justice) or to seek private counsel for complaints alleging discrimination.

Every effort will be made to obtain early resolution of complaints at the lowest possible level.

PROCEDURES

1. Complaints are received in person or in writing by the Office of Civil Rights.
2. If the complaint is received by phone, or a written complaint provides incomplete information, it will be requested that the complainant complete the Department's discrimination complaint form.
3. Upon receipt of the signed complaint form, the Internal Civil Rights Coordinator (hereafter referred to as "Coordinator") will log-in the

complaint. The Coordinator will determine the basis of the complaint, the authority/jurisdiction, and who should conduct the investigation.

4. Employment related complaints (Title VII and ADA Title I) will either be investigated by the Coordinator or assigned to another staff within the Office of Civil Rights trained in conducting such investigations. Title VI complaints will either be investigated by the Title VI Specialist or in those cases where the complainant is alleging discrimination by the Department, the complaint will be referred to FHWA for investigation. Title II ADA complaints will normally be investigated by the Coordinator.
5. The first step in conducting the investigation will be the preparation of an investigation plan identifying following elements:
 - basis of complaint
 - issues to be addressed
 - information needed to answer the questions posed by the issues (what actually happened, who was involved, past practices, etc.)
 - sources from which the information will be obtained (witnesses, written documents, etc.)
 - how the information will be obtained (telephone interviews, travel to other offices, review of records, etc.)
 - projected timeline for completion
6. Within five (5) working days of receiving the complaint, the complainant will be notified in writing by the Office of Civil Rights regarding who will be conducting the investigation and the anticipated timeline for completion.
7. One of the first steps in the investigation will be to meet with the complainant to clarify the issues, obtain additional information and determine if informal resolution might be possible.
8. The Division or Region Manager will be notified of the complaint.
9. The respondent (individual named in the complaint) will be notified of the complaint and the status of the investigation.
10. An attempt will be made to resolve the complaint informally or through mediation within the first 30 days.
11. If it is determined that informal resolution is not feasible, the investigator will proceed with the steps outlined in the investigation plan (interview witnesses, obtain written documentation, etc.)

12. After completing the investigation, information will be evaluated and a written report prepared, if appropriate. The report shall contain the following elements:
 - a description of the allegation
 - a summary of the investigation
 - relevant facts (findings)
 - supporting documents attached, when appropriate
13. The written investigation report will be submitted to the Civil Rights Manager within 60 days of the time the complaint was received (if circumstances require additional time, a status report will be submitted.)
14. A copy of the report may also be sent to the Attorney General's Office for review.
15. The investigator will meet with the Civil Rights Manager to discuss the findings and what further action may be appropriate.
16. The Civil Rights Manager and/or investigator will meet with an appointing authority (normally a Division or Region Manager) who has been delegated authority to make decisions on behalf of the Agency regarding the resolution of discrimination complaints. The Agency's decision shall be made by the appointing authority.
17. The complainant and appropriate managers shall be notified, in writing, of the results of the investigation.
18. If the Agency decision is adverse to the complainant, the complainant shall be notified of their appeal rights.
19. Internally, appeal may be made to ODOT's Executive Deputy Director.
20. External appeals under Title VI and Section 504 may be made to either the U. S. Dept. of Transportation or the Federal Highway Administration.
21. Copies of all Title VI complaints and investigative reports will be sent to the FHWA Division Office within 60 days of receipt of the complaint whenever possible. FHWA will be informed if additional time is required to complete the investigation.

XIII. INITIAL INQUIRY/COMPLAINT FORM

Caller's Name		Branch/Region	Wk Phone
Supervisor	Union	Unit/Crew #	Hm Phone
Position	DOH	Wk Schedule	SS#

Information Gathering:

Issue:																								
Facts: <i>(Describe the events, incident, etc. that led to your call today. Include who, what, where, and when)</i>																								
Effect: <i>(How has this affected you, your work, the Agency?)</i>																								
<p>Optional: <i>(Use the following questions to clarify, define, and further assess.)</i> <i>What rule, policy, law, standard, labor contract article do you believe this violates?</i></p> <p><i>What have you done to resolve this issue?</i></p> <p><i>Why is this issue important (of concern) to you?</i></p> <p><i>So your real concern is (paraphrase, reframe)...</i></p> <p><i>What would you like to see happen (me to do)?</i></p>																								
Summary: <i>(Paraphrase or reframe concern, effect, desired outcome, and desired support from call taker.)</i>																								
Proposed Next Steps: <i>(to caller)</i>																								
Confidentiality Reviewed <input type="checkbox"/> Retaliation Reviewed <input type="checkbox"/> Contact at work <input type="checkbox"/> Home <input type="checkbox"/> Other _____																								
<p>Call Taker: Use the following listing as a tool for identifying potential issues and determining appropriate follow-up.</p> <table border="0"> <tr> <td>Age</td> <td>Classification</td> <td>Disability</td> <td>Ethics</td> <td>Mgmt Concern</td> <td>Policies/Rules</td> <td>Safety</td> <td>Wage & Hour</td> </tr> <tr> <td>Attendance</td> <td>Conflict of Interest</td> <td>Discipline</td> <td>Gender</td> <td>Payroll</td> <td>Race/ National Origin</td> <td>Selection</td> <td>Violence</td> </tr> <tr> <td>Benefits</td> <td>Conduct</td> <td>Drug & Alcohol</td> <td>Labor Contract</td> <td>Performance</td> <td>Religion</td> <td>Sexual Orientation</td> <td>Wk Schedule</td> </tr> </table>	Age	Classification	Disability	Ethics	Mgmt Concern	Policies/Rules	Safety	Wage & Hour	Attendance	Conflict of Interest	Discipline	Gender	Payroll	Race/ National Origin	Selection	Violence	Benefits	Conduct	Drug & Alcohol	Labor Contract	Performance	Religion	Sexual Orientation	Wk Schedule
Age	Classification	Disability	Ethics	Mgmt Concern	Policies/Rules	Safety	Wage & Hour																	
Attendance	Conflict of Interest	Discipline	Gender	Payroll	Race/ National Origin	Selection	Violence																	
Benefits	Conduct	Drug & Alcohol	Labor Contract	Performance	Religion	Sexual Orientation	Wk Schedule																	

Disposition:

Required Follow-Up:
Refer to: Civil Rights <input type="checkbox"/> Personnel <input type="checkbox"/> Safe Haven <input type="checkbox"/> Other _____ Partner w/
CC:
Name (Call Taker): _____ Date/Time: _____

XIV. DISCRIMINATION / HARASSMENT COMPLAINT FORM



Oregon Department of
Transportation

OFFICE OF CIVIL RIGHTS DISCRIMINATION/HARASSMENT COMPLAINT FORM

Name		Region	Work Phone
Supervisor	Union	Unit/Crew	Home Phone
Position	DOH	Work Schedule	SS#

Information:

Type of Complaint:

<input type="checkbox"/> Race	<input type="checkbox"/> Color	<input type="checkbox"/> Sex	<input type="checkbox"/> Age
<input type="checkbox"/> Religion	<input type="checkbox"/> National Origin	<input type="checkbox"/> Disability	<input type="checkbox"/> Sexual Orientation

Nature of Complaint: *(Describe the events, incident, etc. that led to your call today. Include who was involved, what was said, where it happened, and when it occurred. Please use the back of this form if additional space is needed.)*

Contact at: Work Home Other

Witnesses:

Signature: _____ **Date** _____

Return to:
Office of Civil Rights
800 Airport Road SE
Salem, OR 97301-4798

Office of Civil Rights Disposition

Date Received:

Required Follow-up:

Refer to: ? Civil Rights ? Human Resource ? Safe Haven Other _____ Partner w/ _____

CC:

Name (Investigator): _____ **Date Resolved:** _____

Investigator: *Identify potential issues to determine appropriate follow-up.*

Age	Classification	Disability	Ethics	Mgmt Concern	Policies/Rules	Safety	Wage & Hour
Attendance	Conflict of Interest	Discipline	Gender	Payroll	Race/ National Origin	Selection	Violence
Benefits	Conduct	Drug & Alcohol	Labor Contract	Performance	Religion	Sexual Orientation	Wk Schedule

XV. ALTERNATIVE DISPUTE RESOLUTION / MEDIATION

Alternative dispute resolution/mediation is a fair and efficient process to help resolve disability disputes and reach an agreement. A neutral mediator assists in reaching a voluntary, negotiated agreement.

- The decision to mediate is completely voluntary for the charging party and the employer.
- When a complaint is filed, the parties may be offered mediation, or may request it.
- If both the charging party and employer agree, mediation will be scheduled by an experienced mediator.
- During mediation, both sides will be able to exchange information and express expectations for reaching resolution.
- The parties work to reach a common ground and resolve their differences. An agreement reached in mediation is as binding as any settlement. Information disclosed during mediation is confidential.
- If an agreement is not reached, the case will continue to follow ODOT's internal complaint procedures.

XVI. EMPLOYMENT PRACTICES

A. Recruitment

1. In 2001, Human Resources developed and delivered ADA training to the majority of ODOT Managers. This training prompted managers to review position descriptions and identify essential functions for each position.
2. All recruitment announcements open to the public are posted on ODOT's website, as well as the State of Oregon Jobs Website. Resource organizations, including those which represent individuals with disabilities (Oregon Disabilities Commission, Commission for the Blind, Mid-Valley Rehabilitation, Inc., Vocational Rehabilitation Division, and Oregon Paralyzed Veterans Association), receive a weekly email list of current job openings and/or have a link on their organizational website to ODOT's Job Website, and/or have access to ODOT's Job Website.
3. The State of Oregon application form (PD-100) indicates that large print and Braille formats are available. Recruitment announcements provide TTY information for the hearing impaired.
4. In 2000, ODOT utilized the Department of Administrative Services' Hiring Individuals Ready for Employment (HIRE) Program which replaced the former "Severely Handicapped (SH)" program. Qualified disabled candidates were referred from the program to ODOT's open recruitment announcements. These candidates were automatically offered interviews. In 2001, Department of Administrative Services implemented the Hiring Individuals Ready for Employment (HIRE) System. Qualified candidates with disabilities who apply through the HIRE System are automatically offered an interview.
5. ODOT Human Resources is fully accessible for persons with mobility impairments, including ground floor access ramps and automatic doors.
6. The Department is prepared to grant reasonable accommodation requests related to the selection process such as sign language interpreters.
7. Hiring supervisors and selection panels are advised not to ask any questions which might have the effect of identifying an applicants disability.
8. Once an offer of employment is made, the Department is prepared to offer reasonable accommodations which would allow a qualified

individual with a disability to perform the essential functions of the job.

B. Other Employment Practices

1. All other employment practices, including rates of pay, job assignments, classifications, promotion practices, training, leave policies and benefits, were continuously evaluated to ensure that none had the effect of discriminating against persons with disabilities.
2. All employee parking lots include designated disabled parking spaces consistent with ADA Accessibility Guidelines.
3. New employee packets and orientation include information on ADA and reasonable accommodation policies.
4. Separate medical files are maintained to ensure that only those persons who have a need to know (i.e., Personnel, and Safety staff) will have access to an employees medical information or information about an employees disability and/or treatment.

C. Contracting for Temporary Employees

The Department makes extensive use of contracts with non-profit organizations providing temporary employment for persons with disabilities, under special purchasing procedures in Oregon state statutes (ORS 279.015, 279.835 through 279.855). The law allows agencies to directly negotiate with non-profit Qualified Rehabilitation Facilities (QRFs) serving persons with severe disabilities to provide goods and services.

Between July 1, 1999 and June 30, 2000 the Department provided temporary employment for 420 persons with disabilities, in the amount of \$1,770,325 through contracts with QRFs.

Between July 1, 2000 and June 30, 2001, the Department provided temporary employment for 380 persons with disabilities, in the amount of \$1,471,144 through contracts with QRFs.

XVII. NOTICE TO THE PUBLIC

In compliance with 49 CFR 27.15 and 28 CFR 35.106, ODOT shall take appropriate initial and continuing steps to notify participants, beneficiaries, applicants, and employees, (including those with impaired vision or hearing), and unions or professional organizations holding collective bargaining or professional agreements with ODOT, that it does not discriminate on the basis of disability.

The Oregon Department of Transportation does not discriminate in admission or access to, or treatment or employment in, its programs or activities. Further, The Department will provide reasonable accommodations to qualified individuals with disabilities.

David Dixon has been designated as the Department's Section 504/ADA Coordinator. Information concerning the provisions of Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, or the status of any of our efforts to comply with these laws is available from the Department's Section 504/ADA Coordinator at (503) 986-3814.

The statement below is used in materials and publications containing general information that it makes available to participants, beneficiaries, applicants, and employees.

"The Oregon Department of Transportation does not discriminate on the basis of race, color, national origin, sex, religion, age, disability or sexual orientation in employment or the provision of services."

XVIII. ADA COMMUNICATION POLICIES AND RESOURCES

The Department is committed to ensuring that communication with persons with disabilities is as effective as communication with others.

CFR 28.160 Communications

- (a) The Department shall take appropriate steps to ensure effective communication with applicants, participants, personnel or other Federal entities, and members of the public.
 - (1) The Department shall furnish appropriate auxiliary aids where necessary to afford an individual with handicaps an equal opportunity to participate in, and enjoy the benefits of, a program or activity conducted by the Department.
 - I. In determining what type of auxiliary aid is necessary, the Department shall give primary consideration to the requests of the individual with handicaps.
 - II. The Department needs to provide individually prescribed devices, (e.g. readers for personal use or study,) or other devices of a personal nature to applicants or participants in programs.
 - (1) Where the Department communicates with applicants and beneficiaries by telephone, telecommunications devices for deaf persons (TTY) or equally effective telecommunication systems, shall be used to communicate with persons with impaired hearing.
- (a) The Department shall ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities.
- (b) The Department shall provide signs at each primary entrance to each of its inaccessible facilities, directing users to a location at which they can obtain information as to the location of accessible facilities. The international symbol for accessibility shall be used at each primary entrance of an accessible facility.
- (c) This section does not require the Department to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens.

This commitment is carried out in the following ways:

A. Publications

Publications (program guidelines, planning documents, annual reports, etc.) are printed in 12 point or larger type style. Publications include the statement:

"This publication will be made available in alternative formats (Braille, large print, computer disks or audio version) upon request."

B. Telecommunications

Several text telephones (TTY's) are available at the Department (Personnel, Public Transit Section, DMV, and other locations where hearing impaired employees have requested accommodations).

Oregon also uses a "relay service", whereby a hearing impaired individual can make a call on a TTY to a voice telephone and the message is "relayed" between the caller and the receiver. The service is provided free of charge. The Department is also able to communicate by computer modem with individuals who have hearing or speech impairments.

Various other forms of telecommunication accommodations are available to hearing impaired ODOT employees, and in some cases, to the public. These include hearing aid compatible telephones, volume control telephone handsets, and amplified telephone mouthpieces.

The language in our job announcements regarding accommodation is as follows:

"If you are disabled and need an accommodation in the application process, contact ODOT Personnel Services at (503) 986-3700, or TTY (503) 986-3854."

C. Electronic Information Technology

Title II of the Americans with Disabilities Act, Pub. L. 101-336, protect disability in the services, programs, or activities of all State and local qualified individuals with disabilities from discrimination on the basis of governments. State web sites are required by federal law to be compliant with ADA.

The Oregon Department of Transportation web site linked from the portal shall comply with Title II of the Americans with Disabilities Act, be consistent in design and navigation with Section 508 of the Rehabilitation Act of 1973 and its implementing regulations and standards, and be searchable.

Qualified Interpreters and Real Time Reporters

The Department has a partnership with the Oregon Disabilities Commission to provide sign language interpreter and “real-time reporter” services for hearing-impaired job applicants, employees, and the public. The Commission has only qualified interpreters and reporters under contract and makes referrals as requested.

Usually two days notice is required for scheduling. Requests should be made directly to the Oregon Disabilities Commission at (503) 378-2272. Requests can be made by email or fax. The email address is: www.odc.state.or.us/ecs.html, and the fax number is (503) 378-3599.

The Oregon Disabilities Commission also provides training on topics including, but not limited to, Effective Communication, Deaf Culture, Assistive Listening Technologies (types, different uses, procurement, etc.) TTY’s (usage and set-up), Sign Language Classes, Communication Tips, Accommodation Needs in the Workplace, Interpreters (roles, usage, ethics), Real-time Captioning (application, equipment needs, etc)

D. Other Auxiliary Aids and Services

Other auxiliary aids and communication access services available to ODOT employees and the public are:

- Assistive Listening Devices

These are available in the Commission hearing room and portable systems can be used for public meetings held around the state. For further information, call the ADA Coordinator at (503) 986-3814.

- Video Captioning

Training videos and those intended for public meetings can be made available with captioning if requested.

XIX. PROCEDURES FOR ENSURING ACCESS FOR PUBLIC MEETINGS AND/OR CONFERENCES

ODOT meetings/conferences are held at accessible locations and information that is presented is also made accessible. Following the ADA Accessibility Guidelines, ODOT notices contain the following statement:

Accommodations will be provided to persons with disabilities. Alternate formats available upon request. If a sign language interpreter is needed, please call 48 hours prior to the meeting/conference.

For major meetings/conferences, various forms of media are utilized in announcing the meeting/conference including local newspapers, mailings, radio, Internet, television, and posting of written notices in various locations. Meeting notices are printed in a clear, readable style, with larger print (14 point or larger), whenever possible.

Below is an example of the ADA Accessibility Guidelines that ODOT follows.

Planning meetings/conferences that are accessible to people with disabilities involves focusing on the accessibility of all aspects of your meeting/conference, from choosing a site through promotion, registration, presentations, and handouts. The Americans with Disabilities Act of 1990 (ADA) provides to individuals with disabilities the same civil rights protections that apply to race, sex, national origin, and religion. Consequently, any meetings/conferences that are open to the public must comply with the provisions of the Act. Furthermore, if the meeting/conference site is a public facility, such as a hotel, it must also comply with the ADA.

Title III of the ADA stipulates that public facilities must make reasonable modifications to avoid discrimination in their policies, practices, and procedures. It requires private establishments that are used by the general public to be accessible to people with disabilities that are customers, visitors, employees, or clients. Title III does not require accommodations that result in an undue burden or that represent a fundamental alteration in the nature of the goods or services provided. Goods and services must be provided in an integrated setting, unless separate or different measures are necessary to ensure equal opportunity. The law states that all modifications to existing structures must be "readily achievable."

The fundamental issues to consider when arranging a meeting/conference that allows for the attendance and participation of people with disabilities can be divided into two major categories:

1. The physical accessibility issues related to the hotel, meeting facilities and the location of the meeting/conference; and
2. The accessibility of information that is presented and disseminated at the meeting/conference.

Physical access, and access to the meeting/conference contents and proceedings, must be planned. The best way to accommodate the accessibility needs of individual meeting/conference participants is to ask them. An efficient way to do this is through the use of a registration form. If necessary, staff can follow-up with the registrant.

Promotion and Registration

Meeting/conference or conference planners should arrange for all promotional material to be available in alternative formats, such as Braille or computer disk. Include photographs of individuals with disabilities in the promotional material; this illustrates a commitment to assuring all participants an accessible meeting/conference.

In all meeting/conference material, make participants aware that accommodations can be made for a variety of needs. The registration form must ask whether any special assistance is needed.

Examples include statements such as the following:

"If you have a disability and require special assistance, please inform (meeting/conference planner) by attaching your requirements to this form or call (meeting/conference planner.)"

OR

"If you have a disability and may require accommodation in order to fully participate in this activity, please check here. Someone from our staff will contact you to discuss your specific needs."

A more detailed registration form requesting information on specific disabilities and needs can also be used. If a more general statement such as the ones above is included, staff responding to special assistance requests should be prepared to ask detailed questions regarding necessary accommodations.

Designate someone on staff to handle all issues concerning accommodations for participants with disabilities during the meeting/conference. Have this person available to assist in room registration and site orientation.

Presentations

The meeting/conference planner must work with invited speakers and presenters to ensure presentations that are accessible to persons with disabilities. Attention to the following points will enhance the accessibility of meeting/conference presentations.

Choosing an Accessible Site

When choosing a site for a meeting/conference, the meeting/conference planner, or a local representative, will need to visit the facility to determine whether or not any barriers to accessibility exist. The site visit must include checking entrance and interior doorways, parking lots, corridors and aisles, stairways, elevators, sleeping rooms (if needed), meeting/conference rooms, restrooms, dining facilities, telephones, water fountains, temperature controls, light and emergency controls, and the fitness center or health club. In addition, the accessibility of any outside entertainment and transportation services offered to participants must be checked. For all participants, the time necessary to move from one session to another must be considered and allowed for in the agenda. For example, do participants have to change floors to get to lunch or to the next session? Are the distance and route between meeting/conference rooms traversal for all?

The staff of the facility must be educated about issues of accessibility. The meeting/conference planner should provide the site staff with as much information as possible about individuals with disabilities.

The goal of the planner is to select a setting that allows a person with a disability to move about the site freely and independently, as well as participate in, and benefit from, the meeting/conference program. To achieve this goal, the following points should be considered during the site visit.

Site Accessibility Considerations for Individuals with Mobility Impairments

The following accommodations should be provided for individuals with mobility impairments, including those using wheelchairs, crutches, canes, or walkers:

- Accessibility of main entrances to the site.
- Doorways wide enough to accommodate wheelchairs and three-wheel carts of varying sizes.
- Capability of the site to provide appropriately graded ramping in inaccessible areas (including meeting/conference rooms, dining, and lounge areas).
- Wide spaces, corridors, and aisles.
- Level surfaces.
- Accessible restrooms (including wide doors, unobstructed sinks of appropriate height, large stalls, grab bars, adequate space in which to maneuver a wheelchair, and controls and equipment easily operated from a sitting position).

- Public telephones at accessible height.
- Adequate space for wheelchairs in meeting rooms and at banquet tables with all the participants, not on the outskirts.
- Wheelchair accessible registration table.
- Accessible electrical outlets and closet rods of appropriate height in guest rooms.

To ensure adequate meeting/conference space that is accessible to accommodate the number of people expected to attend the meeting, plan 30% or more additional space when 10% or more of the participants will use mobility aids.

Meeting/conference room setup is also an important issue related to the accessibility of the meeting/conference facilities. People who use mobility aids should have options regarding their seating, instead of being limited to the back of the meeting/conference room. Aisle and other circulation space should be no less than 36 inches wide and 62 inches or greater is preferable. Also, 30 inches of clearance is needed between the floor and table apron to accommodate people who use wheelchairs, most standard tables meet this requirement. If more knee clearance is needed, books or blocks under the table legs may be able to provide it.

Meeting/conference materials should be presented to participants with physical impairments in a binder to permit ease in turning pages and quickly accessing materials being discussed.

Site Accessibility Considerations for Individuals with Visual Impairments

- Large, tactile directions for equipment, elevators, and restrooms; elevator numbers written in Braille or raised print.
- Dog runs in the hotel, convention center or facility (or an area near the outside entrance) for guide-dog users.
- Appropriate accommodations in guestrooms.

Accessible Presentations for Individuals with Visual Impairments

- Meet with participants who have visual impairments and show them the site by explaining the layout, identifying the location of amenities and exits, and walking through the meeting/conference area with them. Help them to find seating in the meeting/conference room.

- Provide oral descriptions of meeting/conference room layouts, emergency exit locations, and amenities prior to the beginning of the presentation.
- Allow access to front row seats during meeting/conference sessions.
- Have a staff member or volunteer available to sit with the participant and describe or read the presentations, if the participant so desires.
- Offer papers, agendas, or other materials in alternative formats. Options include large print, closed captioning, real-time interpreting, Braille, tape recordings, and computer disks in ASCII format. Print materials can be transcribed in Braille through contracting with outside agencies or by purchasing the necessary computer hardware and software programs. If the session is to be taped, the master tape must be made on good quality tape. A verbal listing of contents should be included at the front of each tape. One other option is to have reader(s) available for participant(s) with visual disabilities.
- Have photocopies of transparencies or slides available at the registration area for close examination; some audiovisual materials may not be amenable to verbal description.
- Design all exhibits so that they may be touched and/or heard. Always provide an alternative to solely visual exhibits.
- Check for adjustable lighting in the meeting/conference room; this is particularly important for the individual with low vision. Lowering the ceiling lights can increase the contrast--and thus the visibility--of audiovisual materials. However, moving from a brightly-lit vestibule to a darkened room can cause temporary disorientation. Ask the participant whether a sighted guide would be helpful.
- Use sharply contrasting colors and large print for materials, maps, books, signs, menus, forms, and displays. All materials should be available in large or raised print or in Braille.
- Caution presenter(s) against relying solely on oral presentations and gestures to illustrate a point, or using visual points of reference (e.g., "here" or "there.")
- Guest rooms equipped with alternative emergency devices such as visual alarms and indicators, (e.g., flashing lights on doors, telephones, and as fire alarms), vibrating beds, volume-controlled phone lines, and close-captioned television.

Note: The items listed in this section may also increase the accessibility for sighted individuals with reading or learning disabilities.

People with Visual Impairments or Learning Disabilities

To assist people with visual impairments, and people with certain types of learning or cognitive disabilities, the presenter should provide a verbal description of visuals, including overheads, slides, and charts. Visual aids should be easy to read. Text should be displayed in large bold letters, eight lines of text is the maximum that should be presented on a slide or transparency. The presenter should be advised by meeting/conference planners of any alternate format requirements for presentation materials and how to obtain them (i.e. Braille, large print, audiocassette, computer disks).

Site Accessibility Considerations for Individuals with Hearing Impairments

The following accommodations should be provided for individuals who are hard of hearing or who are deaf:

- Some types of assistive listening devices are plugged directly into the sound system provided. In this case, the presenter needs to use the amplification system provided. If the presenter answers questions and a microphone is unavailable to the questioner, the presenter should repeat the question. It is helpful to many people with hearing loss if the presenter speaks only when facing the audience.
- People with hearing loss find printed copies of meeting/conference materials and presentations helpful. For example, script copies of a non-captioned slide show are useful. Advance copies of presentations, especially those with technical language, and extensive use of proper names can be helpful for the interpreters and CART (Computer-assisted Real-Time Translation) court reporter/stenocaptioners that are interpreting the verbal presentation into print.
- An available TTY (telecommunication device for the deaf).
- Dog runs in the hotel, convention center or facility (or an area near the outside entrance) for hearing-dog users.

Accessible Presentations for Individuals who are Deaf or Hard of Hearing

- Allow for preferred seating, usually in front of the speaker and interpreter. (Preferred seating should also be away from heating and air conditioning units, hallways, and other "noisy" areas.)

- Keep lights bright in the area where the presenter and interpreter stand.
- Check that window coverings are adjustable to reduce or remove glare.
- Arrange seats in a circle for smaller discussion groups.
- Provide copies of material presented orally in written form or on diskette. Work with the presenter(s) prior to the meeting/conference to allow for these accommodations.
- Have notes on the presentation available beforehand, if at all possible. Alternatively, have a staff member or volunteer available to take notes during the presentation, allowing the participant to focus on the speaker and interpreter.
- Arrange for qualified, professional interpreters, trained in the preferred communication style, for example, American Sign Language, Signed English, or Cued-Speech. Use a local or national agency or organization to obtain interpreters.
- Investigate the possibility of real-time captioning for large group meetings.
- Arrange for an adequate number of interpreters for meetings, meals, and social events. At least two interpreters must be available for any meeting/conference longer than two hours. Have an additional interpreter available for registration.

People Who Use Sign Language Interpreters

The presenter can ease communication barriers for those who use sign language interpreters by:

- Making sure the presentation area is well lighted so that interpreters can be seen easily, even if other lights are turned off for parts of the presentation.
- Refraining from speaking too quickly.
- Providing a clear view of interpreters; not walking in front of interpreters.
- Speaking directly to the person using an interpreter, not his or her interpreter, when addressing a person using an interpreter.
- Being prepared to spell unusual words and names.

- Bringing captioned versions of films, slide shows and videos or, if the media is closed-captioned, ensuring a decoder is available.
- Informing the meeting/conference planner ahead of time if any small group or audience participation activities are planned, as they may affect the number of interpreters needed for the session.
- Identifying yourself when speaking.

Accommodating Participants with Differing Disabilities

In the event that there are meeting/conference participants with both visual and hearing impairments, accommodations necessary for one person may conflict with the needs of another. For example, presenters using overheads usually request that the lights be dimmed in the room, making it difficult for a person whom is hard of hearing to see the interpreter in the dim light. However, if the lights are raised, individuals with visual impairments may have difficulty seeing the overheads because the bright lighting decreases the contrast. Therefore, it is particularly important to consult with persons with visual impairments and those who are deaf or hard of hearing before visual aids are used or the lighting level in the room is brightened or dimmed.

The meeting/conference planner is responsible for accommodating each individual to the maximum extent possible. Dimming the overhead lights and putting a spotlight on the interpreter, thereby maintaining enough contrast for the person with limited vision while still providing light on the interpreter is helpful. Before the meeting, the planner should confirm with the facility that spotlights are available.

As previously mentioned, the meeting/conference planner should be prepared to orient and sensitize the staff at the meeting/conference site to the needs of all participants with disabilities. Several meetings and/or pre-conference site visits may be necessary; however, with continued communication and education, the goal of accessible, barrier-free meetings/conferences and meetings for all individuals will be achieved.

Accessible Presentations for all Participants with Disabilities

- Choose well-lit and easily accessible meeting/conference rooms.
- Control background noise to the greatest extent possible.
- Choose a meeting/conference room with good acoustics and an auxiliary sound system, if possible.

- Provide written materials (handouts, overheads, etc.) disseminated at the meeting/conference in a variety of formats, such as raised print, large print, Braille, audiocassette, and computer disks.
- Discuss with each presenter, prior to the meeting, the importance of developing a presentation that will be accessible to all participants.
- Instruct the presenter(s) to include only the key points of the presentation on overheads or slides. Be sure they are completely legible, with large print and sharp, contrasting colors. In addition, ask the presenter(s) to limit the number of overheads or other visual aids used in the presentation and to allow adequate time for the audience to read the visual aids.
- Ask the speaker(s) to accompany meeting/conference materials, including presentations and handouts, with a complete verbal description. If slides, overheads, videos, or other visual aids are used, the speaker must describe them orally. Ask presenter(s) to provide a copy of presentation materials well in advance to allow for large print or Braille transcription.
- Instruct the presenter(s) to speak in well-paced and well-modulated tones. It is particularly important for presenters to monitor their rate of speech and not speak too rapidly. At the beginning of the presentation, tell participants with disabilities that notes will be available in appropriate formats.
- Check for the special needs of presenters with disabilities. Special needs may include ramping or podium requests, a reverse interpreter, an orientation and mobility specialist, or guide for a person with limited vision.

Offering Appropriate Accommodations

Again, the best way to accommodate the accessibility needs of individual meeting/conference participants is to ask them. An efficient way to do this is through the use of a registration form. If necessary, staff can follow-up with the registrant.

XX. EMERGENCY EVACUATION PROCEDURES

GENERAL PRINCIPLES

People with disabilities are increasingly moving into the mainstream of society and the workforce, contributing to the diversity which has been this country's strength. It is only right that persons with disabilities are provided with the same level of safety as the rest of society, as referenced in the Americans with Disabilities Act (ADA).

Equipment and procedures exist that can provide such safety for any person with a disability. The key points regarding finding the best solution for your building are:

1. to remember that every person has unique abilities and limitations and accommodations should be tailored to their needs and
2. it is crucial that the person is included in the decision on which procedures and equipment will work for them to provide them with the confidence that they will be protected.

It is ODOT's responsibility to provide a safe place for all employees to work. Employees with disabilities are entitled to the same level of safety as everyone else.

In an emergency the techniques for detection, notification and movement are generally appropriate for most, but may not be for employees with disabilities. For example, special considerations are required with regard to notification for a person that is visually or hearing impaired, or special considerations with movement in cases of persons with limited mobility, whether they are in a wheelchair or have a severe arthritic condition.

This information is for facility managers, managers, Evacuation Assistants, individuals that are permanently or temporarily disabled, and other individuals requesting assistance. By starting with the same information, options can be discussed and a decision on the best approach to providing for the individual's needs can be made. This discussion is a crucial step because each person's capabilities and limitations are unique; thus an *Evacuation Plan For Individual Requesting Assistance* (See pages 57 - 60) must be designed to meet the needs of the individual to be most effective. When evacuations are carried out in an orderly fashion, consistent with a plan that takes into account the needs of those with disabilities, persons with disabilities are usually at no greater risk than anyone else. Without a plan, however, those who are mobility-impaired, blind, or hearing impaired, for example, are in greater danger. Hence, the need for a plan, regular reviews, drills when appropriate, and good communication.

Two types of plans must be developed: (1) building plans and (2) employee-specific plans (*Evacuation Plan for Individual Requesting Assistance*, for individuals with permanent or temporary disabilities or other individuals

requesting assistance.) It is important that these plans are updated periodically, at least every time a new employee is hired with a disability, an employee becomes disabled, or when such an employee moves to another building.

ODOT's Building Evacuation Plan includes this statement throughout the plan:

"Evacuation Assistants (EAs) who are assigned to help disabled employees will assist them to the nearest Safety Zone and await further instructions. Be prepared to quickly relocate to another area if necessary!"

The ADA Accessibility Guidelines define an area of rescue assistance (Safety Zone) as "an area that has direct access to an exit, where people who are unable to use stairs may remain temporarily in safety to wait for further instructions or assistance during an emergency evacuation."

ODOT's Employee & Family Disaster Preparedness Guide also includes the following information for people with disabilities (this information is summarized for reporting purposes):

- Check for hazards in the home
- Be ready to evacuate (have a plan in place)
- Maintain a list of important items
- Create a self-help network
- Contact your local emergency management office
- Evacuation Planning
- If you use a wheelchair

Both are distributed and made available to all employees and others upon request.

In addition the following guidelines are used for Evacuation Plans for *Individual Requesting Assistance* (Pages 58-62.)

PLANNING

1. Identify those with special needs or individuals requesting assistance
2. Identify an Evacuation Assistant (EA)
3. Discussion
4. Identify special needs

5. After working hours considerations
6. Develop and put the plan in writing
7. Fire Department coordination
8. Periodic review of the plan
9. Drill when appropriate

Special Equipment/Devices

- Notification appliances (strobe lights, sound amplification devices, tactile/vibratory pagers, etc.)
- Movement aids/equipment (lights, vibrations, air movement, audible direction signage, assistance carrying devices, etc.)
- Elevators
- Miscellaneous devices/techniques
- Buildings equipped with sprinklers
- Areas of refuge/area of rescue assistance/Safety Zone

Providing Assistance

- Follow your written *Evacuation Plan For Individual Requesting Assistance*

ODOT also uses resources as listed on Page 76 to assist in designing tailored evacuation plans.

Following is a sample of a completed form, and blank *Evacuation Plan for Individual Requesting Assistance* form, provided by Oregon Department of Administrative Services, Risk Management Division.

XXI. EVACUATION PLAN FOR INDIVIDUAL REQUESTING ASSISTANCE

EVACUATION PLAN FOR INDIVIDUAL REQUESTING ASSISTANCE

Confidential. Copies ONLY for the individual, the SEC, ECs, EAs, and those who approve or carry out this plan.

Person Requesting Assistance Christopher Robin	Plan Date August 29, 1994
Building Example Building	Floor or Area 1-SE
Site Evacuation Coordinator (SEC) James Taylor	Evacuation Coordinator (EC) Randolph Scott
Evacuation Assistants (EAs) Jim Hawkins, Buster Keeton, Willy Wonka	

(For this sample, plans were mixed for variety. These are meant to provoke ideas, not to be specific recommendations)

Emergency	Route / Assembly	Plan and Equipment	Notes
Drill Plan	Via hall, through main lobby to front entrance ramp. Hyde Park Assembly Area	Chris uses portable wheelchair and exits via ramp on his own. EAs assist on ramp if Chris requests.	EAs get Chris his coat and umbrella, go with him and stand by to assist. No carries.
Fire Plan	Via hall, through main lobby to front entrance ramp. Hyde Park Assembly Area	Chris exits via ramp on his own. Wheel chair folds and disassembles if needed.	EAs get Chris his coat and umbrella, go with him and stand by to assist. No carries. Space blanket in chair pocket.
Fire Back-up	Spruce Street exit to Hyde Park Assembly	EAs carry Chris in lightweight wheelchair or guide chair down short stairs of Spruce St. or any safe exit and out of building. Chris uses chair to get to assembly area.	EAs get Chris his coat and umbrella. Wait near stair for most people to pass. If weather is poor, assist Chris to shelter without delay.
Hazardous Material Plan	Via Hall, through main lobby to front entrance ramp. Hyde Park Assembly	Same as fire plan. Chris exits via ramp under his own powered chair. If risk of explosion, Chris turns electrical drive off and EAs push the chair.	EAs get Chris his coat and umbrella, go with him and stand by to assist. Chris may not leave chair. No carries. EAs stand by with Chris in case assembly area is moved. EAs assist Chris to his van if he asks and if safe to do so.
Hazardous Material Back-up	Spruce Street Exit to Green Lot Assembly	Same as fire back-up plan. EAs help Chris transfer to an office side chair and carry him down short stairs of any safe exit. EAs lift/guide powered chair down (power off) and help Chris transfer back to it. He drives to assembly area.	EAs get Chris his coat, go with him and stand by to assist. Plastic poncho in chair pocket. Chris may not leave chair. No carries. EAs stand by with Chris in case assembly area is moved. EAs assist Chris to his van if he asks and if safe to do so.
Earthquake Plan	Via hall, through main lobby to front entrance ramp. Hyde Park Assembly Area	Same as fire plan. Chris exits via ramp in powered chair.	EAs get Chris his coat and umbrella, go with him and stand by to assist. No carries. Large garbage bag for cover and electrical charge kit in chair storage. Assure that the red switch is in position B for long waits.
Earthquake Back-up	Spruce Street exit, Hyde Park Assembly.	If ramp is not useable, EAs carry Chris by any exit out of building, use any wheeled executive chair to move him to assembly. Leave powered chair. It is too heavy to move down stairs. Take emergency kit from chair.	EAs get Chris his coat and emergency kit. Short carries okay. Emergency kit has needed supplies and weather protection. If possible, get Chris to his well-supplied van in Green Lot.
Explosion Threat Plan	Via hall, through main lobby to front entrance ramp. Hyde Park Assembly Area.	Same as fire plan. Chris exits via ramp in his lightweight chair.	EAs get Chris his coat and umbrella, go with him and stand by to assist. No carries. Space blanket in chair pocket.

Explosion Back-up	Spruce Street exit, Hyde Park Assembly.	EAs carry Chris in lightweight wheelchair or guide it down short stairs of Spruce St. or any safe exit. Chris uses chair to get to assembly area. If an EA is absent, no others to carry. Chris will sit and scoot step by step.	EAs get Chris his coat and umbrella, go with him and stand by to assist. No carries. Space blanket in chair pocket. Chris does not want stand-ins to carry him. Stand-ins may carry his chair while he scoots down stairs on his own. He can move chair if needed.
Intruder Plan	Spruce Street exit, Hyde Park Assembly	Same as fire plan. Chris exits via ramp under his own power.	EAs get Chris his coat and umbrella, go with him and stand by to assist. No carries. Space blanket in chair pocket.
Intruder back-up	A. Spruce Street exit, Hyde Park Assembly. B. Wait in Paul Smith's Office on SE corner of building	A. Fire back up: EAs carry/guide Chris in chair down short stairs of any safe exit. Chris uses chair to assembly area. EAs to push for speed. B. Chris may opt to go into Paul's office, shuts and locks door.	EAs report Chris's location and Paul's phone (373-12XX) to SEC for police. Unless unable to exit, no one remains behind with Chris.

Additional Information:

Mobility device is 45 lb. Manual wheel chair that folds and disassembles into six parts. It has an emergency shelter and repair kit in a pocket.

Mobility device is a 175 lb. powered chair with joystick steering. Do not tilt beyond six inches to either side. Tires can climb low curbs but not stairs. The bottom of the device is tough and can be slid down short stairs or off of a high center without damage. Use the vertical (NOT HORIZONTAL) bars to grasp and guide on short stairs. Device includes medical connections that Chris can disconnect by himself, if absolutely necessary. Provide privacy during disconnection. Support equipment is in the blue bag attached by Velcro. To hand push, turn off with red switch and pull lever under seat to let wheels pivot and free-wheel.

Plan concurrence:

Person Requesting Assistance

SEC

EC

EA's Supervisor

EA

EA

EVACUATION PLAN FOR INDIVIDUAL REQUESTING ASSISTANCE

Confidential. Copies ONLY for the individual, the SEC, ECs, EAs, and those who approve or carry out this plan.

Person Requesting Assistance	Plan Date
Building	Floor or Area
Site Evacuation Coordinator (SEC)	Evacuation Coordinator (EC)
Evacuation Assistants (EAs)	

(For this sample, plans were mixed for variety. These are meant to provoke ideas, not to be specific recommendations)

Emergency	Route / Assembly	Plan and Equipment	Notes
Drill Plan			
Fire Plan			
Fire Back-up			
Hazardous Material Plan			
Hazardous Material Back-up			
Earthquake Plan			
Earthquake Back-up			

Explosion Threat Plan			
Explosion Back-up			
Intruder Plan			
Intruder back-up			

Additional Information:

Mobility device is 45 lb. Manual wheel chair that folds and disassembles into six parts. It has an emergency shelter and repair kit in a pocket.

Mobility device is a 175 lb. powered chair with joystick steering. Do not tilt beyond six inches to either side. Tires can climb low curbs but not stairs. The bottom of the device is tough and can be slid down short stairs or off of a high center without damage. Use the vertical (NOT HORIZONTAL) bars to grasp and guide on short stairs. Device includes medical connections that Chris can disconnect by himself, if absolutely necessary. Provide privacy during disconnection. Support equipment is in the blue bag attached by Velcro. To hand push, turn off with red switch and pull lever under seat to let wheels pivot and free-wheel.

Plan concurrence (Signatures):

Person Requesting Assistance

Site Evacuation Coordinator

Evacuation Coordinator

Evacuation Coordinator's Supervisor

Evacuation Assistant

Evacuation Assistant

XXII. PUBLIC RIGHT-OF-WAY/NEW CONSTRUCTION

ODOT's new construction standards comply with the "continuous passage" requirements for state and local governments, published in the Federal Register as an Interim Final Rule, June 20, 1994 (36 CFR Part 1191). Standard Drawings which apply to all new highway construction contracts have been developed, see list below.

Disabled Persons Parking	RD 105
Accessible Route Islands	RD 710
Sidewalks	RD 720
Separated Sidewalk Driveways or Alleys (Options A, B, &C) ODOT Highways	RD 725
Curb Line Sidewalk Driveways or Alleys (Options D&E) ODOT Highways	RD 730
Curb Line Sidewalk Driveways or Alleys (Options F&G) ODOT Highways	RD 735
Separated Sidewalk Driveways or Alleys (Options H, I & J) Local Jurisdictions	RD 740
Curb Line Sidewalk Driveways or Alleys (Options K & L) Local Jurisdictions	RD 745
Curb Line Sidewalk Driveways or Alleys (Options M & N) Local Jurisdictions	RD 750
Sidewalk Ramp Details	RD 755
Sidewalk Ramp Placement	RD 760

The Oregon Bicycle and Pedestrian Plan and the Highway Design Manual also govern ODOT design and construction practices. The policies and design standards contained in these documents comply with other ADA public right-of-way requirements such as sidewalk width, clear zone, materials, surface, and slope.

The Standard Drawings referenced above are provided in Section XXII of this Document.

Additionally, ODOT uses American Association of State Highway Transportation Official (AASHTO) ADA specifications for curb ramps.

Curb Ramps

The curb ramp is the basic unit of accessibility in a pedestrian circulation network. Even on steep sites, pedestrians using motorized wheelchairs or being assisted in traveling can use curb ramps, and a connection to the street crossing should be available if there is a pedestrian walkway.

Curb ramps are the only item of right-of-way construction specifically required in the DOJ Title II regulation (see 35 CFR §35.150(c)(2) for existing facilities and §35.151(e) for new construction and alterations). Where new sidewalks or streets are constructed or existing pedestrian or vehicular ways are altered, curb ramps or other sloped areas must be provided at intersections with curbs or other barriers to use. Under program accessibility in existing facilities, the regulation also requires Title II entities to install curb ramps along existing pedestrian routes that are not otherwise being altered to provide the benefits of public sidewalks to people who have mobility impairments. Many jurisdictions consider resident requests in establishing priorities for new sidewalks and identifying locations where curb ramps are required. DOJ Title II regulations

require that public entities give priority to providing curb ramps at walkways serving State and local government offices and facilities, transportation, places of public accommodation, and employees, followed by walkways serving other areas.

A curb ramp assembly should include top and bottom landings, the ramp run itself, and an edge treatment, but curb ramps need not be provided with handrails. Three basic curb ramp types are described in accessibility standards:

- The familiar perpendicular curb ramp (known as an inset, recessed, or returned ramp in some areas) cuts through a curb line at right angles and is located within the border width. Such a ramp may have returned edges if it is in a parkway or landscape strip but should have flared sides if pedestrians may walk across them.
- The diagonal curb ramp, a variant of the perpendicular type (because it too cuts the curb line at right angles), is located at the midpoint or apex of the curb radius or return and serves two crossing directions with a single cut.
- The built-up curb ramp extends from the sidewalk and has edges that are blended down to the street surface with flared sides. Built-up ramps are a hazard to vehicles if installed in traffic lanes and do not provide edge protection for users, because their flares slope down to the adjacent road surface rather than up to the sidewalk surface.
- There are many variations of these curb ramp types. In addition, most public works plans add several other curb ramp types, including the following: the parallel or in-line curb ramp in which all or part of the sidewalk ramps down to a street crossing. Where a turn is required to make a perpendicular crossing, a landing at street level but within the sidewalk width is provided.
- The combined (parallel and perpendicular) ramp, in which the sidewalk ramps down to a landing at a lesser curb height, thus allowing a shorter perpendicular run to connect to the street. These are useful in narrow borders.
- The semi-projected curb ramp, a perpendicular curb ramp that extends over the gutter width, much like a built-up ramp, to gain additional run distance and height up the roadway crown.

Curb Ramp Usability Considerations

Sidewalk designers who understand the rationale behind accessibility criteria will be better prepared to evaluate the relative merits of curb ramp type, placement,

landing width, slope, and cross slope when designing curb ramps along existing developed streetscapes.

A pedestrian with a mobility impairment may be using a sport or standard manual chair, a three-wheeled power scooter with a front tiller, a standard power chair, or a large custom model capable of many seating adjustments. Each requires different features of a curb ramp for maximum usability, and performance differs in going up and down the ramp.

Large, heavy, power-driven wheelchairs cannot accomplish fine maneuvers in tight spaces, but they can be more stable on irregular exterior surfaces and can traverse a steep slope with little difficulty--as long as the power supply is available. Small, lightweight, manual chairs can maneuver tightly but are very unstable on cross slopes and are easily tipped backwards where ramp slopes are extreme. Such chairs are more versatile inside, however, particularly in older buildings where accessibility is limited and maneuvering space is at a premium, as in toilet rooms, on elevators, and at doors. Some three-wheeled power scooters with control tillers have large turning radii because of their longer wheelbases and are unstable on compound slopes because of their higher seats and narrow width.

For stability, it is important to approach the base or toe of the ramp straight on when ascending. Most manual chair users will take a run at an up-ramp to take advantage of forward momentum. To provide a straight shot to the top from the base at the street, the curb ramp needs to be perpendicular to the curb it cuts, so that both sides of the ramp are the same length. If the curb ramp is skewed, with one side shorter than the other, it will be necessary to turn while ascending—a more difficult and taxing maneuver—or enter the ramp at an angle to the change in slope, which affects balance and compromises control. When all four wheels of a wheelchair or scooter are not in contact with the rolling surface, some of the maneuverability necessary to deal with surface irregularities and upslope—and the control necessary to manage a downslope—is lost. Because the downhill slope of a ramp usually ends in the street, a loss of control may have serious safety effects.

The selection of curb ramp type is generally a function of available sidewalk width. In new construction, a 6-inch (150-mm) curb height, when combined with the 1:48 (2%) cross slope of the sidewalk, will require a sidewalk width of almost 12 feet (3600 mm) to incorporate a perpendicular ramp at a slope of 1:12 (8.33%) and a top landing that is 48 inches (1220 mm) long.

Designers can often manipulate curb height for a short distance at corners to minimize the sidewalk width necessary to accommodate the desired type of ramp. It is also possible to combine types by absorbing part of the elevation change within the run of the sidewalk, thus allowing the perpendicular curb ramp to the street to be a shorter run, as in a combined curb ramp, which may be advantageous in replacing existing ramps that lack landings.

Other variables include the slope of curb ramp side flares, the width of a top landing, and the rise of the ramp itself, which may be significantly lessened by extending the ramp through the width of the gutter or altering the design curb height at the intersection.

Curb Ramp Location

As the curb radius increases and the area of the pedestrian corner decreases, there is less sidewalk space available for the installation of curb ramps. In many existing locations, only a single diagonal curb ramp can be contained within the width of the pedestrian crosswalks at the curb. Where existing sidewalks are being retrofitted with curb ramps, it may be impossible to install paired ramps because of the location of existing drainage and sidewalk appurtenances.

Good intersection design practice suggests that all pedestrians enter a crosswalk at the same point. Diagonal curb ramps that require pedestrians who use wheelchairs to follow a different route than other pedestrians, where they may not be expected by, or may be less visible to a driver, increase the potential for pedestrian-vehicular conflict. This is a particular problem with turning vehicles, since a driver may not check for pedestrians entering the crosswalk from non-standard locations.

An apex curb ramp must accommodate wheelchair travel to either of the two perpendicular crossing directions. Those on corners with small radii - less than 20 feet (6 m) - expose wheelchair users to moving traffic at the foot of the ramp.

Although current standards for diagonal curb ramps on sites require a 24-inch (610 mm) segment of straight curbing adjacent to the flares and within the marked crossing, this is rarely observed in the public right-of-way. This condition cannot be achieved with large curb radii without depressing the entire sidewalk corner, a construction that is problematic for pedestrians who have vision impairments. This requirement was instituted after comments by blind pedestrians that single (diagonal) curb ramps constructed at the apex of a curb return made it difficult to extract directional cues to a crossing. Research on how blind pedestrians make street crossings appears to support this concern. However, orientation and mobility specialists—professionals who teach travel skills to newly blind people and to children who are blind-note that curb ramps are no longer taught as indicators of crossing alignment, although they are one of a group of cues that may be useful in wayfinding by pedestrians who are blind. A diagonal curb ramp does not offer a pedestrian with a vision impairment as much information about an intersection as paired ramps at corners do, particularly with respect to the location of the crosswalk.

For these reasons, diagonal curb ramps are discouraged in new construction. In alterations, they should be considered a less desirable alternative if paired curb ramps can be installed.

Running Slope

Curb ramp design requires a balance of run length and slope. Accessibility standards set the maximum slope of a new curb ramp at 1:12 (8.33%) to provide maximum usability for the widest range of people who have mobility impairments. Some pedestrians who use wheelchairs can travel up short runs of steeper slope if the tipping angle of the chair is not exceeded. Others will choose to travel with assistance on extreme slopes.

In existing developed rights-of-way, it may be necessary to install a steeper ramp to provide access to street crossings. In an alteration, slopes as steep as 1:10 (10%) are permitted for the distance of a 6-inch (150-mm) rise if it is not technically feasible to provide a ramp at 1:12 (8.33%). For a 3-inch (75-mm) rise, the maximum slope may be as steep as 1:8 (12.5%) where necessary. (In historic facilities, a 1:6 (16.67%) ramp with a maximum run of 24 inches (610 mm) is permitted if a lesser slope is infeasible and if the historic significance of the facility would be threatened or destroyed through the use of complying ramps.

In developed areas with existing sidewalks at steep running slopes, a switchback curb ramp serving the perpendicular crossing may provide a more usable connection to the street.

Cross Slope

Excessive cross slopes on curb ramps can make them unusable by most pedestrians with mobility impairments. The front casters of a wheelchair impart a downhill turning tendency when a cross slope is encountered. Counteracting this unwanted cross force requires manual or battery energy that is then not available for forward travel. Under slippery surface conditions, a loss of control or overturning can result. Such incidents usually end in the street. If a cross slope is extreme, scooters and power chairs with high centers of gravity risk tipping; sideways tips and falls are more common in power chairs and scooters, which are more frequently the aid of choice for outdoor travel. Ambulatory pedestrians who have gait impairments and those who use walking aids will have difficulty maintaining balance and continuing forward travel on curb ramps with excessive cross slope.

Curb ramp cross slope in new construction should not exceed 1:48 (2%). Where street crossings are planned at midblock or at T-intersections on sloping roadways, careful engineering is required to blend curb ramp, landing, and crosswalk at the vehicular way. In alterations, it may be necessary to accept a steeper cross slope because of the difficulty and cost of correction.

Transitions

At the foot of a curb ramp, a flush connection to a moderate gutter counterslope—no more than 1:20 (5%) for a wheelbase distance (approximately 24 inches/610 mm) from the curb—is necessary. This ensures that a wheelchair will not suddenly stop when the front wheels or footrest are caught by an opposing upslope, propelling the pedestrian forward and, perhaps, out of the seat, often with considerable force. In fact, some wheelchair users add seatbelts as insurance

against just such conditions. Where there is a rapid transition from downhill to uphill slope over a short distance, a wheelchair may also get “hung up” between the front casters and rear anti-tip bars, leaving the drive wheels spinning uselessly off the ground.

It is particularly important that the transition from the ramp to the street be flush, without a lip or other difference in level. Most wheelchairs are propelled by rear drive wheels; the smaller front wheels swivel freely. When these casters hit a raised lip, they swivel sideways and stop. Experts can “pop a wheelie” in a manual chair to overcome such barriers, but many other wheelchair users will not attempt such a risky maneuver. Power chair users may have to retreat-possibly into the street-and try the slope again at greater speed.

Some pedestrians who use wheelchairs will take a run at the upslope of a curb ramp to take advantage of forward momentum. Even a small lip at the gutter edge will interrupt this progress. A substantial lip will cause many wheelchairs to stop abruptly enough to dislodge the user. On a downslope, a lip can cause the front wheels to drop suddenly, pitching the pedestrian forward and into the street. In new construction, it is possible to design gutter flow and collection so that water does not pond at the foot of a curb ramp; in alterations, it may be possible to relocate ponding away from the ramp to a less critical location by projecting the toe of the curb ramp through the gutter.

The effect of standard surface drainage design on curb ramp usability has not yet been resolved in street engineering practices. Many features developed to manage water flow (gutter slope, lips, gratings) are inimical to accessibility. Water rises in the toe of a curb ramp (or driveway apron) and may even freeze; even a small lip may make a ramp difficult or unsafe to use; gratings can trap wheels or walking aids. Curbside hydraulic design needs to be re-engineered to address these issues effectively.

Because the side flares of a standard perpendicular curb ramp will exceed the permitted 1:48 (2%) cross slope, an accessible route cannot include travel across a flare. Flared sides are limited in their slope so that they are not a tripping hazard for pedestrians who walk across them. They are not intended for use by pedestrians in wheelchairs, who make a turn into or out of a curb ramp on the landing required at the top. Flares are not required where the edges of a curb ramp are protected by landscaping or by such appurtenances as signal standards, controller boxes, or other barriers to travel across, rather than up or down, a curb ramp.

Landings

Level landings at the tops of curb ramps make it possible to change direction after completing the ascent, rather than during the rise, and to avoid traveling across the compound slope of a side flare when using the sidewalk rather than the curb ramp. Top landings also provide a level area that allows pedestrians to bypass curb ramps entirely when traveling around a corner or to a street crossing that is in line with the direction of travel.

A landing length of at least 48 inches (1220 mm), the length of an occupied wheelchair, is required at perpendicular curb ramps in new construction; 60 inches (1525 mm) is preferred. In alterations in more constrained rights-of-way, 36 inches (915 mm) may be adequate if toe room is available beyond the sidewalk. Landing length is measured in the direction of travel to and from the ramp.

On parallel ramps, landings must be at least 60 inches (1525 mm) long to avoid trapping the footrest of a wheelchair between opposing upslopes. Landings are considered "level" when their slopes in the two perpendicular directions of travel do not exceed 1:48 (2%).

Where no turn is required on a landing to enter or leave a curb ramp, the slope of the landing in the direction of travel may be 1:20 (5%). These conditions are commonly found in the crosswalk at the foot of a curb ramp. Where a diagonal curb ramp is installed so that pedestrians using wheelchairs must make a turn to enter the crosswalk, the bottom landing in the street should be level (that is, with no more than a 1:48 [2%] running and cross slope) for a distance of at least 48 inches (1220 mm) to provide maneuvering space. This area should fall within the confines of the crosswalk markings and should not expose pedestrians entering one crossing to vehicles traveling in the opposing direction.

Alternatives to Curb Ramps

Curb ramps are not the only way to make a street crossing accessible to pedestrians who use wheelchairs. Some pedestrian districts have installed raised crosswalks at intersections, requiring vehicles, rather than pedestrians, to ramp up and down. Raised crossings (also known as speed tables) are now being designed as traffic-calming measures in many communities and can be useful in making narrow sidewalks accessible without the installation of curb ramps. Care must be taken to ease the vehicle ramp so drivers with disabilities are not affected by a sudden jolt.

Uncurbed transitions between sidewalk and street make it difficult for pedestrians with vision impairments to identify the boundary between pedestrian and vehicular areas. Detectable warning surfaces (See ADAAG 4.29.2) placed at the edge of the walkway adjacent to the street can provide information about the presence of a crosswalk, replacing the cues once provided by raised curbs. Audible locator tones installed in pedestrian pushbuttons may also be useful in identifying intersections.

Many older cities and towns have sidewalks raised well above street level, with two or three steps at corners to connect to the street crossing. If there is sufficient walkway width to do so, it is possible to ramp a portion of the sidewalk down to the intersection using design criteria for ramps. Although handrails would not usually be provided at curb ramps, they should be installed on longer ramp runs where the elevation change exceeds typical curb height.

XXIII. STANDARD DRAWINGS

XXIV. USE OF CONTRACTORS

All Contracts, regardless of funding source, incorporate provisions requiring the Contractor to comply with various civil rights laws, including ADA. Contract managers have responsibility for monitoring contractor compliance in this area, as well as others. Further, ODOT will take responsibility for investigating any discrimination complaint on the basis of Section 504/ADA which is brought to its attention, either directly by the complainant or referred to it by a federal agency.

XXV. SUB-RECIPIENT RESPONSIBILITIES

All sub-recipient agreements include language-enforcing provisions of Section 504 of the Rehabilitation Act of 1973 and Title II of ADA. State and local agencies entering into such agreements are informed of their responsibilities in this area. Further, ODOT will take responsibility for investigating any discrimination complaint, on the basis of Section 504/ADA, which is brought to its attention, either directly by the complainant or referred by a federal agency.

XXVI. ADA SELF EVALUATION

ODOT will undergo another self-evaluation by November 2003. The most recent evaluation was completed on February 26, 1993 and submitted to FHWA and the Oregon Disabilities Commission.

CFR 49.28.110 Self-evaluation

- (a) The Department shall, by one year of the effective date of this part, evaluate its current policies and practices, and effects thereof, that do not or may not meet the requirements of this part, and, to the extent modifications of any such policies and practices are required, the Department shall proceed to make the necessary modifications.
- (b) The Department shall provide an opportunity to interested persons, including individuals with handicaps, agency employees with handicaps, and organizations representing individuals with handicaps, to participate in the self-evaluation process by submitting comments (both oral and written).
- (c) The Department shall until at least three years following completion of the evaluation required under paragraph (a) of this section, or until such time as all modifications identified by the self-evaluation to be necessary to comply with section 504 have been completed, whichever occurs later, maintain on file and make available for public inspection-
 1. A description of areas examined, regulations and non-regulatory criteria reviewed, and any problems identified; and
 2. A description of any modifications made.

The following six items were found to be out of compliance at the time of completion of the self-evaluation on February 24, 1993. These items are now in compliance and documented for assurance purposes. Please refer to Section 504 and ADA Plan of March 1997.

1. Have you conducted a self-evaluation prior to January 26, 1993, that evaluates your current services, policies and practices (for both employment and provision of benefits and services) and the effect thereof that do not or may not meet the requirements of the ADA regulations and, to the extent modifications of such services, policies and practices is required, proceed to make the modifications?

Self - Evaluation completed 2/24/93.

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

All future publications will include the statement:

ODOT is an equal opportunity, affirmative action employer committed to a diverse workforce. Accommodations will be provided to persons with disabilities. Alternate formats available upon request. If a sign language interpreter is needed, please call 48 hours prior.

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

YES

4. Do you have a policy concerning "reasonable accommodation"?

YES

5. Do you have a procedure for documenting decisions to deny reasonable accommodations because of "undue hardship"?

YES

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

All non-complying signage was corrected by 9-30-93.

Through self-evaluation, it has become apparent that ODOT needs additional education to ensure consistent department-wide compliance in the following areas:

- Publications
Currently the department does not have a single centralized publications process, however, the requirements are being followed throughout parts of ODOT. Good faith efforts are being made to meet these requirements department-wide.
- Procedures for Ensuring Access for Public Meetings and Conferences

This is being practiced throughout the department, but there are good faith efforts being made to ensure consistent compliance department-wide.

- Emergency Evacuation Procedures

The department has done well educating its workforce on emergency evacuation procedures, but needs to give additional focus to ADA requirements. Good faith efforts are being made to complete Evacuation Plan for Individuals Requesting Assistance.

- Electronic Information Technology

The Oregon Department of Transportation is moving toward compliance with the Americans with Disabilities Act utilizing the W3C Web Accessibility Initiative Guidelines. ODOT shall comply with Title II of the ADA, be consistent in design and navigation with Section 508 of the Rehabilitation Act of 1973 and its implementing regulations and standards, and be searchable.

ODOT is in the process of reviewing and/or creating procedures to ensure compliance as well as working on communication and training matters. This will occur during the spring/summer of 2002.

XXVII. TRANSITION PLAN

In the event that structural changes to facilities will be undertaken to achieve program accessibility, the Department shall develop, within six months of the effective date of this part, a transition plan setting forth the steps necessary to complete such changes. The agency shall provide an opportunity to interested persons, including individuals with handicaps, agency employees with handicaps, and organizations representing individuals with handicaps, to participate in the development of the transition plan by submitting comments (both oral and written). A copy of the transition plan shall be made available for inspection. The plan at a minimum shall –

- (1) Identify physical obstacles in the Department's facilities that limit the accessibility of its programs or activities to individuals with handicaps;
- (2) Describe in detail the methods that will be used to make the facilities accessible;
- (3) Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and
- (4) Indicate the official responsible for implementation of the plan.

FACILITIES UPDATE

In the Transition Plan update of August 1996, the only site identified as not being ADA compliant is located in Portland. The configuration of the entrance ramp does not meet current standards. This is a leased facility on a one-year extension. ODOT has actively begun to seek another facility, when accomplished ODOT will be 100% ADA compliant with all facilities.

XXVIII. MONITORING AND REPORTING

Purpose

The Purpose of monitoring and reporting in the Section 504/ADA Plan is to ensure that ODOT is in compliance or moving toward compliance with Section 504 of The Americans with Disabilities Act of 1990 and The Rehabilitation Act of 1973.

Methods

1. The ADA coordinator, through a self-evaluation (CFR 49.28, 110) of ODOT, will evaluate current services, policies and practices for both employment and provision of benefits and services. If needed, modifications shall be made to meet the requirements of the ADA Policy.
2. The ADA coordinator shall prepare a report on an annual basis for the Federal Highway Administration covering updates and modifications made to the plan.
3. The ADA coordinator shall monitor the various actions, programs, and procedures included in the plan.

XXIX. ASSURANCES

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 USC 794), the Oregon Department of Transportation, desiring to avail itself of federal financial assistance from the U.S. Department of Transportation, hereby gives assurance that no qualified person with a disability shall, solely by reason of such disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any of its programs, services or activities, including the Motor Carrier Safety Program.

ODOT further assures that its programs will be conducted, and its facilities operated, in compliance with all of the requirements imposed by 49 CFR 27.

XXX. ADA RESOURCES

Below are a list of organizations you may contact to obtain appropriate technical assistance on reasonable accommodations and questions on ADA law.

Northwest ADA/IT Center
(503) 494-4001 or 1-800-949-4232 voice
TTY 503-418-0296 Fax: (503) 418-0785
www.nwada.org nwada@ohsu.edu

Job Accommodation Network
1-800-526-7234 (voice/TTY)
www.jan.wvu.edu

US Department of Justice ADA Hotline
1-800-514-0301 (voice) 1-800-514-0383 (TTY)
www.usdoj.gov/crt/ada/adahom1.htm

US Department of Justice Technical Assistance
1-888-446-4511 (voice)
TTY: use relay service 1-800-735-1232 in Oregon
www.usdoj.gov

Equal Employment Opportunity Commission (EEOC)
Seattle District Office
1-800-669-4000
www.eeoc.gov

Oregon Disabilities Commission
1-800-358-3117 (voice/TTY)
www.odc.state.or.us

Disability Rights & Education Fund (DREDF) ADA Hotline
1-800-166-4232 (voice/TTY)
www.dredf.org/index.html

Oregon Bureau of Labor and Industries (BOLI)
Technical Assistance Unit for Employers
(503) 731-4073
www.boli.state.or.us

The Northwest Disability and Business Technical Assistance Center
<http://www.wata.org/NWD/video.htm>

Oregon Employer Council
<http://findit.emp.state.or.us/oec/library-new.cfm?#Videos>

Public Rights-of-Way Access Advisory Committee
www.access-board.gov/prowac/commrept

Employment Assistance Referral Network (EARN)
866-EarnNow (866-327-6669) (V)
www.earnworks.com

Workforce Recruitment Program (WRP)
(724)891-3533 (V); (724)891-0275 (Fax)
www.wrpjobs.com

The Office of Disability Employment Policy
www.dol.gov/dol/odep

Association of Higher Education and Disability (AHEAD)
(617)287-3880 (V/TDD); (617)287-3881 (Fax)
www.ahead.org

I-NABIR, The Association of Projects with Industry
(202)543-6353 (V)

Goodwill Industries International
(301)530-6500 (V)
www.goodwill.org

US Department of Education, Rehabilitation Services Administration
(202)205-8719(V)

Department of Veterans Affairs
(800)827-1000 (V)

Project ABLE
(757)441-3362 (V); (757)441-3374 (Fax)
proable@opm.gov