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**AMERICANS
WITH DISABILITIES ACT
IN TEXAS 1993**



IMPLEMENTATION OF THE AMERICANS WITH DISABILITIES ACT IN TEXAS

THE SECOND
ANNUAL REPORT
OF THE TEXAS
GOVERNOR'S
COMMITTEE ON
PEOPLE WITH
DISABILITIES

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Redge B. Westbrook, Austin

EX OFFICIO AGENCY APPOINTEES

Pat Westbrook, Texas Commission for the Blind

David Myers, Texas Commission for the Deaf and Hearing
Impaired

Eddie Cavazos, Texas Employment Commission

Vernon M. Arrell, Texas Rehabilitation Commission

THE FOLLOWING PERSONS ALSO SERVED ON THE GOVERNOR'S COMMITTEE DURING THE REPORT PERIOD

Jerry D. Cooper, Dallas

Janet Ragsdale, Austin

Dominga Vela, Edinburg



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TEXAS GOVERNOR'S COMMITTEE ON PEOPLE WITH DISABILITIES

STAFF

Virginia Roberts, Executive Director
Cindy Counts, Community Outreach and Public Information
Coordinator
Pat Pound, Long-Range Planning and Policy Coordinator

MAILING ADDRESS

P.O. Box 12428
Austin, Texas 78711

LOCATION

201 East Fourteenth Street
Austin, Texas 78701

PHONE

512-463-5739 (Voice)
512-463-5746 (TDD)
512-463-5745 (FAX)

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Further, we gratefully acknowledge the effort and cooperation of all the state and local public entities who responded to our ADA compliance survey and/or queries regarding their activities to implement the ADA. In addition, we appreciate the outstanding

cooperation of the federal compliance agencies. Without their cooperation, this report would not have been possible.

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EXECUTIVE SUMMARY

Three and a half years after its passage, the *U.S. News & World Report* states that 59 percent of Americans have never heard of the Americans with Disabilities Act of 1990 (ADA).¹ Nonetheless, this comprehensive civil rights law has already begun to change the way government and business operate. The ADA protects individuals with disabilities from discrimination in employment, access to goods and services, government programs and services at the state and local level, transportation, and telecommunications. Enforcement rests with the federal government and includes injunctive relief, reinstatement in employment, and back pay.² The law provides a private right of action.

The Governor's Committee on People with Disabilities (Governor's Committee) is mandated to coordinate and monitor ADA compliance and provide information and technical assistance to public and private entities required to comply with the ADA. Monitoring results are included in this report along with select examples of compliance activity that reaches out from state level public entities to private entities. Information on dissemination of ADA materials and technical assistance by the Governor's Committee and others is also included.

Most state agencies have completed ADA self-evaluations to identify and eliminate discriminatory policies, practices, and procedures. Changes in these areas, as well as architectural barrier removal, are underway. Plans for structural changes to facilities (transition plans), technically required only if necessary to achieve program accessibility, were done by more than half of the state agencies reporting their compliance activities to the Governor's Committee.

Cities and counties have the same self-evaluation and other administrative requirements as state agencies. The Governor's Committee surveyed approximately 1,300 local government entities. Results suggest that local officials may believe that they do not discriminate against persons with disabilities more strongly than warranted based on compliance with specific requirements of the ADA. Affirmative responses tended to be higher for general questions about discrimination and progressively lower on questions which specify details of guaranteeing program accessibility.

A survey of Texas businesses reveals a continued need for ADA education. Of approximately 900 businesses responding to a Governor's Committee survey, 40 percent indicated that they had no information on the ADA—many are unaware that they are covered by the ADA. The cost of reasonable accommodations provided for the small number of employees with disabilities was in line with previous findings of national studies—40 percent of the accommodations cost nothing.

RECOMMENDATIONS

The results of the Governor's Committee ADA coordination and monitoring activities for fiscal year 1995 indicate a need to:

- . Enforce vigorously state laws and regulations supporting access for persons with disabilities,
- . Amend state law to eliminate conflicts with the ADA,
- . Coordinate information and technical assistance through professional and trade associations, businesses' most-used source of ADA information,
- . Focus information and technical assistance on problematic compliance issues affecting employment of persons with disabilities, such as illegal discharge and failure to accommodate, and
- . Expand ADA monitoring and information dissemination to educational institutions.

The report expands upon each of the above recommendations.



INTRODUCTION

IMPLEMENTATION OF THE AMERICANS WITH DISABILITIES ACT IN TEXAS

THE SECOND ANNUAL REPORT OF THE TEXAS GOVERNOR'S COMMITTEE ON PEOPLE WITH DISABILITIES

The Americans with Disabilities Act, P.L. 101-336, guarantees to persons with disabilities full civil rights and affords them protection extended to racial minorities, women, and elderly persons. Government entities, institutions, and businesses that must implement the ADA are finding that compliance with the law presents a formidable challenge. However, progress in compliance, most of it due to voluntary response to the law, is evident in an increasingly accessible physical and communications environment. People with severe disabilities are seen in public more often than in years past.

The Governor's Committee on People with Disabilities (Governor's Committee) is mandated to coordinate and monitor implementation of the ADA and to provide ADA information and technical assistance to public and private entities. In its broader role of promoting rights and opportunities for people with disabilities, the Governor's Committee creates public understanding and partnerships that foster the integration of people with disabilities into all aspects of life in the community.

This report is submitted pursuant to Section 115.009 (3), Texas Human Resources Code.

COORDINATION AND MONITORING OF ADA COMPLIANCE

PUBLIC ENTITIES

During the state FY'93, the Governor's Committee focused coordination and monitoring activities on the self-evaluation process for government organizations and ADA awareness for private entities.



*Picnic table extension installed to make it possible for people in wheelchairs to sit comfortably.
Photo courtesy of Katy Kalk, TxDOT*

STATE

The ADA requires public entities, regardless of their size, to do a self-evaluation of their services, policies, and practices and to correct any that do not meet the requirements of the ADA. The Governor's Committee requested each state agency to submit a copy of its ADA self-evaluation by the federal deadline, January 26, 1993, along with a copy of its transition plan if one was required. The ADA requires transition plans if a public entity (i.e., a government agency) needs to make structural changes to its facilities in order to assure that its programs are accessible to persons with disabilities.

The ADA does not prescribe a particular format for agency self-evaluations and considerable diversity exists in the reports submitted. Most agencies used the self-evaluation guide designed and distributed by the Governor's

Committee in 1992. Some agencies developed a thorough in-house process to cover the points specified in the guide.



The Capital Metropolitan Transportation Authority of Austin demonstrates commitment to the ADA through the incorporation of accessibility features in all aspects of transit service.

Photo courtesy of Capital Metro

STATE AGENCY RESULTS

Self-evaluation reports submitted to the Governor's Committee were reviewed on key administrative requirements:

Requirement	Percentage of Agencies Completing ² (based on 131 agencies)
<i>ADA Coordinator</i>	92
<i>Notice of compliance</i>	63
<i>Grievance procedure</i>	69
<i>Self-evaluation</i>	79
<i>Transition plan</i>	57

Continued monitoring by the Governor's Committee, follow-up reminders, and readily available technical assistance promotes voluntary ADA compliance by the state agencies.

CITIES AND COUNTIES

The Texas Municipal League and the Texas Association of Counties distributed the Governor's Committee ADA self-evaluation guide for public entities to their respective members. Later, in the summer of 1993, the Governor's Committee sent an informal survey to the same group of 1,354 cities and counties to assess the progress of local government entities toward ADA compliance. Responses arrived from 275 cities and 84 counties—approximately 26 percent of the entities surveyed. (See Appendices C, D, and E.) Survey results are on file in the Governor's Committee office.



San Antonio's Botanical Gardens offers a sensory herb garden.

Photo courtesy of TEXAS HIGHWAYS Magazine.

CITY AND COUNTY RESULTS

The survey asked 23 questions on points essential to ADA compliance. An affirmative response (“yes”) to a question indicates the responding entity’s assessment of progress toward compliance with the ADA.

The percentage of public entities reporting that they comply with different requirements covered in the survey ranged from approximately 25 to 95 percent. Results of the survey suggest a lack of understanding about what it takes to achieve program access, the bottom line title II requirement for public entities. This lack of understanding is suggested by the sharp decline in percent of entities that take specific steps to provide access in facilities and services through the provision of auxiliary aids, routine use of TDDs or message relay services, and signs directing persons to accessible facilities and services—all necessary to facilitate communication or bring people with specific disabilities into contact with entity staff.

On 23 questions, the overall range of positive responses was very similar for cities and counties. For each, affirmative responses tended to be high for general questions (example: 95 percent answered “yes” to “Do individuals with disabilities have equal opportunity to serve as members of planning and advisory boards?”) However, the percent of affirmative responses on questions which operationalize the concept of program accessibility tended to be much lower (example: “Do you use the telecommunications device for the deaf (TDD) or Relay Texas service to communicate with people who are hearing or speech impaired?”—32 percent said “yes”).

PROGRESS OF LOCAL PUBLIC ENTITIES IN ADA IMPLEMENTATION

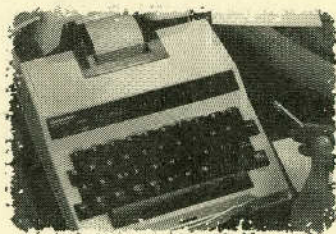
(Based on a 26 percent response)

PROGRAM ACCESSIBILITY

- 93 percent provide "full and equal" services to people with disabilities.
- 73 percent have made their programs "readily accessible and usable" to persons with disabilities.
- 64 percent furnish auxiliary aids such as Braille and sign language interpreters.
- 45 percent have signs directing persons to accessible entrances to public buildings.
- 32 percent use TDDs or Relay Texas (a telecommunications message relay service) to communicate with persons who are deaf or have speech impairments.

Relay Texas provides telephone interpreting service between people who can hear and people who are deaf, hard of hearing, deaf-blind and speech disabled.

Photo courtesy of Relay Texas.

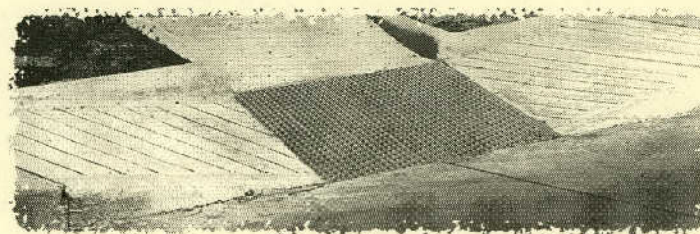


Telecommunications device for the deaf (TDD) is a telephone communication device.

*Ted Candler, Photographer,
Texas Rehabilitation Commission*

EMPLOYMENT

- 89 percent of the cities and counties reviewed their employment policies for ADA title I compliance.
- 88 percent removed questions about disability from their employment applications.
- 38 percent have accessible hiring locations and accessible alternative communications such as Braille, readers, or sign language interpreters.



Adoption of joint final rule to temporarily suspend detectable warnings until July 26, 1996.

According to the U.S. Architectural and Transportation Barriers Compliance Board, "Adoption of a joint rule to amend ADAAG by suspending temporarily, until July 26, 1996, requirements for detectable warnings at curb ramps, hazardous vehicular areas and reflecting pools."

Detectable warnings are distinctively-textured walking surfaces intended to be detectable by cane and under foot by people with visual impairments. The action does not affect the ADAAG requirement for detectable warnings at transit platforms.

Ted Candler, Photographer, Texas Rehabilitation Commission

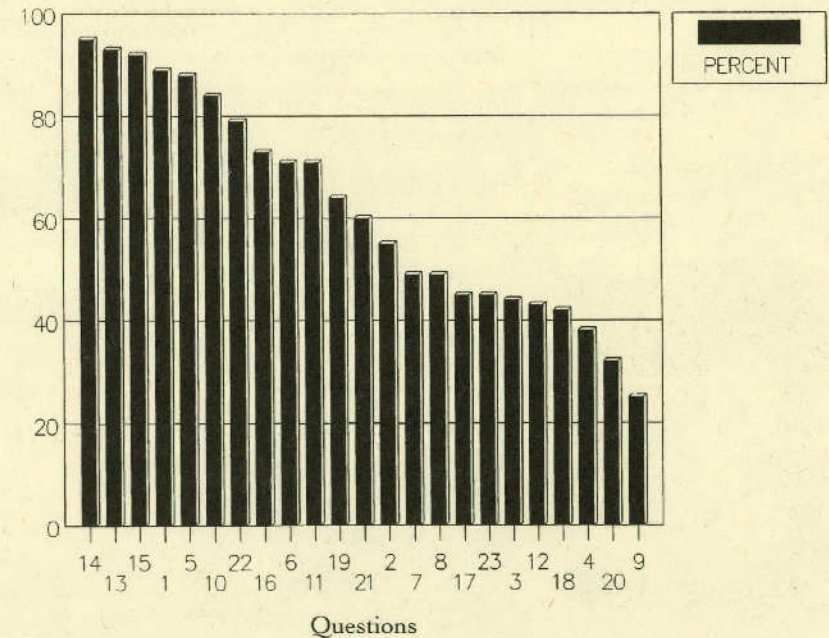
ADMINISTRATIVE REQUIREMENTS

- 71 percent of local public entities—cities and counties taken together—have an ADA coordinator.
- 71 percent have completed a self-evaluation.
- 45 percent completed a transition plan.

SHORT TITLES FOR SURVEY QUESTIONS

1. Reviewed employment policies and practices
2. Specified decision process for reasonable accommodation
3. Procedure for documenting undue hardship
4. Accessible hiring location and alternative communication
5. Removed health and disability questions from job application
6. Completed self-evaluation
7. Corrected deficiencies not meeting ADA requirements
8. Public comment on self-evaluation and transition plan
9. Public notice of nondiscrimination policy
10. Notice of nondiscrimination in publications
11. Designated ADA coordinator
12. Published ADA grievance procedure
13. Provide full and equal service to persons with disabilities
14. Provide equal opportunity for public service
15. No surcharge for accommodations or auxiliary aids
16. Programs and services readily accessible and usable
17. Completed a transition plan with four necessary elements
18. Provide alternative program access in historical sites
19. Furnish auxiliary aids and accommodations for equal access
20. Use TDD or Relay Texas as needed
21. Provide direct access to 911 by TDD and computer modem
22. Provide information about assistance and accessible services
23. Signs direct users to accessible entrances and services

CITY/COUNTY SURVEY RESULTS



followed. No cost was indicated by 27 percent of the sample and 10 percent indicated the cost to be \$500 or more.

Fifty-eight percent of the business operators who responded to the survey said they had received ADA information. Most of these indicated that they had received it from a business association. The next most commonly mentioned sources for ADA information were state government, federal government, newspapers, and magazines in that order. Twenty-eight percent of those answering the survey requested additional ADA information.

The survey revealed a great need for continued ADA education for business. Many businesses are unaware that they are covered by the ADA. Respondents' survey comments indicate difficulty in recognizing the difference between customer access to facilities and services and a reasonable accommodation for a specific employee with a disability. All respondents, whether commenting negatively or positively, expressed a clear desire for user-friendly information.

COMPLAINTS AGAINST PRIVATE ENTITIES

Verbal reports from the EEOC indicate that there were 1,380 ADA employment discrimination complaints filed in Texas between September 1, 1992, and August 31, 1993. Approximately 86 percent of these were against private entities. The majority of these complaints (approximately 53 percent), including those against both public and private entities, alleged illegal discharge. The next two most frequent allegations were discrimination in hiring and failure to accommodate (approximately 15 percent each). Harassment accounted for approximately six percent; discrimination in disciplinary action for approximately five percent; roughly four percent for discrimination in promotion; and two percent for discrimination in benefits. The three most frequently occurring disabilities among persons filing complaints were in EEOC categories "other mental, emotional; back injury; mental illness." This ranking is consistent with the national statistics in that hidden disabilities are the most frequently cited conditions by those filing complaints under the ADA.

There were 66 title III complaints filed with the DOJ against businesses in 21 Texas cities during this reporting period. Six major cities account for 72 percent of the complaints. Approximately 53 percent of the complaints dealt with barrier removal; another 24 percent alleged discriminatory policies. Almost 14 percent of the complaints alleged failure to provide auxiliary aids. Establishments serving food and drink were the most frequently complained against with service establishments second and sales or rental establishments third.

ADA INFORMATION AND TECHNICAL ASSISTANCE


Technical assistance, provided by Governor's Committee staff in response to telephone inquiries and in question and answer sessions following presentations, is the application of requirements of the law to a specific situation. Individual ADA telephone inquiries in FY '95 reached 2,148. In addition, ADA materials were mailed to more than 850 customers.

ADA IMPLEMENTATION HIGHLIGHTS

Legislature — In 1993, the 73rd Texas Legislature continued administrative action to improve access to its facilities, enhance provision of auxiliary aids and services, and ensure that employment procedures comply with the ADA. It also enacted several bills that promote implementation of the ADA in Texas.

During the same period, Governor's Committee staff presented ADA information to 53 groups of widely differing types, e.g., lawyers, risk managers, members of local chambers of commerce, and amusement park operators. In doing so, it distributed materials to more than 5,800 people.⁶

The Southwest Disability and Business Technical Assistance Center on the Americans with Disabilities Act (DBTAC) is a major source of ADA information and technical assistance available in Texas. The DBTAC is federally funded and serves a five-state region including Texas. For the period October, 1992, through September, 1993, DBTAC provided technical assistance to approximately 3,000 Texas entities and distributed approximately 32,225 copies of ADA publications in print and other formats such as Braille and computer diskette.



RECENT TEXAS LEGISLATION THAT SUPPORTS ADA IMPLEMENTATION

Amended the architectural barriers law so that all buildings covered by the ADA are covered in state law. SB 540

Expanded the definition of disability in the Texas Commission on Human Rights law to protect the employment rights of persons with disabilities in conformance with the ADA. HB 860



*The new Bookstop at Central Park offers accessible parking close to the entrance of the business for customers with disabilities.
Ted Candler, Photographer, Texas Rehabilitation Commission*

Allowed for a more flexible system of placing print access aids in libraries to assist persons with disabilities to read print materials. HB 1843

Created a system for improved services to offenders with disabilities in the criminal justice system through memos of understanding with various state agencies. SB 252

Improved the system for evaluating, certifying, and paying qualified sign language interpreters. HB 2109, SB 1117, and SB 1118

Allowed for substitution of the Stanford Achievement Test, nationally normed on the hearing-impaired population, for the Texas Academic Skills Program, (TASP). HB 1165

Deleted language that hindered implementation of the ADA in the areas of nursing and teacher retirement. HB 756, HB 2180, SB 839, HB 1581

Allowed for the provision of medical records by electronic means. SB 270

Amended the Texas Alcoholic Beverage Commission law to require review of all premises where alcoholic beverages are sold for compliance with the ADA. HB 1445

Directed state agencies providing health and human services to persons with disabilities to develop policies to improve access. HCR 128

Included compliance with state and federal laws regarding program and facility accessibility in the enabling legislation of each of twelve state agencies in twelve separate bills.



Red Lobster Restaurant #95 offers Braille and large print menus for people with visual impairments.

Ted Candler, Photographer, Texas Rehabilitation Commission



DEPARTMENT OF LICENSING AND REGULATION

On July 6, 1993, the agency published, and on December 17, adopted rules that will allow the State to pursue equivalency certification from the U.S. Department of Justice for purposes of the ADA. The effective date of the rule change will occur early in 1994. Building designers and owners will be able to satisfy both state and federal accessibility requirements by using the state standards once certification is obtained.

TEXAS ALCOHOLIC BEVERAGE COMMISSION

The agency designed a new registration procedure that asks permittees and licensees if their business has been reviewed for compliance with title III of the Americans with Disabilities Act. Responses will become part of the agency's official records. Businesses answering "no" to the question will be sent information on ADA compliance. This procedure will apply to approximately 35,000 licensed business locations which seek new or renewal permits and licenses each year. This procedure is scheduled to take effect in January, 1994.

TEXAS LOTTERY COMMISSION

Working with Advocacy, Inc., the Coalition of Texans with Disabilities, and ADAPT of Texas, the agency expanded its ADA education efforts and devised a new phase of ADA action. Beginning in January, 1994, trained Lottery Commission staff members will make random visits to all 15,134 lottery retailers.

They will bring with them a list of items to check, focusing on those ADA issues that ensure every customer a chance to purchase lottery tickets. Later, the Lottery Commission's trained ADA Specialist will contact merchants who appear not to be in compliance and will provide them with information necessary to resolve any non-compliance issues. The ADA Specialist will also provide information concerning possible federal tax advantages to enhancing accessibility.

The Texas Lottery Commission members are expected to consider rules in January, 1994, which would, in part, allow persons with disabilities to submit written complaints about specific retailers whom they believe are not in compliance with the ADA. Once approved, rules will be published in the Texas Register. Lottery retailers who do not become accessible can lose their right to sell lottery tickets.

OFFICE OF PUBLIC INSURANCE COUNSEL

Acting on a complaint from an individual who was denied insurance because he had previously had a disability, this office initiated a review of the ADA and its impact on the insurance industry in Texas. Texas law, like the ADA, prohibits discrimination against a person with disabilities unless there is actuarial support for the discrimination. To address what may be a widespread practice within the industry of denying health insurance to disabled individuals for reasons not permitted under the ADA and state law, the Public Insurance Counsel has proposed action by the Texas

insurance commissioner: 1) determine the extent to which individuals with disabilities have been denied health insurance coverage, and 2) study and draft a set of clear and concise actuarial principles regarding this issue.

ADVOCACY, INC.⁶

This publicly funded nonprofit organization contributed to implementation of the ADA through the pursuit of legal remedies to alleged noncompliance. Beginning in June of 1993, Advocacy, Inc., initiated a summer-long campaign in which it filed 53 lawsuits throughout Texas. Three cases were filed under title I against private businesses, alleging employment discrimination against persons with mental disabilities. Ten suits were brought under title II, claiming discrimination in provision of government services. Forty suits came under title III, alleging that private businesses were inaccessible.

Prior to each suit, Advocacy, Inc., sent letters seeking voluntary compliance. If a letter was unsuccessful, suit was filed. Sixty-eight businesses voluntarily complied as a result of the letters. The suits focused on large companies with 70 to 650 outlets. Many cases are still in negotiation.

MAYORS' COMMITTEES ON PEOPLE WITH DISABILITIES

Many of the 24 active volunteer mayors' committees affiliated with the Governor's Committee conducted activities that promoted ADA compliance within their community during FY '93. The Houston Mayor's Committee for Employment of People with Disabilities is a

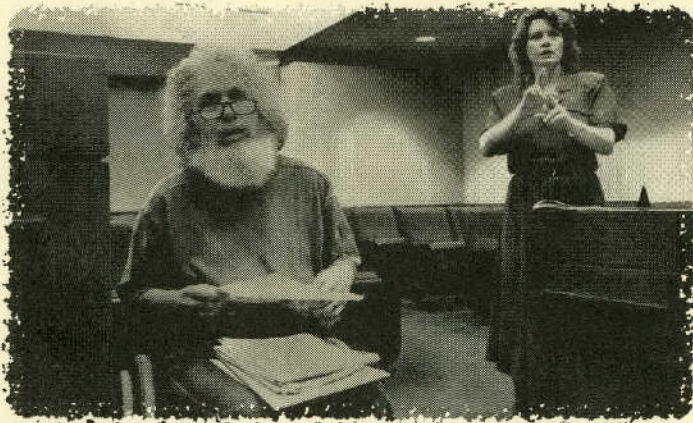
notable example of local ADA promotion. The Houston Committee gave on-site ADA presentations to large and midsized Houston area companies and did a special ADA training presentation to the Human Resource Managers of 124 employers. These human resource professionals can now train others. In addition, the Houston Committee cooperated with local disability groups to sponsor an ADA anniversary celebration on July 26, 1993.

DISABILITY CONSUMER ORGANIZATIONS

The Coalition of Texans with Disabilities worked with the Lottery Commission to resolve ADA problems with lottery outlets and did several ADA training sessions for persons with disabilities. ADAPT of Texas also worked with the Lottery Commission, conducted access surveys, provided technical assistance for places of public accommodation, and staged an ADA anniversary protest to call attention to continued accessibility problems in a major city's downtown area. Ten Independent Living Centers, which are consumer directed and operated, performed ADA training for different audiences, did access surveys, and provided technical assistance to public and private entities seeking consumer input on their compliance actions. One center, REACH of Dallas, produced a comprehensive access survey and guide for restaurants seeking to comply with the ADA.

RECOMMENDATIONS

Much remains to be done if we are to ensure full civil rights for all Texans including the nearly 3 million with disabilities. The number and diversity of public and private entities required to comply with the ADA is staggering: 131 state agencies, 254 counties, 1,134 incorporated municipalities, and more than 410,000 businesses.

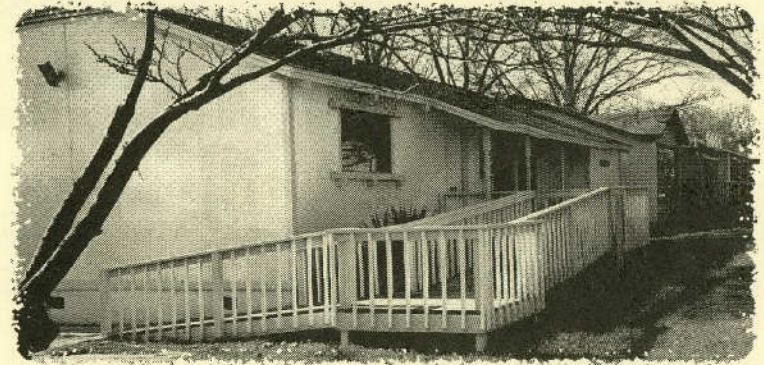


Upon request, agencies holding public meetings must provide auxiliary aids and service, such as interpreters, readers, and large print or braille documents.

Ted Candler, Photographer, Texas Rehabilitation Commission

The results of the Governor's Committee ADA coordination and monitoring activities for FY '93 suggest a need to:

- Enforce vigorously state laws, regulations, and operating procedures supporting access for persons with disabilities:
 - Accessibility in state-leased facilities—key agencies: General Services Commission and Texas Department of Licensing and Regulation; individual leasing agencies.



This nail and hair salon offers a ramped entry way for customers.

Ted Candler, Photographer, Texas Rehabilitation Commission

- Accessibility of new construction: public and private—key agency: Texas Department of Licensing and Regulation.
- Accessibility of facilities, policies, and procedures in places of public accommodation and commercial facilities licensed by the Texas Alcoholic and Beverage Commission.
- Accessibility of facilities, policies, and procedures in lottery retail outlets licensed by the Lottery Commission.



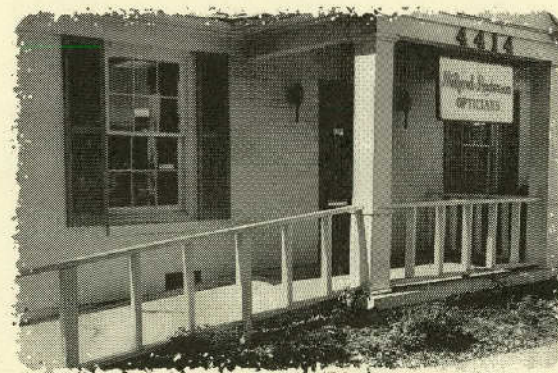
Meetings must offer participants an equal opportunity for effective communication and participation in public meetings.

Ted Candler, Photographer, Texas Rehabilitation Commission

- Accessibility of services within the criminal justice system—key agencies: Department of Criminal Justice, Department of Human Services, Department of Mental Health Mental Retardation, Texas Rehabilitation Commission, Texas Commission for the Deaf and Hearing Impaired, Department on Aging.
- Amend state laws to eliminate conflicts with the ADA—key agency: Legislature, Sunset Commission.
- Coordinate information and technical assistance through membership associations, businesses' most-used source of ADA information:
 - Professional and Trade Associations,
 - City and County Associations,
 - Educational Associations, and
 - Texas Association of Mayors' Committees.

- Focus information and technical assistance on problematic compliance issues affecting employment of people with disabilities:
 - Illegal discharge,
 - Failure to accommodate,
 - Dealing with hidden disabilities, and
 - Provision of auxiliary aids.
- Expand ADA monitoring and information dissemination to educational institutions.

The Governor's Committee on People with Disabilities will strengthen existing partnerships and form new ones to promote voluntary implementation of the ADA. The focus will be on developing and cultivating working relationships that have major impact at the local level.



Ramp creates access to small business.

Ted Candler, Photographer, Texas Rehabilitation Commission

ADA REPORT FOOTNOTES

1. *U.S. News & World Report*, December 27, 1993/
January 3, 1994

2. By contract with the federal Equal Employment Opportunity Commission, the Texas Commission on Human Rights enforces the employment provisions of the ADA at the state level. Enforcement of titles II, III, and IV of the ADA is accomplished by federal agencies, most notably the Department of Justice and the Federal Communications Commission.

3. The number and percentage of agencies submitting an ADA self-evaluation varies from that reported last year due to action of the 73rd Legislature to create and consolidate state agencies. Colleges and universities are not yet included in the monitoring process because of the Governor's Committee's limited resources.

4. *Categories in ADA Pilot Survey: Lodging, Eateries (includes bars), Retail, Recreation/Entertainment (theaters, spas, bowling alleys, etc.), Public Service (banks, barber shops, gas stations, law offices, health care providers, etc.), Manufacturing, Technical Industry - supply and sales (computer, aerospace), Day Care Centers, Private Schools, and Nurseries. Public Service was the industry with the highest rate of return on the survey, Retail was second, Manufacturing and Technical industries tied for third.*

5. *Distribution is based on an estimate of persons visiting the Governor's Committee exhibit, not number of persons attending the function.*

6. *Advocacy, Inc., is a nonprofit organization that advocates the legal rights of Texans with developmental disabilities and mental illness, as well as implements a client assistance program for rehabilitation clients.*

APPENDIX A

FEDERAL AMERICANS WITH DISABILITIES ACT COMPLIANCE AGENCIES



TITLE I — EMPLOYMENT

AGENCY: EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

Total Number of Complaints Filed in Texas: 1,380

Complaints Against:

Private Entities	1,194
Government Agencies	123
Public Schools	44
Public Colleges	15
State Employment Agency	3
Office of Elected Officials	1

Complaints By Disability:

Other Mental,	
Emotional	315
Back Injury	300
Mental Illness	109
Mental Retardation	87
Diabetes	62
Hearing Impairment	55
Cancer	49
Blind/Visually Impaired	45
Epilepsy	44
Arthritis	44
Cardiac	42
HIV	32
Neurological	32

By Issue:

Discharge	735
Hiring	207
Accommodation	206
Harassment	91
Disciplinary	73
Promotion	49
Benefits	34

*Note - Items of low incidence not included
(total not equal to 100%).*



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TITLE II — PUBLIC ENTITIES

AGENCY: U.S. DEPARTMENT OF JUSTICE (DOJ)

Total Number of Complaints	
Filed in Texas:	84
Number Resolved:	5

Breakout:

Educational Institutions	15
Prisons	12
Local Governments (cities/towns)	11
Health-Related Organizations	6
Transportation	6
Licensing Boards	5

Note - Total does not equal 84 because all categories are not listed.

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TITLE II AND III — TRANSPORTATION

AGENCY: U.S. DEPARTMENT OF TRANSPORTATION (DOT)

Number of Complaints Filed Against Local Transportation Authorities in Texas:	
Dallas	4
Houston	2

Fort Worth	2
Corpus Christi	1

Note - All complaints were handled locally, none referred to Federal level. One complaint in Fort Worth deemed to be without merit. All complaints related to transportation services not running on time.

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TITLE III — PUBLIC ACCOMMODATIONS

AGENCY: DEPARTMENT OF JUSTICE (DOJ)

Total Number of Complaints	
Filed in Texas:	66
Number Resolved:	17

Categories:

Barrier Removal	35
Policy	16
Auxiliary Aids	9
Alterations	3
New Construction	1
Transportation	1
Retaliation	1
Testing	0
Total	66

Type of Establishment:

Establishment Serving Food or Drink	20
Service Establishment	19
Sales or Rental Establishment	9
Place of Exhibition or Entertainment	8
Place of Exercise or Recreation	6
Place of Lodging	5
Place of Public Gathering	3
Transportation	2
Place of Recreation	1
Testing	1

Note - Total does not equal 66 because establishments may fit more than one category.

Complaints by City:

Houston	14
Austin	10
Dallas	7
San Antonio	7
Fort Worth	6
Arlington	4
El Paso	2
McAllen	2
Hurst	2
Cleveland	1
Van Horn	1
De Soto	1
Lubbock	1
Corpus Christi	1
Abilene	1
Seguin	1

Mansfield	1
Temple	1
Edinburg	1
Padre Island	1
Willis	1



TITLE IV — COMMUNICATIONS

AGENCY: FEDERAL COMMUNICATIONS COMMISSION (FCC)

Law in effect July 26, through August 31, 1993.

The FCC has received no complaints from Texas. The complaint process is designed to be initiated at the state level and referred to the federal level only if it is not resolved.

Sprint Services has the message relay service contract from the Public Utility Commission in Texas. In FY '93, the service, called "Relay Texas," handled more than 2,500,000 calls and had "customer contacts" with approximately 4,400 individuals. None of these customer contacts, which include a wide range of comments, questions, and concerns, escalated to the level of a formal complaint filed with the Public Utility Commission.

STATE OF TEXAS COMPLIANCE AGENCIES



AGENCY: TEXAS COMMISSION ON HUMAN RIGHTS (TCHR)

LEGISLATION: Texas Human Rights Act
(effective September 1, 1985)/

Americans with Disabilities Act of 1990

Complaints Filed on the Basis of a Mental or
Physical Disability Under Deferral Agreement
with EEOC: 302

*Note - Although all complaints are dual-filed between the Texas
Commission on Human Rights and the EEOC, the statistics
cited for 1993 are not included with EEOC statistics above.*



AGENCY: TEXAS DEPARTMENT OF LICENSING AND REGULATION (TDLR)

LEGISLATION: Elimination of Architectural Barriers Act
(effective September 1, 1969)

Complaints received by TDLR during FY '93:	37
Cases Investigated:	17
Cases Resolved Satisfactorily:	17
Cases Closed "Not in Jurisdiction"	5
Cases Closed "Insufficient Evidence for Investigation"	15
Cases Pending (includes FY '92 - FY '94)	12

*Note - TDLR jurisdiction over the statute became effective
September 1, 1991.*

APPENDIX B

SUMMARY OF REQUIREMENTS FOR PUBLIC ENTITIES SEEKING COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA)

SELF-EVALUATION

A public entity shall evaluate its current services, practices, policies, and their effects to identify and correct any that do not meet the requirements of the ADA. [Title II, sec. 35.105]

NOTICE

A public entity shall make available to all interested persons information regarding the provisions of title II of the ADA, its applicability to the services, programs, or activities of the public entity, and the protection assured them by the Act.
[Title II, sec. 35.106]

RESPONSIBLE EMPLOYEE

A public entity that employs 50 or more persons shall engage at least one employee to coordinate its efforts to comply with and carry out its responsibilities under title II of the ADA. [Title II, sec. 35.107(a)]

GRIEVANCE PROCEDURE

A public entity that employs 50 or more persons shall adopt and publish grievance procedures for providing prompt and equitable resolution of complaints alleging any action prohibited under title II of the ADA. [Title II, sec. 35.107(b)]

PROGRAM ACCESSIBILITY

No qualified individual with a disability shall be excluded from participation in or denied the benefits of an entity's services, programs, or activities because its facilities are inaccessible. [Title II, sec. 149]

A public entity shall operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities.
[Title II, sec. 35.150(a)]

TRANSITION PLAN

A public entity that employs 50 or more persons shall develop a plan listing the steps required to complete structural changes to existing facilities where necessary to achieve program accessibility in existing facilities. [Title II, sec. 35.150(d)]

COMMUNICATIONS

A public entity shall take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others. [Title II, sec. 35.160(a)]

A public entity shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program or activity it conducts. [Title II, sec. 35.160(b)(1)]

In determining the type of auxiliary aid or service to be provided, a public entity shall give primary consideration to the requests of the individual with disabilities. [Title II, sec. 35.160(b)(2)]

APPENDIX C

*Texas Governor's Committee on People with Disabilities
P.O. Box 12428 Austin, Texas 78711*

LOCAL GOVERNMENT SURVEY - AMERICANS WITH DISABILITIES ACT

This is an informal survey to indicate the progress of approximately 1,500 local government units toward statewide implementation of ADA. It is not intended to determine noncompliance of any city or county. Requirements reference 29 CFR Part 1630 and 28 CFR Part 35 of the ADA regulations. Please mark each item and return to the Governor's Committee at the above address. Call 512/463-5739 for more information or questions. Thank you for your cooperation.

Please return surveys by September 30, 1993.

Yes ___ No ___ Have you reviewed your employment policies and practices to assure that standards, criteria, testing and methods of administration do not have the effect of discrimination based on disability? [Section 1630.7]

Yes ___ No ___ Do you have a specified decision-making process for determining a "reasonable accommodation" for a qualified worker with a disability? [Section 1630.9]

Yes ___ No ___ Do you have a procedure to document decisions of not to hire or promote based on "undue hardship"? [Section 1630.9]

Yes ___ No ___ Do you have wheelchair accessible hiring locations with accessible alternative communication versions of essential materials including Braille, audio cassettes, a reader, or a sign language interpreter for persons with disabilities? [Section 1630.11]

Yes ___ No ___ Have questions about health and disability been removed from your employment application? [Section 1630.13]

Yes ___ No ___ Have you completed a self-evaluation by January 26, 1993? [Section 35.105(a)]

Yes ___ No ___ Have you corrected deficiencies that did not meet ADA requirements? [Section 35.105(a)]

Yes ___ No ___ Have you provided interested persons, including persons with disabilities, an opportunity to comment on your self-evaluation and transition plans? [Section 35.105(b) & 35.150(d)(1)]

Yes ___ No ___ Using Braille, large print, computer disc, audio tape or a sign language interpreter, if necessary, have you notified applicants, participants, beneficiaries, union and professional organizations and the general public about ADA provisions applicable to your employment process, services and activities and about your policy of nondiscrimination? [Section 35.106]

Yes ___ No ___ Do your publications include a notice of nondiscrimination? [Section 35.106]

Yes ___ No ___ Have you designated an employee to be coordinator of ADA compliance efforts, including investigation of complaints alleging non-compliance? [Section 35.107(a)]

Yes ___ No ___ Have you adopted and published an ADA grievance procedure providing due process standards for resolving complaints from employees, job applicants, customers, and others? [Section 35.107]

Yes ___ No ___ Do people with disabilities receive full and equal services, the equivalent of services provided others? [Section 35.130(b)(1)(i-iv)]

Yes ___ No ___ Do individuals with disabilities have equal opportunity to serve as members of planning and advisory boards? [Section 35.130(b)(1)(vi)]

Yes ___ No ___ Are you aware that you may not levy a surcharge to cover the cost of accommodations or communications aids to provide persons with disabilities equal and nondiscriminatory services? [Section 35.130(f)]

Yes ___ No ___ When viewed in its entirety, is each program or service you offer readily accessible and usable by persons with disabilities? [Section 35.150(a)]

Yes ___ No ___ Do you have a transition plan that states: 1) the necessary structural change, 2) the method for providing access, 3) the time and completion schedule, and 4) the official responsible for completion? [Section 35.150(d)(3)]

Yes ___ No ___ If providing physical access to a historic property will destroy historic significance, are alternative means of program access provided to services offered therein? [Section 35.150(d)(2)]

Yes ___ No ___ Do you furnish auxiliary aids and accommodations to provide persons with disabilities equal access, benefits and participation in your programs? [Section 35.160(b)(1)]

Yes ____ No ____ Do you utilize the telecommunications device for the deaf (TDD) or Relay Texas service to communicate with people who are hearing or speech impaired? [Section 35.161]

Yes ____ No ____ Do your telephone emergency services, including 911, provide direct access for persons using TDDs and computer modems? [Section 35.162]

Yes ____ No ____ Can interested persons, including people with impaired vision or hearing, obtain information about assistance and accessible services? [Section 35.163(a)]

Yes ____ No ____ Do you place signs at all inaccessible entrances directing users to an accessible entrance and accessible services? [Section 35.163(b)]

**THANK YOU FOR
YOUR COOPERATION!**

Completed by

Date

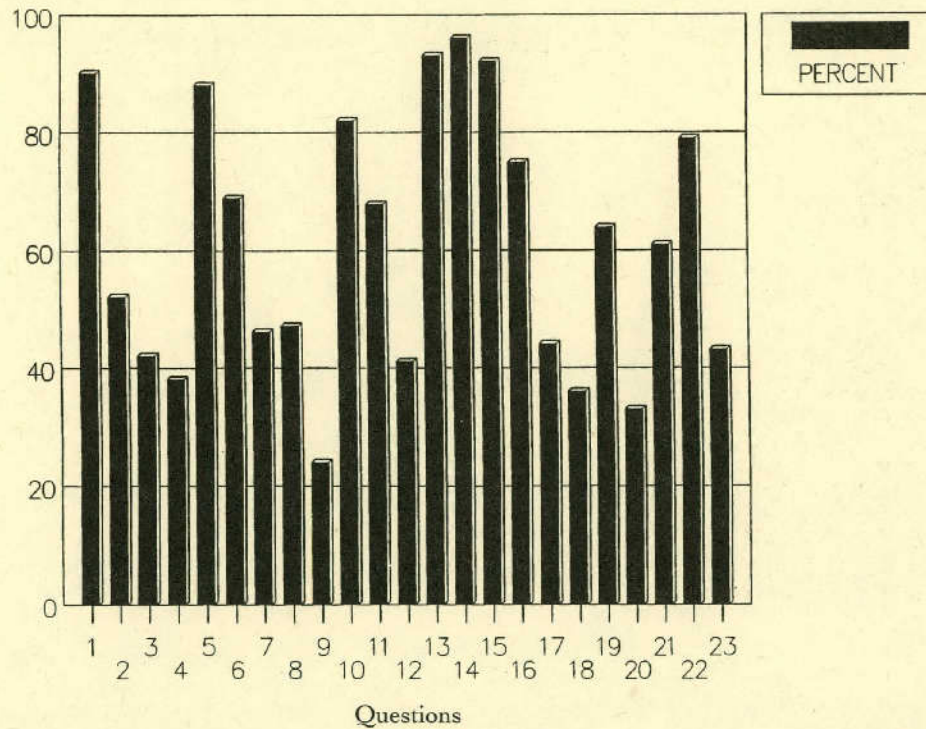
Name

Title

City/County

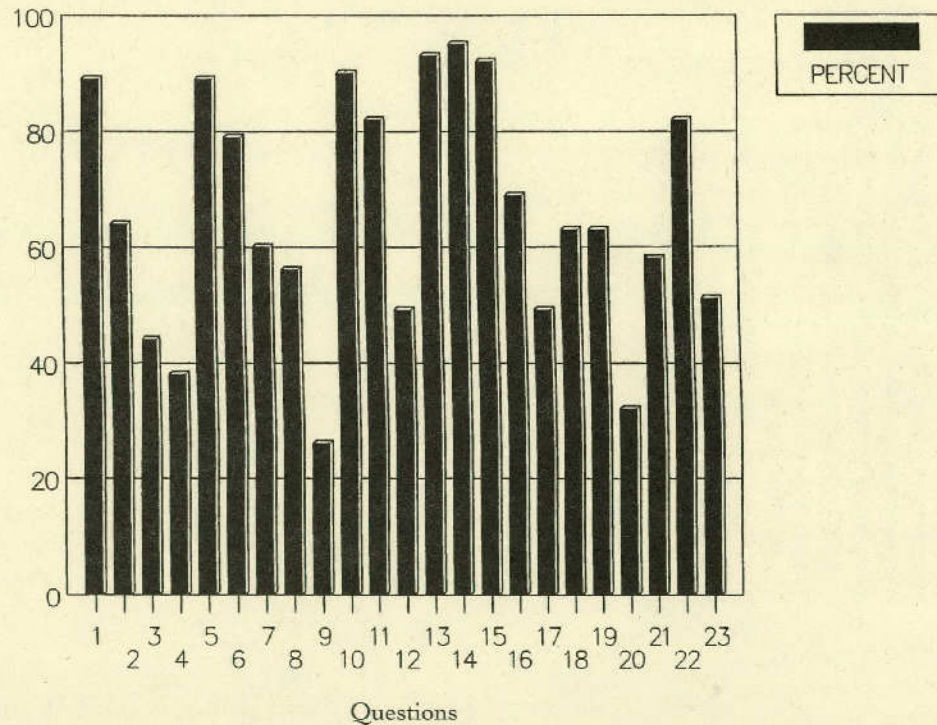
APPENDIX D

PROFILE OF CITIES' RESPONSE TO LOCAL GOVERNMENT SURVEY (QUESTIONS IN NUMERICAL ORDER)



APPENDIX E

PROFILE OF COUNTIES' RESPONSE TO LOCAL GOVERNMENT SURVEY (QUESTIONS IN NUMERICAL ORDER)



APPENDIX F

CITIES AND COUNTIES PARTICIPATING IN THE LOCAL GOVERNMENT SURVEY

CITIES

Abilene	Bullard	Dawson	Friendswood	Hutto	Lexington
Albany	Burkburnett	De Leon	Fritch	Ingelside on the Bay	Liberty
Alto	Burleson	Dekalb	Gainesville	Irving	Linton
Amarillo	Burton	Del Rio	Galena Park	Jamaica Beach	Livingston
Amherst	Castroville	Denton	Garden Ridge	Johnson City	Llano
Angleton	Centerville	Dickinson	Garland	Jonestown	Log Cabin
Aquilla	Charlotte	Dripping Springs	George West	Josephine	Longview
Arlington	Chester	Driscoll	Georgetown	Joshua	Lorena
Austin	Childress	Duncanville	Ghalser	Junction	Lowry Crossing
Bartonville	Cisco	Early	Giddings	Keene	Lumberton
Baytown	Clarendon	Earth	Glen Rose	Keller	Iyford
Bedford	Claude	East Mountain	Goliad	Kennedale	Lytle
Bee Cave	Cleburne	Eden	Grand Prairie	Kermit	Madisonville
Bellaire	Clyde	Edgewood	Grapevine	Kerrville	Manor
Bellville	Cockrell Hill	Edinburg	Greenville	Kingsville	Marfa
Belton	Coleman	El Paso	Gruver	Lacy Lakeview	Mason
Beverly Hills	College Station	Eldorado	Gunter	Lake Bridgeport	Maud
Big Sandy	Colmesneil	Enchanted Oaks	Happy	Lake Dallas	McKinney
Big Spring	Colorado City	Everman	Harker Heights	Lake Worth	Megargel
Blanco	Columbus	Fair Oaks Ranch	Haskell	Lakeside	Mertzou
Bogata	Commerce	Falls City	Helotes	Lampasas	Midland
Bowie	Conroe	Farwell	Higgins	Lancaster	Midlothian
Bronte	Copperas Cove	Fayetteville	Horizon City	Laredo	Mineola
Brownwood	Corpus Christi	Flower Mound	Houston	Lavon	Mineral Wells
Bryan	Crosbyton	Floydada	Hudson Oaks	League City	Missouri
Bryson	Cross Plains	Fort Stockton	Humble	Levelland	Mobile City
	Cuero	Fort Worth	Hurst	Lewisville	Morgan

Morgan's Point
Resort
Mount Vernon
Munday
Naples
Natalia
Navarro
New Braunfels
New Deal
New Home
New London
Oak Ridge North
Oglesby
Olney
Orange Grove
Palestine
Palm Valley
Pampa
Petrolia
Pinehurst
Plains
Plano
Pleasant Valley
Port Aransas
Port Lavaca
Port Neches
Post
Progreso Lakes
Prosper
Quintana
Raymondville
Red Oak
Redwater
Refugio

Reklaw
Richardson
Richmond
Richwood
Robert Lee
Rockdale
Rockport
Roma
Roscoe
Rose City
Rosenburg
Rotan
Rowlett
Roxton
Royse City
Runge
Saginaw
Saint Jo
San Antonio
San Marcos
Sanctuary
Sanford
Sangler
Savoy
Schulenburg
Sealy
Seminole
Seymour
Shallowater
Sherman
Shoreacres
Slaton
Sour Lake
South Houston

South Padre Island
Spearman
Splendor
Stamford
Stanton
Stephenville
Stinnet
Stockdale
Streetman
Sugar Land
Sulphur Springs
Sunray
Sunrise Beach
Sweeny
Taft
Taylor
Temple
Texarkana
Thompsons
Three Rivers
Throckmorton
Tomball
Toyah
Troup
Tuscola
Tyler
Universal City
Valley View
Vinton
Waco
Watauga
Waxahachie
Webster
Weslaco

West
West Lake Hills
White Settlement
Wichita Falls
Willis
Wilmer
Winnsboro
Wolfforth
Woodcreek
Woodsboro
Woodville
Wylie

COUNTIES

Aransas
Bexar
Blanco
Brazoria
Burnet
Callahan
Carson
Chambers
Cherokee
Childress
Clay
Cochran
Coke
Collin
Colorado
Cooke
Dallam
Dallas
Dickens
Ector

El Paso
Ellis
Erath
Franklin
Glasscock
Gonzales
Gregg
Guadalupe
Hale
Hall
Hamilton
Hansford
Hardeman
Harris
Hartley
Hays
Hood
Howard
Jack
Jackson
Jefferson
Karnes
Kendall
Kent
Kimble
Kinney
Kleberg
Knox
Lamb
Live Oak
Madison
McMullen
Medina
Mills

Motley
Navarro
Newton
Nolan
Orange
Palo Pinto
Panola
Parker
Polk
Randall
Roberts
Sabine
San Jacinto
San Patricio
Scurry
Shackelford
Stonewall
Tarrant
Taylor
Terry
Uvalde
Val Verde
Washington
Webb
Wharton
Wichita
Wise
Wood
Zapata
Zavala

APPENDIX C

AMERICANS WITH DISABILITIES ACT REQUIREMENTS FACT SHEET

EMPLOYMENT

- Employers may not discriminate against an individual with a disability in hiring or promotion if the person is otherwise qualified for the job.
- Employers can ask about one's ability to perform a job, but cannot inquire if someone has a disability or subject a person to tests that tend to screen out people with disabilities.
- Employers will need to provide "reasonable accommodation" to individuals with disabilities. This includes steps such as job restructuring and modification of equipment.
- Employers do not need to provide accommodations that impose an "undue hardship" on business operations.

Who needs to comply:

- All employers with 25 or more employees must comply, effective July 26, 1992.
- All employers with 15-24 employees must comply, effective July 26, 1994.

TRANSPORTATION

- New public transit buses ordered after August 26, 1990, must be accessible to individual's with disabilities.
- Transit authorities must provide comparable paratransit or other special transportation services to individuals with disabilities who cannot use fixed-route bus services, unless an undue burden would result.
- Existing rail systems must have one accessible car per train by July 26, 1995.
- New rail cars ordered after August 26, 1990, must be accessible.
- New bus and train stations must be accessible.
- Key stations in rapid, light, and commuter rail systems must be made accessible by July 26, 1993, with extensions up to 20 years for commuter rail (30 years for rapid and light rail).
- All existing Amtrak stations must be accessible by July 26, 2010.

PUBLIC ACCOMMODATIONS

- Private entities, such as restaurants, hotels, and retail stores, may not discriminate against individuals with disabilities, effective January 26, 1992. Auxiliary aids and services must be provided to individuals with vision or hearing impairments or other individuals with disabilities, unless an undue burden would result.
- Physical barriers in existing facilities must be removed, if removal is readily achievable. If not, alternative methods of providing the services must be offered, if they are readily achievable.
- All new construction and alterations of facilities must be accessible.

STATE AND LOCAL GOVERNMENT

- State and local governments may not discriminate against qualified individuals with disabilities.
- All government facilities, services, and communications must be accessible consistent with the requirements of section 504 of the Rehabilitation Act of 1973.

TELECOMMUNICATIONS

- Companies offering telephone service to the general public must offer telephone relay services to individuals who use telecommunications devices for the deaf (TDDs) or similar devices.

THIS DOCUMENT IS AVAILABLE IN THE FOLLOWING ACCESSIBLE FORMATS

- Braille - Large Print - Audio Tape - Electronic file on computer disk and electronic bulletin board. (202)514-6193

FOR MORE INFORMATION ABOUT THE ADA, CONTACT

U.S. Department of Justice

Civil Rights Division

Coordination and Review Section

P.O. Box 66118

Washington, D.C. 20035-6118

(202) 514-0301 (Voice)

(202) 514-0381 (TDD)

(202) 514-0383 (TDD)

800-514-0301 (Voice)

800-514-0383 (TDD)



**TEXAS GOVERNOR'S
COMMITTEE ON
PEOPLE WITH
DISABILITIES**

201 East Fourteenth Street

Room 312

Austin, Texas 78701

512-463-5739 (VOICE)

512-463-5746 (TDD)

512-463-5745 (FAX)