

Self-Evaluation Guide
For Business and Other Covered Entities

Developed by Texas 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 for Individuals with Disabilities

ADA SELF-EVALUATION GUIDE



PRIVATE ENTITIES

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 I and Part II 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 a path to a more
business.

Americans with
Disabilities
Act
(Public Law 101-336)

Self-Evaluation Guide *For Business and Other Covered Entities*

Developed by Texas 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 PL 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 I and Part II 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 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

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: _____

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 301(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 construction 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
1-800-872-2253

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 Texas 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.

Information & Assistance

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

Employment Compliance:

Equal Employment Opportunity Commission

El Paso Area Office
700 E. San Antonio, Room B406
El Paso, TX 79901
915/534-6550

San Antonio District Office
5410 Fredericksburg Rd.
San Antonio, TX 78229
512/229-4810

Houston District Office
1919 Smith Rd. - 7th floor
Houston, TX 77002
713/653-3374

Dallas District Office
8303 Elmbrook
Dallas, TX 75247
214/767-7015

Accommodations Compliance:

U.S. Department of Justice
Civil Rights Division
Coordination and Review Section
P.O. Box 66118 Washington, DC 20035-6118
202/514-0301 Voice
202/514-0381 TDD

General Information and Assistance:

Texas Governor's Committee for Disabled Persons
4900 No. Lamar Blvd.
Austin, TX 78751-2316
512/483-4380
512/483-4387 (TDD)

Office for Civil Rights, Department of Health and Human Services
Regional Office VI
1200 Main Tower, Suite 1360
Dallas, TX 75202
214/767-4056
214/767-8940 (TDD)

Texas Commission on Human Rights
P.O. Box 13493
Capitol Station Austin, TX 78711
512/837-8534

Texas Rehabilitation Commission (115 field offices statewide)

Helps citizens with disabilities get training and jobs

Public Information Office - 512/483-4425

512/483-4423 (TDD)

ADA-Texas unit - 1/800-442-9502

1/800-RELAY TX (TDD Access)

Texas Commission for the Blind (26 district offices statewide)

Offers primary services to blind and visually impaired citizens

Public Information Office - 512/459-2615

512/459-2608 (TDD)

Texas Employment Commission (local offices throughout the state)

Offers employment services and unemployment insurance program

Job Service Director - 512/463-2664

Partial List Of Disability Groups To Include In Your Self-Evaluation Team:

- a person who uses a wheelchair
- a person with a vision impairment
- a person with a hearing impairment
- a person with a learning disability
- a person with speech or motor coordination difficulty

The following may help identify local organizations for people with disabilities to assist you with your self-evaluation:

- Local Center for Independent Living (call the Governor's Committee for a CIL in your area)
- Coalition of Texans with Disabilities (and their local affiliates) - State Office in Austin 512/478-3366

[The Centers for Independent Living and Coalition of Texans with Disabilities have persons experienced in consulting on Self-Evaluation under Section 504 of the Rehabilitation Act of 1973, as amended]

- United Way (local offices throughout the state)
- Mayor's Committee for People with Disabilities (call the Governor's Committee for contact information)

"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" 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? | _____ | _____ |

Credits

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The Texas Governor's Committee for Disabled Persons is in compliance with the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975 and is an equal opportunity employer.



Office for Civil Rights



**The Texas Governor's Committee
for Disabled Persons**