

Oklahoma Employment Security Commission



Jon Brock, Executive Director

Brad Henry, Governor

Representing Employers

George Ollie, Jr., Commissioner
Ted Weber, Commissioner

Representing the Public

Rev. W. B. Parker, Chairman

Representing Employers

David Hill, Commissioner
DeWayne Goodman, Commissioner

OKLAHOMA EMPLOYMENT AND TRAINING ISSUANCE # 13-2003

DATE: December 23, 2003

TO: WIA EO Officers and WIA Director

SUBJECT: WIA Equal Opportunity (EO) and Nondiscrimination Monitoring Packet

PURPOSE: To provide the EO monitoring packet availability on line.

BACKGROUND: 29 CFR Part 37; WIA Section 188 required that all federal recipients of financial assistance provide reasonable assurance of Equal Opportunity and Nondiscrimination.

MESSAGE: The Employment and Training monitoring team will not be sending out the EO Self Evaluation packets this program year. You remain responsible however, to complete your annual Equal Opportunity Self Evaluation. The Self Evaluation monitoring tool is being added to the E & T website as part of this policy issuance and can be accessed at www.oesc.state.ok.us/Emp-Trng/OETI/OETISearch.htm.

ACTION REQUIRED: The monitors will send a notice when they are going to come to your area for a monitoring visit. The designated EO Officer should print and complete an EO Self-Evaluation for the monitors. The monitors will take the completed EO Self Evaluation with them at the exit conference. **PLEASE HAVE THE COMPLETED EO SELF EVALUATION READY TO SUBMIT TO THE MONITORS.**

RESCISSION: NONE

**WIA
EQUAL OPPORTUNITY AND
NONDISCRIMINATION
MONITORING PACKET**

**OKLAHOMA EMPLOYMENT SECURITY COMMISSION
2401 N. Lincoln Blvd.
Oklahoma City, OK 73152
Barbara Williams, State WIA Equal Opportunity Officer
(405) 557-7255**

(July 2001)

Completion Instructions by Local EO Officer

The (State Level WIA EO OFFICER) OESC EO Officer for has placed the WIA Equal Opportunity and Nondiscrimination Monitoring packets on the Employment and Training web site. The Self-Evaluation is a part of your official annual review and should be completed and ready at the end of any on-site monitoring review. If you do not have an on-site monitoring review, the Self Evaluation is due at the request of the State Level WIA EO Officer. The completed self-evaluations are submitted to the State WIA EO Officer. By the end of the on-site visit, if the packet is not completed it will be the responsibility of the local EO officer to ensure it's returned to the State Level WIA EO Officer. The designated local EO officer is responsible for completing the documents contained in the packets, preferably prior to the annual review.

Please verify that you have completed your review with the checklist below. If you have previously submitted items 2 & 3, just indicated N/C for No Change on the designated line. Otherwise (v) or (X) that you have complied with the item.

WIA EO Monitoring Checklist

- _____ 1. Staff Analysis
- _____ 2. Equal Opportunity Policy
- _____ 3. Sexual Harassment Policy
- _____ 4. Copy of Complaint Verification Notice is given to participants, beneficiaries ***about EO Rights to file a complaint.***
- _____ 5. Equal Opportunity Self-Evaluation for the year
- _____ 6. ADA Self-Evaluation for the year.

NONDISCRIMINATION AND EQUAL OPPORTUNITY COMPLIANCE

1. Who is the Local EO Officer? _____
Are they? Board Staff _____ Fiscal Agent _____ Service Provider _____

 2. Who does Local EO Officer report to on Nondiscrimination and Equal Opportunity issues? _____.

 3. Where is Local EO Officer stationed? _____.

 4. Do Local EO officer have a copy of the WIA EO Policy and Procedure Manual?
Yes _____ No _____

 5. Does the Board have an Equal Opportunity Policy? Yes _____ No _____
and a Sexual Harassment Policy? Yes _____ No _____ (Obtain a copy of each)

 6. Is the New EO Law Poster up and easily visible to the public? Yes _____ No _____ Is
the EO Officer's name and address identified on the poster? Verify!
Yes _____ No _____

 7. Does the LWIA EO Officer or person designated to take WIA complaints have the WIA
Complaint Procedures available? _____yes _____no

 8. Have any complaints of discrimination been filed? Yes _____ No _____
Review the Complaint Log (Must have one even if it's blank). Describe _____

 9. Is there a copy of the state contract, signed and dated by all parties, on file complying
with 29 CFR 37.20? Yes _____ No _____

 10. Do the contracts with subrecipients and training providers contain the (*U. S. DOL WIA
Assurance Statement Language*) WIA Equal Opportunity Policies and Procedures? Yes
_____ No _____ Obtain copy of subrecipient's contract to ensure compliance!

 11. Has EO Officer made subrecipient/training provider aware of their need to prepare an EO
and ADA self-evaluation? Yes _____ No _____
Describe process: _____
-

Inter-Agency Procedures: (For the Monitoring Staff Only)

The (*State Level WIA EO Officer*) OESC EO Officer for OESC will provide packets for the Employment and Training monitoring staff to send out to the local EO officer once the monitoring schedule has been sent out. This packet should be picked up during the annual review by the monitors. (*The packet is a part of the official review and should be completed and ready at the end of the monitoring review. The completed self-evaluations will be brought back and submitted to the State WIA EO Officer.*) If the packet is not completed it will be documented and the local EO officer will be responsible to ensure it is returned to the state office. The designated local EO officer is responsible for completing the documents contained in the packets, *preferably* prior to the annual review.

WIA EO Monitoring Checklist

- _____ 1. Staff Analysis
- _____ 2. Equal Opportunity Policy
- _____ 3. Sexual Harassment Policy
- _____ 4. Copy of Complaint Verification Notice given to participants, beneficiaries *about EO Rights to file a complaint.*
- _____ 5. Service Link Reports data for year to date. (*if not available thru state office*)
- _____ 6. Equal Opportunity Self-Evaluation for the year
- _____ 7. ADA Self-Evaluation for the year.

WORKFORCE INVESTMENT ACT
EQUAL OPPORTUNITY AND NONDISCRIMINATION REVIEW
SELF-APPRAISAL

Instructions:

Please complete the attached documents. These three documents are considered a part of your annual monitoring review. The Local Workforce Investment Area (LWIA) Equal Opportunity (EO) Officer or Board Staff as designated should complete them. These three documents should be submitted to the on-site WIA Monitoring Unit upon their scheduled monitoring visit. If the forms are not ready for submission this will be noted as an untimely submission. When the forms are not completed and submitted by the exit interview, the LWIA EO officer will be responsible for submitting the forms. Non-submission of forms will be considered a finding and noted in the monitoring report as non-compliance with Nondiscrimination and Equal Opportunity Procedures.

Any questions you have on the attached documents, please contact the State WLA Equal Opportunity Officer, Barbara Williams @ (405) 557-7255.

Attached are:

1. Present Staffing Form
2. EO/AA Compliance Review Self Appraisal
3. Americans with Disabilities Act (ADA) Self-Evaluation Guide

Along with the above completed documents you will be asked to submit a copy of your:

1. Equal Opportunity Policy
2. Sexual Harassment Policy
3. Notice of Verification for EO Complaint Rights

EQUAL OPPORTUNITY EMPLOYER/PROGRAM

Present Staffing of the Local WIA / Board Report

EEO Category

	Gender	Race	Total Minority
1. Officials / Administrator	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
2. Professionals	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
3. Technicians	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
4. Protective Services	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
5. Para-professional	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
6. Office Clerical	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
7. Skilled Craft	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
8. Service Maintenance	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
TOTAL	_____	_____	_____

OKLAHOMA EMPLOYMENT SECURITY COMMISSION EO / AA COMPLIANCE REVIEW SELF APPRAISAL

INTRODUCTION:

This compliance review self appraisal procedure has been developed to provide a mechanism through which local unemployment insurance, employment service and Workforce Investment Board offices may assess their compliance with certain provisions of nondiscriminatory/equal opportunity Federal and State statutes.

COMPLETION OF SELF APPRAISAL FORMS

Each local office manager, as the Equal Opportunity designee or the assigned LWIA EO Officer, will complete the attached self appraisal forms - responding "YES" / "NO" / or "Not Applicable" (N/A) to appropriate questions as indicated. The Self-Appraisal will assess the office's compliance as of the date the form is prepared.

For any item when there is a "NO" response, appropriate corrective actions or comments should be noted.

SUBMITTAL OF SELF APPRAISAL FORMS

Completed Self Appraisal form and any corresponding documentation are to be forwarded to the Civil Rights Administrator's/State Designated WIA EO Office, Will Rogers Building, 2401 N. Lincoln, Oklahoma City, OK 73152; telephone (405) 557-7255 / TDD (405) 557-5458.

For WIA Offices, the WIA Monitoring Unit will pick up the self-appraisal at the scheduled monitoring visit.

**Self Appraisal Guide for
Equal Opportunity/ Nondiscrimination Compliance**

I. Maintenance of Equal Opportunity/Affirmative Action directives, procedures, instructions, etc.

- _____ 1. Does Local Office/WIA Board have a copy of the WIA Methods of Administration for Nondiscrimination and Equal Opportunity?
- _____ 2. Has the Local Office/WIA Board disseminated to staff information about the WIA Methods of Administration for Nondiscrimination and Equal Opportunity?
- _____ 3. Have the Equal Opportunity and Sexual Harassment Policy statements been disseminate and are available to employee?
- _____ 4. Does Local Office/WIA Board have a copy of the "WIA EO Policy and Procedure Manual?"

II. Labor Force Statistical Data.

- _____ 1. Does local office/WIA Board have available to them a Labor Force Information for Affirmative Action Programs book?
- _____ 2. Does local office manager/ WIA Board use labor force statistics when new hiring and or when community outreach planning is done?
- _____ 3. Does local office manager / WIA Board know if affirmative action statistics of their office staff and/or program participants are in comparison with area population statistics?
- _____ 4. Are nondiscriminatory procedures used when hiring temporaries or other staff?

_____ 5. Are minority applicants usually included in the applicant pool when hiring for new positions?

III. Discussions of EO/AA topics at staff meeting.

_____ 1. Has the office had any office staff training or program meetings during the previous six months?

_____ 2. Was/were EO/AA topic(s) discussed? If yes, list covered subjects. (i.e., discriminatory job orders, BFOQs or equal service to all customers)

IV. Processing complaints of alleged discrimination.

_____ 1. Were any complaints filed alleging discrimination in the provision of services in the last twelve (12) months and a copy submitted to the Civil Rights Adm./State EO Officer?

_____ a. If so did EO Officer respond in writing to complainant?

_____ b. If so, was complaint logged on the complaint log?
(MSFW Complaint Log: OES-305 (Rev. 11-96)
(Non-MSFW Complaint Log: OES-305A (Rev. 11-96)
(WIA Complaint Log: _____.)

_____ 2. Does office have appropriate complaint forms?

_____ a. ETA 8429 (Rev. 9/97)

_____ b. Complaint Information Form – U. S. DOL's Civil Rights Center.
(English & Spanish) No OMB No. Visible or Your WIA Complaint Form

_____ c. OES-325 Comment Reply Card.

_____ d. Complaint Referral Card. (OES#-546, 8/01)

V. Display of Posters and Notices.

_____ 1. Is the (White - DOL Posters in English and Spanish) "EO is the Law" complaint poster conspicuously displayed? (**Outside of personal office or location for LWIA EO Officers located in Local Office**)

- _____ 2. Are applicants and claimants given their civil rights and right to complain information in accordance with procedure? (Memo#LO-01-04) or (OETI - #5-2001)
- _____ 3. Is office using appropriate notification procedure to certify applicant/claimant and new employee have been advised of there rights? (OESC-Computer File, WIA-manual hard copy files) (Memo #LO-01- 04) & (LO-01-29) (OETI - #5 –2001)
- _____ 4. Are all other Employment Law posting requirements up to date? (See Attachment "A" for list of required poster - **WIA: #2 – 11 Only**)

VI. Nondiscrimination Assurances.

- _____ 1. Does local office/WIA Board have any contract or cooperative linkage agreements?
- _____ 2. If so, was the appropriate Department of Labor language included as given? "As a Condition to the award of financial assistance from the Department of Labor..." (Memo #SOLO-01-06) (OETI- #4 & 14-2001)
- _____ 3. Does local office have appropriate language available if they need it for future usage? (Memo #SOLO-01-06) (OETI- #4 & 14-2001)

VII. Equitable Service.

- _____ 1. Are all participants, beneficiaries, applicants, claimants and potential employees and employees treated fairly and objectively?
- _____ 2. Do you, as a local office manager or WIA Board, feel you have reached the majority of the population about the availability of services in your office?

VIII. Program and Site Accessibility.

- _____ 1. Are participants aware of auxiliary aids and services being available upon request? (See Memo# SOLO-01-05) (OETI #7 –2001)

_____ 2. Were all auxiliary aids request accommodated as much as feasibly possible?

_____ a. If not did you contact the ADA Coordinator or the Civil Rights Administrator/State or Local Level WIA EO Officer for assistance?

_____ 3. Do you check to ensure that any chosen off-site work or training facility is ADA accessible?

_____ 4. Have you or a designated authority performed a self-evaluation for:

- _____ Program Accessibility
- _____ Architectural accessibility
- _____ IT Management/Equipment accessibility
- _____ Software accessibility
- _____ Web Page Accessibility
- _____ Language Model Assessment

If any of the above questions were answered "NO" please provide a plan of action for your office to follow. The plan of action will be used to bring your office into Nondiscriminatory/Equal Opportunity compliance.

I certify I have reviewed the above areas for nondiscrimination/equal opportunity compliance.

Local Office Manager or WIA EO Officer

Date

ATTACHMENT "A"

Display the following posters in a prominent area at each service delivery point.

1. "IF YOU HAVE A COMPLAINT" (English/Spanish) Required by: 20 CFR 658.410 U. S. Employment Service, Office of the National Monitor Advocate.
2. "EEO IS THE LAW" U. S. Department of Labor (English/Spanish version) Required by: Civil Rights Center directive 29 CFR 37.30.
3. "FAIR LABOR STANDARDS ACT" Required by: The Minimum Wage, Overtime Compensation, Equal Pay and Child Labor Standards Act of 1937. Wage and Hour Division, U. S. Department of Labor.
4. "EQUAL EMPLOYMENT OPPORTUNITY IS THE LAW": Required by: Title VII of the Civil Rights Act of 1964, as amended: Executive Order 11246. Equal Employment Opportunity Commission.
5. "JOB SAFETY AND HEALTH ACT" Required by: 29 CFR 1903.2(a)(1) U. S. Department of Labor, Occupational Safety and Health Administration.
6. "NOTICE - EMPLOYEE POLYGRAPH PROTECTION ACT" Required by: U. S. Department of Labor, Wage and Hour Division.
7. "According to the Immigration Reform Act of 1986" Required by Oklahoma Employment Security Commission Agency policy. **(NOT A WIA POSTER)**
8. COMMENT POSTER AND REPLY CARDS (OES-325) Required by: Oklahoma Employment Security Commission Agency policy. **(NOT A WIA POSTER)**
9. "OKLAHOMA WORKERS' COMPENSATION" - Notice and Instructions to Employers and Employees" Form No. 1-A. Required by: Workers' Compensation court.
10. "OKLAHOMA LAW PROHIBITS DISCRIMINATION" Required by Oklahoma Human Rights Commission. Title 25, Oklahoma Statutes, Section 1302.
11. "NOTICE TO EMPLOYEES - STATE MINIMUM WAGE" Required by Oklahoma Department of Labor Wage and Hour Unit. Title 40 O. S. Section 197.6
12. "YOUR RIGHTS - FAMILY AND MEDICAL LEAVE ACT OF 1993" Required by: U. S. Department of Labor Employment Standards Administration. **(50 or more employees)**

ADA SELF EVALUATION GUIDE

**Americans with Disabilities
Act
(Public Law 101-336)**

Americans with Disabilities Act (Public Law 101-336)

Self-Evaluation Guide

For Business and Other Covered Entities

Developed by the Governor's Committee for Disabled Persons and The Office for Civil Rights, U.S. Department of Health and Human Services

The self-evaluation guide includes items found in Title I **Employment** and Title III Public Accommodations and Services of the Americans with Disabilities Act. It is designed to help employers and business owners comply with the law. It is a tool for identifying and eliminating potential problem areas identified in the law.

A time-proven method for conducting a successful self-evaluation involves identifying a mix of knowledgeable people with disabilities as well as professionals in the rehabilitation field and advocates for people with disabilities to consult with your organization on barriers to employment and general accessibility. A partial list of disability groups and organizations which may help you to identify people in your area to assist with your self-evaluation is located at the back of this document under Part III, Information & Assistance.

How To Use The Self-Evaluation Guide

The Self-Evaluation Guide has been re-worded from legal language into language that is easier to read and understand. A notation in the margin next to each question in the guide cites the reference for that question in P1 101-336. The guide is divided into four major parts for your convenience.

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

Part II deals with Title III public accommodation issues.

Note: Both Part II and I are in checklist form and a 'No answer to a question indicates an area of needed improvement. The Action/Due Date is the improvement (action) that needs to be made and the date of estimated completion for the improvement.

Part III is a partial list of agencies, organizations and disability groups, which can provide you with information and assistance.

Part IV is a brief accessibility checklist to get you started on removal of barriers in your business.

PART I

Self-Evaluation Guide

For Business and Other Covered Entities

Parts I and II of the Self-Evaluation Guide include items found in Title I- Employment and Title III Public Accommodations and Services of the Americans with Disabilities Act. Explanation and documentation to support and describe answers given will provide a proper evaluation of your business using the Self-Evaluation Guide. We recommend that you retain this information on file as evidence of your efforts at compliance.

Title I: Employment

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

Key Definitions Summary

(Important: See Public Law 101-336, Title I, Section 101 for detailed definitions)

Covered Entity means an employer, employment agency, labor organization or joint labor-management committee.

Employer means a person engaged in an industry affecting commerce Who Has 15 Or More Employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year.

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

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

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

Effective Dates

July 26, 1992- Employers with 25 or more employees

July 26, 1994- Employers with 15 or more employees

Self-Evaluation Guidelines For Title I

Sect 102(a)

1. Have you reviewed your employment policies (recruiting, hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring) to be sure that you and your employees are giving nondiscriminatory treatment to applicants and employees with disabilities?

Yes _____ No _____ Action/Due Date: _____

Sect 102(b)(1)

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

Yes _____ No _____ Action/Due Date: _____

Sect 102(b)(2)

3. Have you reviewed your employment practices to make sure that you are not participating in a contractual or other arrangement or relationship that subjects your qualified applicant or employee with a disability to discrimination (i.e., relationships with employment or referral agencies, labor unions, or organizations that provide fringe benefits, training or apprenticeship programs)?

Yes _____ No _____ Action/Due Date: _____

Sect 102(b)(3)

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

Yes _____ No _____ Action/Due Date: _____

Sect 102(b)(4)

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

Yes _____ No _____ Action/Due Date: _____

Sect 102(b)(5)(A)

6. Have you determined the process you will use to decide at which point “reasonable accommodation” causes an “undue hardship”?

Yes_____ No_____ Action/Due Date: _____

Sect 102(b)(5)(A)

7. Do you have a policy concerning “reasonable accommodation”?

Yes_____ No_____ Action/Due Date: _____

Sect 102(b)(5)(B)

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

Yes_____ No_____ Action/Due Date: _____

Sect 102(b)(6)

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

Yes_____ No_____ Action/Due Date: _____

Sect 102(b)(7)

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

Yes_____ No_____ Action/Due Date: _____

Sect 102(b)(7)

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

Yes _____ No _____ Action/Due Date: _____

Sect 102(c)

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

Yes _____ No _____ Action/Due Date: _____

Sect 102(c)

13. If your business conditions an offer of employment based upon the job applicant's satisfactory completion of a medical examination, do your procedures conform to the requirements of the law prohibiting inquiries as to the nature and severity of disabilities except as they are job-related?

Yes _____ No _____ Action/Due Date: _____

Sect 104

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

Yes _____ No _____ Action/Due Date: _____

Sect 105

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

Notices?

Yes _____ No _____ Action/Due Date: _____

The following steps are Highly Recommended But Not Directly Mandated by the Americans with Disabilities Act (ADA):

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

Yes _____ No _____ Action/Due Date: _____

2. Have you designated someone to coordinate your efforts to comply with the ADA?

Yes _____ No _____ Action/Due Date: _____

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

Yes _____ No _____ Action/Due Date: _____

4. Have you notified unions and professional organizations with whom you have collective bargaining or other professional agreements of your nondiscrimination policy?

Yes _____ No _____ Action/Due Date: _____

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

Yes _____ No _____ Action/Due Date: _____

6. When you recruit for employees, do your procedures include all types of individuals with disabilities because of the nature of the media used, i.e., print media for individuals with hearing impairments and large print, Braille or verbal media for persons with vision impairments?

Yes _____ No _____ Action/Due Date: _____

7. Have you reviewed policies related to hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff and rehiring to ensure that they are not discriminatory?

Yes _____ No _____ Action/Due Date: _____

8. Have you reviewed medical, hospital, accident, life insurance, and retirement fringe benefits to ensure that they give nondiscriminatory treatment to people with disabilities?

Yes _____ No _____ Action/Due Date: _____

9. Are your business's social and recreational activities made accessible to all employees?

Yes _____ No _____ Action/Due Date: _____

Part II

Title III: Public Accommodations And Services Operated By Private Entities

Title III prohibits discrimination denying full and equal enjoyment of goods, services, facilities, privileges, advantages or accommodation of any place of public accommodation.

Key Definitions Summary

(Important: See Title III, Section 301 for detailed definitions)

Commerce means travel, trade, traffic, commerce, transportation, or communication.

Commercial Facilities means facilities that are intended for nonresidential use and whose operations will affect commerce.

Public Accommodation covers entities which affect commerce including

- lodging places with more than 5 rooms
- establishments serving food or drink
- places of entertainment
- gathering places such as auditoriums and convention centers
- retail sales establishments
- service establishments such as doctor and lawyer offices, banks
- cultural facilities such as museums, galleries, libraries
- parks and zoos
- educational facilities
- social service centers
- places of exercise and recreation

Residential, religious groups and private clubs are excluded.

Readily Achievable means easily accomplishable and able to be carried out without much difficulty or expense.

Auxiliary Aids and Services includes qualified interpreters for individuals with hearing impairments, qualified readers and taped texts for individuals with visual impairments and acquisition or modification of equipment and other similar services and actions.

Effective Dates Generally January 26, 1992, New Construction January 26, 1993

Self-Evaluation Guide For Title III

Have you reviewed your business as a covered entity under Title III - Public Accommodations and Services, Section 30 1(7)

to make certain that...

Sect 302(a, b)

1. nondiscriminatory treatment is given directly or through contractual licensing or other arrangements to people with disabilities in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations that are equal to that afforded to other individuals and that they are not provided differently or separately unless such action is necessary to ensure that they are as effective as those provided to others?

Yes_____ No_____ Action/Due Date:

Sect 302(b)(1)(B)

2. goods, services, facilities, privileges, advantages, and accommodations are offered and provided to an individual with a disability in the most integrated setting (same setting offered to others) appropriate to the needs of the individual?

Yes_____ No_____ Action/Due Date:

Sect 302(b)(1)(C)

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

Yes_____ No_____ Action/Due Date: _____

Sect 302(b)(1)(D)

4. you utilize, directly and/or through contractual or other arrangements, standards or criteria or methods of administration that do not have the effect of discrimination by others that are subject to common administrative control?

Yes_____ No_____ Action/Due Date: _____

Sect 302(b)(1)(E)

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

Yes _____ No _____ Action/Due Date: _____

Sect 302(b)(2)(A)(i)

6. eligibility criteria screen in, not out, individuals with disabilities (unless such criteria can be shown to be necessary for the provision of the goods, services, etc.... being offered)?

Yes _____ No _____ Action/Due Date: _____

Sect 302(b)(2)(A)(ii)

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

Yes _____ No _____ Action/Due Date: _____

Sect 302(b)(2)(A)(iii)

8. people with disabilities are included, allowed services, integrated and otherwise treated the same as others through the provision of auxiliary aids and services, unless doing so would fundamentally alter the nature of the good, service, etc.?

Yes _____ No _____ Action/Due Date: _____

Sect 302(b)(2)(A)(iv)

9. architectural barriers and communication barriers that are structural in nature including permanent, temporary or movable structures, such as furniture, equipment and display racks, are removed from existing facilities where such removal is readily achievable'?

Yes _____ No _____ Action/Due Date: _____

Sect 302(b)(2)(A)(v)

10. where removal of a barrier is not 'readily achievable' that goods, services, etc., are made available through alternative methods if such methods are 'readily achievable'?

Yes _____ No _____ Action/Due Date: _____

Sect 303(a)(1)

11. new constructions with first occupancy after January 26, 1993, has been/will be designed to be readily accessible to and usable by individuals with disabilities?

Yes ____ No ____ Action/Due Date: _____

Sect 303(a)(2)

12. if you are altering a facility, alterations are made in such a manner that, to the maximum extent feasible, the altered portions of the facility are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs?

Yes ____ No ____ Action/Due Date: _____

Note: The Uniform Federal Accessibility Standards (UFAS) is the interim standard for accessibility for new construction and alterations (items 11 and 12 above). Copies of the UFAS may be obtained by contacting

Architectural and Transportation Barriers Compliance Board (ATBCB)
1111 18th Street NW, Suite 50
Washington, D. C. 20036-3894
1400-872-2253

The ATBCB will publish 'Minimum Guidelines and Requirements for Accessible Design' and the Department of Justice will adopt these guidelines as the final accessibility standard for this law. You may wish to inquire concerning the status of the 'Minimum Guidelines' and request a copy.

The Governor's Committee for Disabled Persons is not a regulatory or enforcement body for the Americans with Disabilities Act. The U. S. Equal Employment Opportunity Commission (EEOC) and the U S Department of Justice (DOJ) have the responsibility for formulating regulations by July 26, 1991, to carry out the Employment (Title I) and the Public Accommodations, except transportation, (Title III) sections of the law. Taking actions as outlined in this guide will not necessarily assure compliance with the final regulations, but will assist with actions in the right direction. This Self-Evaluation Guide is a tool for identifying and eliminating potential problem areas identified in the law.

Part III Information and Assistance

The agencies and organizations below can provide technical advice and assistance.

Employment Compliance

Equal Employment Opportunity Commission
210 Park Avenue, Suite 1350
Oklahoma City, OK 73102
405-231-4911
405-231-5745(TDD)

District EEOC
8308 Elm Brook Drive
Dallas, TX 75247
214-767-7015
214-767-7523 (TDD)

Oklahoma Human Rights Commission
Jim Thorpe Bldg.
2101 N. Lincoln, Room 480
Oklahoma City, OK 73105
405-521-2360

Accommodations Compliance

U.S. Department of Justice
Civil Rights Division
Coordination and Review Section
P.O. Box 68118
Washington DC 200354116
202-514-0301
202-514-0381 (TDD)

General Information and Assistance

Rehabilitation Services Division
Department of Human Services
2409 N. Kelley, Annex, 4th & 5th floors
P.O. Box 25352
Oklahoma City, OK 73125
405-424-4311 x2840

Rehabilitation Services for
Deaf & Hearing Impaired
P. O. Box 25352, RS 24
Oklahoma City, OK 73125
405-424-4311 x2920
405-424-2794 (TDD)

Visual Services
2409 N. Kelley, Annex
P.O. Box 25352
Oklahoma City, OK 73125
405-424-6006

Interpreter Services
405-424-4311 x2851
TDD Distribution
405-424-4311 x 2800

**Library for the Blind
and Physically Handicapped**
300 NE 18
Oklahoma City, OK 73105
405-521-3514
800-523-0288

Supported Employment Project
RS 49, 4545 Lincoln, Ste. 275
P.O. Box 25352
Oklahoma City, OK 73125
(405) 524-0334

Office of Handicapped Concerns
2712 Villa Prom / Shepard Mall
Oklahoma City, OK 73105
405-521-3756 (V/TDD)
800-522-8224 (V/TDD)

Office for Civil Rights
U.S. Dept of Health and
Human Services
Region VI
1200 Main Tower, Ste. 1360
Dallas, TX 75202
214-767-4056 / 214-767-8940 TDD

Oklahoma Independent Living Centers
Ability Resources (Tulsa) 918-592-1235 V/TDD
Caddo County Independent Living Projects (Anadarko) 405-247-7331 V/TDD
Northwest Okla. Independent Living Center (Enid) 405-237-8508 V/TDD
Oklahomans for Independent Living (McAlester) 918-426-6220 V/TDD
Progressive Independence (Norman) 405-321-3203 V/TDD
RELI-Green Country Indep. Living Resource Ctr. (Bartlesville) 918-335-1314 V/TDD

Job Accommodation Network
800-526-7234 V/TDD
(An international network and consulting
resource for accommodating persons with
disabilities in the workplace.)

Projects with Industry
601 N. Porter
Norman, OK 73071
405-329-3391

**Projects with Industry for the
Deaf and Hearing Impaired**
3112 S. Mingo Rd., Suite 100
Tulsa, OK 74166
918-663-9920 V/TDD

Protection & Advocacy Agency
Osage Bldg. Room 133
9726 E 42nd Street
Tulsa, OK 74145
918-664-5883 V/TDD

IBM National Support Center for Persons with Disabilities 800-426-2133 Voice, 800-2849482 TDD

Federal ADA Enforcement and Technical Assistance
Equal Employment Opportunity Commission, 800-USA-EEOC, 800-800-3302 TDD
Dept. of Transportation, 202-366-9305, 202-755-7687 TDD
Architectural & Transportation Barriers Compliance Board
800-USA-ABLE V/TDD
Federal Communications Commission, 202-634-1837, 202-632-1836 TDD

Quick Look'' Barriers Checklist

This checklist is designed to-give businesses a quick appraisal of potential problem areas for accessibility. For detailed review standards contact the Architectural and Transportation Barriers Compliance Board at 1/800/872-2253 and/or obtain a copy of the Uniform Federal Accessibility Standards for current specifications.

ITEM TO BE PERFORMED	YES	NO
----------------------	-----	----

Building Access

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

Building Corridors

- | | | |
|---|-------|-------|
| 1. Is path of travel free of obstruction and wide enough for a wheelchair? | _____ | _____ |
| 2. Is floor surface hard and not slippery? | _____ | _____ |
| 3. Do obstacles (phones, fountains) protrude no more than four inches? | _____ | _____ |
| 4. Are elevator controls low enough (48'') to be reached from a wheelchair? | _____ | _____ |
| 5. Are elevator markings in Braille for the blind? | _____ | _____ |
| 6. Does elevator provide audible signals for the blind? | _____ | _____ |
| 7. Does elevator interior provide a turning area of 51'' for wheelchairs? | _____ | _____ |

Restrooms

- | | | |
|---|-------|-------|
| 1. Are restrooms near building entrance/personnel office? | _____ | _____ |
| 2. Do doors have lever handles? | _____ | _____ |
| 3. Are doors at least 32'' wide? | _____ | _____ |
| 4. Is restroom large enough for wheelchair turnaround (51'' minimum)? | _____ | _____ |
| 5. Are stall doors at least 32'' wide? | _____ | _____ |
| 6. Are grab bars provided in toilet stalls? | _____ | _____ |
| 7. Are sinks at least 30'' high with room for a wheelchair to roll under? | _____ | _____ |
| 8. Are sink handles easily reached and used? | _____ | _____ |
| 9. Are soap dispensers, towels, no more than 48'' from floor? | _____ | _____ |

Personnel Office

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