

AMERICANS WITH DISABILITIES ACT:

Self Evaluation and
Compliance Plan
for the
State of Rhode Island
and Providence Plantations



Prepared by the
RI Coordinating Committee on the
Americans with Disabilities Act

of the
Governor's Commission on the Handicapped

January 1992

Providence, RI

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RI Executive Department
Governor's Commission on the Handicapped

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RI Secretary of State Office

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STATE STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Executive Department
GOVERNORS COMMISSION
ON THE HANDICAPPED
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Providence, R.I. 02908 - 5686
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December 20, 1991

His Excellency Governor Bruce Sundlun
Governor of the State of
Rhode Island and Providence Plantations
State House
Providence, RI 02903

Dear Governor Sundlun:

As Chairperson of the RI Coordinating Committee on the Americans with Disabilities Act (ADA) I respectfully submit the Americans with Disabilities Act: Self Evaluation and Compliance Plan for the State of Rhode Island and Providence Plantations for your review and approval. This report is the result of the efforts of 63 volunteers and 67 state agency ADA coordinators who evaluated the current services, policies, and practices, and the effects thereof and determined which might not meet the requirements of Titles I and II of the ADA and the U. S. Equal Employment Opportunity Commission and U. S. Department of Justice regulations. This report not only identifies those areas where the state needs to make improvements but describes the plan of action to bring about compliance, the agency responsible to undertake each action, the projected deadline for accomplishing each action, and an estimated cost of compliance.

The RI Public Transit Authority and the RI Department of Transportation will be submitting separate self evaluation and compliance plans regarding compliance with the transportation provisions of Title II of the ADA and the U. S. Department of Transportation's regulations and the pedestrian walkways provisions of the U. S. Department of Justice's regulation.

We have been honored to have been able to serve in this most important endeavor, and look forward to implementing the plan over the next few years.

Sincerely,

Nancy Husted-Jensen
Chairperson

cc: Speaker of the House DeAngelis, Senator Bevilacqua, Majority Leader, Chief Justice Fay, Lt. Governor Begin, Attorney General O'Neil, Secretary of State Connell, General Treasurer Solomon, Chairman Lippitt, Board of Regents, Chairman Corr, Board of Governors, & Chairperson Register, Public Transit Authority

AMERICANS WITH DISABILITIES ACT:
SELF EVALUATION AND COMPLIANCE PLAN
for the
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

January 24, 1992

Bruce Sundlun Governor
Governor

Anthony Solomon
General Treasurer

Joseph DeAngelis
Speaker of the House of
Representatives

Frederick Lippitt
Chairman
Board of Regents for Elementary
and Secondary Education

John Bevilacqua
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Chief Justice Judiciary Department

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Public Transit Authority

Roger Begin
Lieutenant Governor

James O'Neil
Attorney General

Nancy Husted-Jensen
Chairperson
Governor's Commission on the
Handicapped

Kathleen Connell
Secretary of State

**State of Rhode Island
and Providence Plantations**

Bruce Sundlun, Governor



January 30, 1992

Nancy Husted-Jensen, Chairperson
Governor's Commission
on the Handicapped
555 Valley Street, Building 51
Providence, RI 02908-5686

Dear Nancy:

I want to commend you, the Commission, and the Coordinating Committee on the ADA for a job well done. I also want to thank all of the volunteers who helped conduct the ADA Self Evaluation. Those volunteers did not ask for something in return, but responded to the call for help from the Commission. The citizens of Rhode Island owe all of them our thanks.

I also would like to thank the staff of the Commission for their work on this plan: Bob Cooper, the Executive Secretary; Denise Farland, the ADA Research Aide; and Christine Sullivan, the Fiscal Clerk. All of them are examples of dedicated state employees, doing their jobs in an exemplary fashion.

I have issued Executive Order 92-2 directing you, as Chairperson of the Governor's Commission on the Handicapped, to coordinate the implementation of Rhode Island's ADA Compliance Plan. The Commission will be responsible to ensure that all state agencies follow this plan, resolve complaints from citizens concerning violations by state agencies, and provide technical assistance to private businesses, government agencies, and non-profit organizations.

Again, I thank you and all the volunteers for conducting the self evaluation and developing this compliance plan. It is a comprehensive document that should make Rhode Island the most accessible state in the nation.

Best personal wishes.

Sincerely,

Bruce Sunlun



**Supreme Court of Rhode Island
250 Benefit Street
Providence, RI 02903**

THOMAS F. FAY
CHIEF JUSTICE

January 24, 1992

Nancy Husted-Jensen, Chairperson
Governor's Commission on the Handicapped
Building 51, 3rd Floor
555 Valley Street
Providence, RI 02908—5686

Dear Mrs. Husted-Jensen:

On behalf of the State Court system I would like to commend you, the Commission's staff -- Bob Cooper, Denise Farland, Christine Sullivan -- and the many volunteers from the Rhode Island community who worked diligently with state ADA coordinators and other persons to draft, refine and finalize this self-evaluation and compliance plan to implement the Americans with Disabilities Act.

This document, which I have signed with other government representatives, is a major step in the efforts to include a segment of our community -- persons with disabilities -- in the mainstream of activities within our State. The process of developing this document -- several meetings involving direct input from volunteers with disabilities -- is a testament to the talents of this often unrecognized group.

In the State Court system we have sought to make• the courts more accessible to persons with disabilities -- including making physical improvement to buildings, placing telecommunications devices for the deaf (TDD's) in each courthouse, and utilizing interpreters when needed for litigants, witnesses and jurors. (Last year we enjoyed the service of several deaf or blind jurors -- two of the deaf jurors actually served on criminal or civil trials. Their skills were greatly appreciated.) We will continue to work to improve the situation, including the installation of assistive listening devices in some courtrooms.

Rhode Island should be proud of this document and the persons who developed it. It will be a roadmap to making the promises of the Americans with Disabilities Act a reality.

Thank you for your important work.

Sincerely,

Thomas F. Fay
Chief Justice



State of Rhode Island and Providence Plantations
Office of the Lieutenant Governor
Providence
02903

ROGER N. BEGIN
LIEUTENANT GOVERNOR

TELEPHONE
(401) 277-2371

January 24, 1992

Ms. Nancy Husted-Jenson
Chair
Governor's Commission on the Handicapped
Building 51, 555 Valley Street
Providence, RI 02908

Dear Ms. Husted—Jenson:

I am pleased to have been provided with the opportunity to participate in the development and signing of the workplan which will bring Rhode Island into compliance with Title II of the American Disabilities Act of 1990. I commend the numerous volunteers who conducted the self—evaluations of state government operations, considered to represent the very heart of this workplan, for their diligence and persistence in seeing to it that this truly historic task was realized.

I am proud to have been a part of this process and I look forward to seeing the visionary goals of this workplan achieved. After all, state government must be accessible for all of its citizens.

Sincerely,

Roger N. Begin
Lieutenant Governor



State of Rhode Island and Providence Plantations
DEPARTMENT OF THE ATTORNEY GENERAL
72 Pine Street, Providence, RI 02903
(401) 274-4400
James E. O'Neil, *Attorney General*

January 24, 1992

Ms. Nancy Husted-Jensen, Chairperson
Governor's Commission on the Handicapped
5550 Valley Street
Building #51 – 3rd Floor
Providence, Rhode Island 02908-5686

Re: ADOPTION OF A.D.A. IMPLEMENTATION PLAN FOR RHODE ISLAND

Dear Ms. Husted-Jensen:

I am very pleased, in my official capacity as Attorney General, to be a signatory of the A.D.A. Implementation Plan for the State of Rhode Island. Permit me to commend you, all the members of the state-wide A.D.A. Coordinating Committee and the numerous disabled volunteers who assisted in the painstaking tasks of agency self-evaluation and drafting of the actual Implementation Plan, for a job well done. The official adoption of this Implementation Plan by all agencies of State Government will insure that the promises of equal employment opportunity and full access to government services, public accommodations and telecommunications systems embodied in the Americans With Disabilities Act will become a practical reality for all disabled Rhode Islanders.

It will be a personal honor for me to work with you, other members of the Governor's Commission on the Handicapped, and representatives of the disabled community at large to give practical effect to the A.D.A. Implementation Plan in the months and years ahead. My staff and I stand ready to assist you, in any way possible, with the implementation process. I believe that all Rhode Islanders will benefit ultimately from our continuing collaborative efforts.

Sincerely,

James E. O'Neil
Attorney General



State of Rhode Island and Providence Plantations
OFFICE OF THE SECRETARY OF STATE
STATE HOUSE
PROVIDENCE
02903

Kathleen S. Connell
Secretary of State

January 24, 1992

Ms. Nancy Husted-Jensen, Chairperson
Coordinating Committee on the Americans with Disabilities Act
Governor's Commission on the Handicapped
555 Valley Street
Providence, RI 02908

Dear Ms. Husted-Jensen:

Congratulations to you and the Governor's Commission on the Handicapped and its staff, and all the state agency coordinators and volunteers who contributed to the drafting of Rhode Island's plan to comply with the Americans with Disabilities Act. Your combined efforts have produced a good plan, and I feel strongly that upon implementation it will meet the needs of the disabled with distinction.

Contained in this plan are the mechanisms to provide access for all disabled Rhode Islanders to their government buildings and information. What will make this plan work is common sense and an open mind on the part of each state official and employee as we provide services and set policy.

Compliance with ADA should not only be mandated by statute, but the intent should reside within each of us as we carry out the duty of the state.

Sincerely,

Kathleen S. Connell
Secretary of State



State of Rhode Island and Providence Plantations
OFFICE OF THE GENERAL TREASURER
STATE HOUSE
PROVIDENCE, RHODE ISLAND 02903
(401) 277-2397

Anthony J. Solomon
General Treasurer

January 24, 1992

Mrs. Nancy Husted—Jensen, Chairperson
Governor's Commission on the Handicapped
Building 51 - 3rd floor
555 Valley Street
Providence, RI 02908-5686

Dear Chairperson Husted-Jensen:

I want to extend my congratulations on the completion of your commission's work to bring Rhode Island into compliance with the Americans Disabilities Act of 1990.

The results of your work will mean that handicapped people throughout the state of Rhode Island will be protected against discrimination. It will also mean that by dismantling discriminatory practices we will be creating opportunities for the handicapped.

We will all benefit, because we will all become more aware of the vast skills and resources the handicapped can bring to our community.

My congratulations to the committee for its hard work, dedication and commitment, and my congratulations to those citizens who have dedicated themselves to the task of ending discrimination against those with disabilities.

Sincerely yours,

Anthony J. Solomon
General Treasurer

ACKNOWLEDGEMENTS

Several people were very much a part of the effort to produce this ADA self evaluation and compliance plan of the State of Rhode Island. First of all, I would like to thank the volunteers from the disabled community (listed in Appendix III on page 60) for spending much of the summer and fall reviewing the operations of state government, identifying potential areas of noncompliance, and proposing creative solutions. I would also like to thank the state agency ADA coordinators (listed in Appendix II on page 55) who worked with the volunteers in conducting the self evaluations.

Special thanks goes to the chairpersons of the 10 ADA Working

Groups: Bonnie Abols; Janet Armstrong; Joseph Cirillo; Donald Deignan; Judy Dennis; William Messori; Orestes Monterey; James Pitassi; Robert Shawver; and Frederick Vincent, for their efforts to ensure each and every state agency completed the required ADA self evaluation in consultation with the volunteers.

Although my name appears below, as editor, this has been in effect a Coordinating Committee on the ADA (listed on the inside of the front cover) effort. The members of the Coordinating Committee have been actively involved in developing the plans of action, estimating the cost of compliance, and deciding on the wording of this report.

Without the invaluable assistance of Denise Farland, ADA Research Aide to the Governor's Commission on the Handicapped, the self-evaluation process could not have been completed in six months. She was responsible for arranging specialized transportation for volunteers, interpreters at meetings, transposing printed material into more accessible formats, and entering the results of the self-evaluations into the data bank for analysis. Without Christine Sullivan, Fiscal Clerk to the Governor's Commission on the Handicapped efforts, this document would have never been printed.

Bob Cooper
Editor

January 1992

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INTRODUCTION

In June of 1991 Governor Bruce Sundlun directed the Governor's Commission on the Handicapped to create a Coordinating Committee on the Americans with Disabilities Act (ADA) that would coordinate compliance by state government with the ADA. The Commission Chairperson, Nancy Husted-Jensen, quickly established the Coordinating Committee from within the Executive branch and invited the other constitutional officers, the state court administrator, the commissioners of education and the chairperson of the public transit authority to appoint their own representatives to the committee so all of Rhode Island government would be covered by a uniform procedure for ensuring compliance with the Americans with Disabilities Act. By the middle of June '91 all segments of state government had agreed to participate in joint self evaluation and compliance planning. To assist the Coordinating Committee develop the most efficient methods for compliance 10 working groups were established on July 26, 1991. Each department, board, and agency of state government appointed an ADA coordinator. Organizations representing individuals with disabilities and service providers were asked to recruit volunteers from the disabled community to assist in the self evaluation process.

The ADA Self Evaluation working groups were: employment practices & labor contracts; general services (the operations of the departments of: Labor; Business Regulations; Administration; State; Treasury; Economic Development; the Senate and House; the Governor's Office, Intergovernmental Relations & Lt. Governor's Office; and the following commissions & agencies: Women; Housing & Mortgage Finance; Lottery; Handicapped; Deaf & Hearing Impaired; Mental Health Advocate; Child Advocate; Public Building; Convention Center; Developmental Disabilities; Ethics; and any other commission or agency not listed below); human resources (the operations of the departments of: Mental Health, Retardation & Hospitals; Health; Human Services; Elderly Affairs; Employment & Training; Children, Youth & their Families; the Workers' Compensation Court and the Dept. of Labor / Donley Rehabilitation Center); education services (the operations of the departments of: Elementary & Secondary Education and State Library Services; the Council on the Arts; Historical Preservation Commission; Heritage Commission; Office of Higher Education and CCRI, RIC, & URI; and the Higher Education Assistance Authority); public safety (the operations of the department of Corrections and the Executive Department's Office of Public Safety; State Police; Public Defender's Office; Judiciary and Attorney General); natural resources (the operation of the department of Environmental Management & the Coastal Management Resources Council; Water Resources Comm.; Narragansett Bay Water Quality Comm.; and Solid Waste Management Comm.); transportation (the operations of the department of Transportation; RIPTA; and the transportation components of the departments of: Elderly Affairs; Human Services; Mental Health, Retardation and Hospitals; Corrections; Children, Youth &

Families; Employment & Training; Public Utilities Comm. and URI); public accommodations (the operations of the Commission for Human Rights and selecting the entities to be certified to enforce provisions of the ADA); telecommunications (the operations of the Public Utilities Commission, the Telecommunications Authority, and General Assembly/Capitol TV; and the emergency telephone services of: E-911, the Department of Children, Youth & Families; State Police; the Office of Heating and Intergovernmental Relations; and other providers of emergency telephone service.); and licensing and regulatory agencies (the regulatory operations the Secretary of State's Office, the departments of: Business Regulation; Health; Children, Youth & Families; the Public Utilities Commission; and other licensing and or regulatory commissions).

Self Evaluation Guidelines for the ADA were developed by the staff of the Governor's Commission on the Handicapped at the direction of the Coordinating Committee. The members of all working groups were provided with copies of these guidelines, the (ADA) statute, the Department of Justice regulations for Title II, and the Equal Employment Opportunity Commission regulations for Title I. Each ADA self evaluation working group reviewed all operations of the state agencies and departments represented on the working group. Any areas of non-compliance found were described in detail along with recommended steps to bring about conformance with the ADA, in an "ADA Self Evaluation Corrective Action Plan" and submitted to the Coordinating Committee by the end of October 1991.

After reviewing the agencies' "ADA Self Evaluation Corrective Action Plan" the Coordinating Committee developed the Americans with Disabilities Act: Self Evaluation Compliance Plan for the State Rhode Island and Providence Plantations and transmitted it to the Governor, other Constitutional Officers, General Assembly Leaders, the Chief Justice of the Supreme Court, and the Chairpersons of the: Board of Governors for Higher Education; Board of Regents for Elementary and Secondary Education; and Public Transit Authority, in December 1991 for them to adopt and utilize in the FY 93 Budget preparation. On January 24, 1992, the Americans with Disabilities Act: Self Evaluation and Compliance Plan for the State Rhode Island and Providence Plantations was adopted and its implementation began.

EXECUTIVE SUMMARY

The self evaluation government compliance with the Americans with Disabilities Act (ADA) was conducted by state agency ADA coordinators and volunteers from the disabled community between July 26, 1991 and October 30, 1991. The ten ADA working groups met to review “the current services, policies, practices, and the effects thereof” for every agency of state government. In many instances volunteers conducted walking tours of agencies identifying physical barriers.

The state has enacted an extensive body of civil rights protections for citizens with disabilities over that past decade, including amending the constitution to include a disability rights clause. The state has almost completed the deinstitutionalization of individuals with mental retardation, establishing the most extensive community based residential and service system in the nation. It has created an extensive community mental health system.

Training of state agency personnel and government contractors/vendors [28 CFR 25.130 & 29 CFR 1630.6] about their ADA obligations was clearly identified as a need. Existing equal opportunity laws, regulations, procedures, etc. need to be modified to incorporate the requirements of the ADA [28 CFR 35.130 & 29 CFR 1630.4].

Development of master agreements with regards to maintenance contracts for the servicing and repair of accessibility features (elevators, tdds, wheelchair lifts, page scanner/readers, etc.) are needed [28 CFR 35.133].

The state has completed a review of its personnel system, which will eliminate discriminatory job qualifications throughout the classified system [28 CFR 25.140 & 29 CFR 1630.4]. A toll free phone listing of state government employment opportunities will be created to ensure that individuals with reading impairments have the same access to job notices as other citizens [29 CFR 1630.4]. A job analysis and the system for developing reasonable accommodation plans will be established [29 CFR 1630.4].

1630.4].

Due to the decade of effort to remove environmental and communication barriers at state owned facilities, in accordance with 504 and Article I 2 of the RI Constitution, most state services are located in facilities that provide a degree of physical accessibility [28 CFR 35.150]. The state was already planning the fourth phase of its Access for All in the Ocean State project for the removal of environmental and communication barriers, when the ADA was enacted. The programmatic accessibility requirements of the ADA have been incorporated into the program.

1.text notes [28 CFR 35] refer to the federal regulation requiring the activities described in the sentence.

A major change is the inclusion of the purchase of auxiliary aids [28 CFR 35.130 & 29 CFR 1630.9] (page scanner/readers, braille translators, video text displays, speech synthesizers, simultaneous closed captioning machines, voice to text dictation and closed circuit tv reading aids) other than telecommunication devices for the deaf (TDDs) [28 CFR 35.161 & 35.162] and assistive listening systems [28 CFR 35.160]. Currently state agencies inform citizens of the procedure for requesting interpreters for the deaf at public forums as part of their public notices. In the future, all state government announcements will be published in the newspaper on pages with a banner heading that lists phone numbers for interpreter services (for individuals with hearing impairments) and reader services (for individuals with vision or reading impairments) [28 CFR 35.130 & 35.160]. Those same announcements will be broadcast on television, once a week (at a regularly scheduled time) to ensure that individuals with reading impairments are aware of them. Centralized pools of auxiliary aids will be created to ensure that students at state operated schools and colleges [28 CFR 35.130, 35.149 & 35.160], state employees [29 CFR 1630.9], and citizens [28 CFR 35.130, 35.149, & 35.160] receiving state services are able to use those services and more effectively perform their jobs. The RI Department of Transportation is undertaking a survey of all state roads to determine where curb cuts are needed and where telephone poles will have to be relocated from the center of sidewalks [28 CFR 25.150].

The State Building Code Standards Committee has incorporated the new ADA Accessibility Guidelines into the state building code [28 CFR 35.151].

Simultaneous closed captioning of all state government television programming will be provided [28 CFR 25.160]. Since simultaneous closed captioning is a new and expanding field within a rapidly changing technology, the Coordinating Committee on the ADA will investigate the potential for developing a private/public simultaneous closed captioning service in Rhode Is land.

During the next several years, the Coordinating Committee on the ADA and its 10 working groups will meet to assess our progress in implementing this plan and make revisions as necessary [28 CFR 35.107].

A listing of state agency ADA coordinators, their office addresses, and phone numbers (voice, tdd, & fax) are included in appendix II [28 CFR 35.107]. A listing of the volunteers from the disabled community who assisting in conducting the self evaluations is included in appendix III [28 CFR 35.105].

NOTES

This report contains the text of each regulation, as issued by the US Equal Employment Opportunity Commission for Title I and the US Department of Justice for Title II on July 26, 1991; a finding for each regulation, the compilation of the self evaluations of all state agencies; and a plan of action, for overcoming any deficiencies. The plan of actions are in two sections: a narrative and a chart.

The charts identify the individual items (or elements) of the plan; the lead agency responsible for each item; the projected date for implementation; and an estimated cost for each item. The estimated costs are in 1992 dollars, and are the best estimate to date. When the term "NONE" appears in the cost column, it means the cost of implementation could be accomplished utilizing existing resources available in December 1991 and expected to continue to be available in the future. All other cost projections (stated as "REDUCED" or in actual dollars) are contained in an explanation in appendix I.

SUBPART A - GENERAL

REGULATION 28 CFR 35.101 PURPOSE

The purpose of this part is to effectuate subtitle A of title II of the Americans with Disabilities Act of 1990, (42 U.S.C. 12131), which prohibits discrimination of the basis of disability by public entities.

FINDING

No response (finding, plan of action, lead agencies, estimated cost, nor deadlines) needed.

=====

REGULATION 28 CFR 35.102 APPLICATION

(a) Except as provided in paragraph (b) of this section, this part applies to all services, programs, and activities provided or made available by public entities.

(b) To the extent that public transportation services, programs, and activities of public entities are covered by subtitle B of title II of the ADA (42 U.S.C. 12141), they are not subject to the requirements of this part.

FINDING

No response (finding, plan of action, lead agencies, estimated cost, nor deadlines) needed.

=====

REGULATION 28 CFR 35.103 RELATIONSHIP TO OTHER LAWS

(a) *Rule of interpretation.* Except as otherwise provided in this part, this part shall not be construed to apply a lesser standard than the standards applied under title V of the Rehabilitation Act of 1973 (29 U.S.C. 791) or the regulations issued by Federal agencies pursuant to that title.

(b) *Other laws.* This part does not invalidate or limit the remedies, rights, and procedures of any other Federal laws, or State or local laws (including State common law) that provide greater or equal protection for the rights of individuals with disabilities or individuals associated with them.

FINDING

No response (finding, plan of action, lead agencies, estimated cost, nor deadlines) needed.

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REGULATION 28 CFR 35.104 DEFINITIONS

For purposes of this part, the term --

Act means the Americans with Disabilities Act (Pub. L. 101-336, 104 Stat. 327, 42 U.S.C. 12101-12213 and 47 U.S.C. 225 and 611)

Assistant Attorney General means the Assistant Attorney General, Civil Rights Division, United States Department of Justice.

Auxiliary aids and services includes --

- (1) Qualified interpreters, notetakers, transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning telecommunications devices for deaf persons (TDD's), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments;
- (2) Qualified readers, taped texts, audio recordings, Brailled materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments;
- (3) Acquisition or modification of equipment or devices; and
- (4) Other similar services and actions.

Complete complaint means a written statement that contains the name and address and describes the public entity's alleged discriminatory action in sufficient detail to inform the agency of the nature and date of the alleged violation of this part. It shall be signed by the complainant or by someone authorized to do so on his or her behalf. Complaints filed on behalf of classes or third parties shall describe or identify (by name, if possible) the alleged victims of discrimination.

Current illegal use of drugs means illegal use of drugs that occurred recently enough to justify a reasonable belief that a person's drug use is current or that continuing use is a real and ongoing problem.

Designated agency means the Federal agency designated under subpart G of this part to oversee compliance activities under this part for particular components of State and local governments.

Disability means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

(1) (i) The phrase *physical or mental impairment* means -

(A) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine;

(B) Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(ii) The phrase *physical or mental impairment* includes, but is not limited to, such contagious and noncontagious diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

(iii) The phrase *physical or mental impairment* does not include homosexuality or bisexuality.

(2) The phrase *major life activities* means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

(3) The phrase *has a record of such an impairment* means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(4) The phrase *is regarded as having an impairment* means --

(i) Has a physical or mental impairment that does not substantially limit major life activities but that is treated by a public entity as constituting such a limitation;

(ii) Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or

(iii) Has none of the impairments defined in paragraph (1) of this definition but is treated by a public entity as having such an impairment.

(5) The term *disability* does not include -

(i) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments or other sexual behavior disorders;

(ii) Compulsive gambling, kleptomania, or pyromania; or

(iii) Psychoactive substance use disorders resulting from current illegal use of drugs.

Drug means a controlled substance, as defined in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812).

Facility means all or any portion of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walks, passageways, parking lots, or other real or personal property, including the site where the building, property, structure, or equipment is located.

Historic preservation programs means programs conducted by a public entity that have preservation of historic properties as a primary purpose.

Historic Properties means those properties that are listed or eligible for listing in the National Register of Historic Places or properties designated as historic under State or local law.

Illegal use of drugs means the use of one or more drugs, the possession or distribution of which is unlawful under the Controlled Substances Act (21 U.S.C. 812). The term illegal use of drugs does not include the use of a drug taken under supervision by a licensed health care professional, or other uses authorized by the Controlled Substances Act or other provisions of Federal law.

Individual with a disability means a person who has a disability. The term *individual with a disability* does not include an individual who is currently engaging in the illegal use of drugs, when the public entity acts on the basis of such use.

Public entity means --

(1) Any State or local government;

(2) Any department, agency, special purpose district, or other instrumentality of a State or States or local government;

and

(3) The National Railroad Passenger Corporation , and any commuter authority (as defined in section 103(8) of the Rail Passenger Service Act).

Qualified individual with a disability means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communications, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation ion programs or activities provided by a public entity.

Qualified interpreter means an interpreter who is able to interpret effectively, accurately, and impartially both receptively and expressively, using any necessary specialized vocabulary.

Section 504 means section 504 of the Rehabilitation Act of 1973 (Pub. L. 93—112, 87 Stat. 394 (29 U.S.C. 794), as amended.

State means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

FINDING

No response (finding, plan of action, lead agencies, estimated cost, nor deadlines) needed.

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REGULATION 28 CFR 35.105 SELF-EVALUATION

(a) A public entity shall, within one year of the effective date of this part, evaluate its current services, policies, and practices and the effects thereof that do not or may not meet the requirements of this part and, to the extent modification of any such services, policies, and practices is required, the public entity shall proceed to make the necessary modifications.

(b) A public entity shall provide an opportunity for interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments.

(C) A public entity that employs 50 or more persons shall, for at least three years following completion of the self-evaluation, maintain on file and make available for public inspection:

- (1) The list of interested persons consulted;
- (2) A description of areas examined and any problems identified, and
- (3) A description of any modification made.

FINDING

The State of Rhode Island developed a uniform procedure for ensuring compliance with the Americans with Disabilities Act. A State Coordinating Committee on the ADA was formed to identify areas where the most efficient methods for compliance are through systemic change rather than at the departmental or agency level. This committee reviewed the recommendation from 10 working groups, that conducted the required ADA self evaluations of all services, activities, and programs of state government and state agency employment practices. These working groups included representatives from each state agency and department and individuals with disabilities recruited by organizations of people with disabilities. (see list of working group members in the appendix)

The ADA Self Evaluation working groups are: employment practices & labor contracts; general services; human resources; educational services; public safety; natural resources; transportation; public accommodations; telecommunications; and licensing and regulatory agencies.

Each ADA self evaluation working group reviewed all operations of the state agencies and departments represented on the working group. Any areas of non—compliance found were described in detail along with recommended steps to bring about conformance with the ADA, on the “ADA Self Evaluation Corrective Action Plan” form.

The State ADA Coordinating Committee developed this AMERICANS WITH DISABILITIES ACT: Self Evaluation and Compliance Plan for the State of Rhode Island and Providence Plantations and transmitted it to the Governor, other Constitutional Officers, General Assembly Leaders, and the Chief Justice of the Supreme Court in December for them to adopt and utilize in the FY 93 Budget preparation.

PLAN OF ACTION

The adopted AMERICANS WITH DISABILITIES ACT: Self Evaluation and Compliance Plan for the State of Rhode Island and Providence Plantations will be available for inspection at the office of the Governor’s Commission on the Handicapped, along with the minutes of the meetings of each of the working groups and the ADA Coordinating Committee. Copies in appropriate medium will be provided upon request.

ITEM	LEAD AGENCIES	DEADLINE	COST
Draft plan	Coordinating Cmte, on ADA	Dec. 20, 1991	NONE
Adoption of Plan	Constitutional Officers, General Assembly Leaders Chief Justice & Chairpersons of Boards of Education	RIPTA	NONE
		Jan. 24, 1992	

REGULATION 28 CFR 35.106 NOTICE

A public entity shall make available to applicants, participates, beneficiaries, and other interested persons

information regarding the provisions of this part and its applicability to the services, programs, or activities of the public entity, and make such information available to them in such manner as the head of the entity finds necessary to apprise such persons of the protections against discrimination assured by the Act and this part.

FINDING

State agencies receiving federal funds publish a nondiscrimination announcement in the Providence Journal annually. State agencies with newsletters also publish their nondiscrimination notice in their newsletters annually. The current texts of those announcements does not include a reference to the Americans with Disabilities Act.

State agencies also post nondiscrimination (in employment and/or services) notices in their offices.

State agencies that do not receive federal funds have not published any nondiscrimination announcements in the newspapers, in their newsletters, nor post notices in their offices.

Utilization of the newspaper and or posters does not ensure that individuals with vision or reading impairments are aware of the agencies' compliance with nondiscrimination laws.

PLAN OF ACTION

The individual departmental nondiscrimination announcements in the newspaper shall be discontinued. Instead one annual nondiscrimination announcement, with appropriate references to specific federal laws/regulations/enforcement entities will be placed in the Providence Journal and other daily and weekly newspapers. Foreign language translations of the announcement will be placed in newspapers that target limited English speakers/readers. The announcement will also be transmitted on television by the RI General Assembly's Capitol TV and the Telecommunication Authority's WSBE TV, annually. Post the announcement in the public areas of all state agency offices.

ITEM	LEAD AGENCIES	DEADLINE	COST
Preparing Text	Equal Opportunity Office	March 1, 1992	NONE
Publishing Announcement	Equal Opportunity Office	March 1, 1992	REDUCED 50% ¹
Taping TV Announcement	Capitol TV	March 1, 1992	NONE
Broadcast TV Announce.	Capitol TV & WSBE TV	March 1, 1992	NONE
Printing & Distribute Posters	Equal Opportunity Office	April 1, 1992	NONE

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REGULATION 28 CFR 35.107 DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES

(a) Designation of responsible employee. A public entity that employs 50 or more persons shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this part, including any investigation of any complaint communicated to it alleging its noncompliance with this part or alleging any action that would be prohibited by this part. The public entity shall make available to all interested individuals the name, office address, and telephone

number of the employee or employees designated pursuant to this paragraph.

(b) Complaint procedure. A public entity that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by this part.

FINDING

All state agencies and departments, regardless of size have designated an ADA coordinator. In addition at the direction of the Governor, the Governor's Commission on the Handicapped has created a State Coordinating Committee on the ADA, to oversee compliance by the state government. (see appendix for the list of ADA coordinators and members of the State Coordinating Committee)

Most state agencies have an equal opportunity grievance procedure to cover employment disputes. These procedures need to be amended to reference the Americans with Disabilities Act. The state government also has an Equal Opportunity Office, capable of receiving complaints, conducting investigations, holding hearings and ordering corrective action with regards to allegations of discrimination in employment or services by state government agencies or contractors/vendors. State civil rights laws include individuals with handicaps (disabilities) utilizing the "504" definition in the areas of employment, housing, credit, public accommodations, services, and government services. The State Constitution prohibits discrimination on the basis of handicap (disability) also utilizing the "503/504" definition and scope of coverage for state and local government services.

PLAN OF ACTION

Amend § 42—87 to expand the definition of discrimination to include acts covered by the Americans with Disabilities Act. Amend the existing affirmative action plans and equal opportunity grievance procedures to include reference to the Americans with Disabilities Act. Include in the nondiscrimination announcements (see 28 CFR 35.106 above) a list of ADA coordinators, affirmative actions/equal opportunity officers, state & federal civil rights enforcement agencies, their addresses, voice, tdd & fax telephone numbers. The Coordinating Committee on the ADA will coordinate the implementation of the ADA Self Evaluation and Compliance Plan for the State of Rhode Island and Providence Plantations.

ITEM	LEAD AGENCIES	DEADLINE	COST
Draft Amendment § 42-87	Gov. Comm.o/t Handicapped	Jan. 1, 1992	NONE
Coordinate Compliance	Coordinating Cmte. on ADA	Jan. 24, 1992	47,576 ²
Draft & distribute grievance rules	Equal Opportunity Office	March 1, 1992	NONE
Amend grievance procedures	each state agency	April 1, 1992	NONE
Sponsor & enact Amendment	General Assembly Leaders	July 1, 1992	NONE

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SUBPART B – GENERAL REQUIREMENTS

REGULATION 28 CFR 35.130a GENERAL PROHIBITIONS
AGAINST DISCRIMINATION

(a) No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subject to discrimination by any public entity.

FINDING

The State Constitution (Article I Section 2) and the Discrimination Against Handicapped law (§ 42-87) along with the Equal Opportunity and Affirmative Action law (§ 28-5.1) prohibit on the basis of handicap (disability) being excluded from participation in or being denied the benefits of the services, programs, or activities of a public entity, or being subject to discrimination by the state, its political subdivisions, any entity regulated by the state, receiving financial assistance from the state, or doing business in or with the state. The Discrimination Against the Handicapped law and State Constitution define “discrimination” to include those acts prohibited on the basis of handicap by 29 USC Section 794 (the Rehabilitation Act of 1973, Section 504, as amended).

PLAN OF ACTION

Amend the Discrimination Against the Handicapped law to include within the definition of “discrimination” those acts prohibited on the basis of disability by the ADA. (see 28 CFR 35.107 above)

ITEM	LEAD AGENCIES	DEADLINE	COST
Draft amendments to § 42-87	Gov. Comm.o/t Handicapped	Jan. 1, 1992	NONE
Sponsor & enact amendment § 42-87	General Assembly Leaders	July 1, 1992	NONE

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REGULATION 28 CFR 35.130b GENERAL PROHIBITIONS AGAINST DISCRIMINATION

(b)(1) A public entity, in providing any aid, benefit, or service may not directly or through contractual, licensing, or other arrangements, on the basis of disability –

(i) Deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, or service;

(ii) Afford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;

(iii) Provide a qualified individual with a disability with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;

(iv) Provide different or separate aids, benefits, or services to individuals with disabilities or to any class of

individuals with disabilities that is provided to others unless such action is necessary to provide qualified individuals with disabilities with aids, benefits, or services that are as effective as those provided to others;

(v) Aid or perpetuate discrimination against a qualified individual with a disability by providing significant assistance to an agency, organization, or person that discriminates on the basis of disability in providing any aid, benefit, or service to beneficiaries of the public entity's program;

(vi) Deny a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards;

(vii) Otherwise limit a qualified individual with a disability in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the aid, benefit, or service.

(2) A public entity may not deny a qualified individual with a disability the opportunity to participate in services, programs, or activities that are not separate or different, despite the existence of permissibly separate or different programs or activities.

(3) A public entity may not, directly or through contractual or other arrangements utilize criteria or methods of administration:

(i) That have the effect of subjecting qualified individuals with disabilities to discrimination on the basis of disability;

(ii) That have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the public entity's program with respect to individuals with disabilities; or

(iii) That perpetuate the discrimination of another public entity if both public entities are subject to common administrative control or are agencies of the same State.

(4) A public entity may not, in determining the site or location of a facility, make selections -

(i) That have the effect of excluding individuals with disabilities from, denying them the benefits of, or otherwise subjecting them to discrimination; or

(ii) That have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the public entity's program with respect to individuals with disabilities.

(5) A public entity, in the selection of procurement contractors, may not use criteria that subject qualified individuals with disabilities to discrimination on the basis of disability.

(6) A public entity may not administer a licensing or certification program in a manner that subjects qualified individuals with disabilities to discrimination on the basis of disability, nor may a public entity establish requirements for the programs or activities of licensees or certified entities that subject qualified individuals with disabilities to discrimination on the basis of disability. The programs or activities of entities that are licensed or certified by a public entity are not, themselves, covered by this part.

(7) A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modification would fundamentally alter the nature of the service, program or activity.

(8) A public entity shall not impose or apply eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any service, program or activity, unless such criteria can be shown to be necessary for the provision of the service, program, or activity being offered.

FINDING

(b) (1) The procedures for monitoring state agency contracts and grants include requiring the contractors, vendors and grantees to certify they comply with federal and state civil rights laws. The current certification does not include a reference to the ADA. The contract compliance procedure does not include training the contractors, vendors or grantees in their legal obligations, nor do most state agencies conduct site inspections to determine if the contractor, vendor or grantee is providing the services, programs or activities in a programmatically accessible manner. The state aid to cities and towns § 45-13-1 does not provide a mechanism for withholding funds from public bodies that are in violation of the ADA or state civil rights law or the state constitutional ban on discrimination.

The Governor's Commission on the Handicapped is constantly reviewing State services, programs, and activities and recommending methods to improve the effectiveness of the provisions of those services, programs, and activities to individuals with disabilities.

State agencies are encouraged to recruit individuals with disabilities to serve on boards and commissions.

The State only provides different or separate aids, benefits, or services to individuals with disabilities when it is necessary to provide those individuals with such different or separate aids, benefits, or services that are as effective as those provided others.

(b) (2) Whenever such aids, benefits, or services are provided in a different or separate manner, individuals with disabilities are not denied and opportunity to participate in the "regular" aids, benefits, or services.

(b) (3) This ADA self-evaluation has been conducted by the state as one entity to ensure that no state agency is perpetuating discrimination therefore eliminating discrimination in all state agencies.

(b) (4) The State Open Meetings Law (§ 42-46-13) requires public bodies to conduct all meetings, workshops, seminars, conferences, pre-bid conferences, etc. : in a location which conforms with the open meeting accessibility standard; include a description of the procedure for requesting an interpreter for the deaf; and to provide an audio tape of the minutes of the meeting, workshop, working session, etc. upon request of an

individual with a vision or reading impairment (see 28 CFR 35.149). All polling places in RI are required to be located in facilities that conform with the polling place accessibility standard or at least one week prior to election day, notification be made in the newspapers which polling places are inaccessible and the procedure for voting on election day, if the individual's polling place is inaccessible. Most, but not all agencies check to make sure facilities to be used do conform to the state building code's accessibility provisions (see 29 CFR 35.149 & 35.150).

(b)(5) The state Equal Opportunity and Affirmative Action law (§ 28-5.1) and the Purchase of Products and Services of Handicapped Persons law (§ 37-2.2) prohibit discrimination in the selection of procurement contractors and provide a preference for contractors whose workforce is 75% workers with disabilities or operates rehabilitation programs for individuals with disabilities. This law provides a preference in the awarding of contracts, when bids are substantially equivalent, it does not set aside a certain percentage of contracts. The Purchase of Products and Services of Handicapped Persons law has not been implemented by the Department of Administration. Solicitation of bids is mainly by advertisement in the newspaper, not a format accessible to and usable by individuals with vision or reading impairments (see 28 CFR 35.149).

(b)(6) Many State licensing and certification programs do not contain provisions for the utilization of auxiliary aids or services during the examination procedures. Notices of state licensing and certification examinations are often by advertisement in the newspaper, not a format accessible to and usable by individuals with vision or reading impairments (see 28 CFR 35.149).

(b)(7) The State Constitution (Article I Section 2) and the Discrimination Against the Handicapped law (§ 42-87) require state agencies to make reasonable modifications in policies, practices, or procedures when necessary to avoid discrimination on the basis of handicap (disability) (see 28 CFR 35.149).

(b)(8) The State Constitution (Article I Section 2), the Discrimination Against the Handicapped law (§ 42-87) and the Equal Opportunity and Affirmative Action law (§ 28-5.1) prohibit state agencies from imposing or applying criteria that screen out or tend to screen out an individual on the basis of handicap (disability), unless such criteria can be shown to be necessary for the provision of the service, program, or activity being offered (see 28 CFR 35.149). The State has no procedure to determine if such criteria is necessary for the provision of the services, programs, or activities being offered.

PLAN OF ACTION

(b)(1) The Equal Opportunity Office shall upgrade its monitoring of state agency contracts and grants to include: certification of compliance with ADA; training of contractors, vendors, and grantees on their legal obligations and site inspections of a 2 % sampling of contractors and vendors. Agencies awarding grants shall be required to determine if grant applicants will provide the services, programs or activities in a

programmatically accessible manner and to arrange for the inspection of the facilities of the grantee(s). The State Equal Opportunity Office will request a listing of all Rhode Island entities found to have violated Title V of the Rehabilitation Act of 1973, as amended or the ADA from all federal civil rights enforcement agencies, annually. Those entities that have been debarred from federal contracts and/grants shall be prohibited from doing business with the state until such time as the federal debarment has been lifted. Those entities still under investigation by the federal government will be placed on a "watch" list and the State Equal Opportunity Office shall conduct its own review of state contracts and grants with those entities to determine if they are being performed in accordance with the provisions of the ADA. The state aid to cities and towns law § 45-13-1.2 shall be amended to allow for the withholding of state aid following a federal or state court decision that the city or town violated the ADA and further the city or town does not agree to take corrective action, nor appeal the decision of the court.

(b)(5) The Department of Administration shall implement the Products and Services of Handicapped Persons law (§ 37—2.2).

(b)(8) The Governor’s Commission on the Handicapped shall expand the procedure for granting variances to state leased facilities to provide a mechanism for state agencies seeking approval to impose or apply an eligibility criteria that screen out or tend to screen out classes of individuals with disabilities from fully and equally enjoying a service, program or activity, provided such criteria can be shown to be necessary for the provision of the service, program, or activity being offered.

ITEM	LEAD AGENCIES	DEADLINE	COST
Draft amendment to 45-13-1.2	Gov. Comm. o/t Handicapped	Jan. 14, 1992	NONE
Training of contractors	Cmty. Development Training	March 1, 1992	442,373 ³
Implement § 37-2	Div. of Purchasing	March 1, 1992	NONE
Draft procedure on grant awards	Gov. Comm.o/t Handicapped	April 1, 1992	NONE
Implement grantee monitoring	Each state agency	July 1, 1992	NONE
Track federal violations	Equal Opportunity Office	July 1, 1992	NONE
Inspect 2% of Contractors Facilities	State Building Comm.	July 1, 1992	NONE
Sponsor & enact amendment § 45-13-1.2	General Assembly Leaders	July 1, 1992	NONE
Establish variance procedure for eligibility criteria	Gov. Comm.o/t Handicapped	July 1, 1992	see note 2

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**REGULATION 28 CFR 35.130c GENERAL PROHIBITIONS
AGAINST DISCRIMINATION**

(c) Nothing in this part prohibits a public entity from providing benefits, services, or advantages to individuals with disabilities, or to a particular class of individuals with disabilities beyond those required by this part.

FINDING

No response (finding, plan of action, lead agencies, estimated cost, nor deadlines) needed.

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REGULATION 28 CFR 35.130d GENERAL PROHIBITIONS
AGAINST DISCRIMINATION

(d) A public entity shall administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.

FINDING

Some agencies have not adopted procedures to ensure when services, programs or activities operated in inaccessible facilities are provided through home visits, reassignment of services to accessible buildings, assignment of aides to beneficiaries, or the delivery of services at alternative accessible sites that the method of providing that service, program or activity is in the most integrated setting appropriate to the needs of the individual with the disability seeking that service, program or activity.

PLAN OF ACTION
(See 28 CFR 35.149 and 35.150)

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REGULATION 28 CFR 35.130e GENERAL PROHIBITIONS
AGAINST DISCRIMINATION

(e)(1) Nothing in this part shall be construed to require an individual with a disability to accept an accommodation, aid, service, opportunity, or benefit provided under the ADA or this part which such individual chooses not to accept.

(2) Nothing in the Act or this part authorizes the representative or guardian of an individual with a disability to decline food, water, medical treatment, or medical services for that individual.

FINDING

No response (finding, plan of action, lead agencies, estimated cost, nor deadlines) needed.

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REGULATION 28 CFR 35.130f GENERAL PROHIBITIONS
AGAINST DISCRIMINATION

(f) A public entity may not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of auxiliary aids or program accessibility, that are required to provide that individual or group with the nondiscriminatory treatment required by the Act or this part.

FINDING

No state agency is placing surcharges on any individual or group of individuals with disabilities to cover the cost of auxiliary aids or program accessibility required to provide nondiscriminatory treatment.

PLAN OF ACTION

No response (plan of action, lead agencies, estimated cost, nor deadlines) needed.

REGULATION 28 CFR 35.130g GENERAL PROHIBITIONS AGAINST DISCRIMINATION

(g) A public entity shall not exclude or otherwise deny equal services, programs, or activities to an individual or entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or association.

FINDING

No State policy, regulation or law prohibits discrimination on the basis of a relationship or association with an individual with a disability.

PLAN OF ACTION

The State Handicapped Discrimination law (§ 42-87) shall be amended to prohibit discrimination on the basis of a relationship or association with an individual with a disability.

ITEM	LEAD AGENCIES	DEADLINE	COST
Draft amendments to § 42-87 Coy.	Gov. Comm.o/t Handicapped	Jan. 1, 1992	NONE
Sponsor & enact amendment § 42-87	General Assembly Leaders	July 1, 1992	NONE

REGULATION 28 CFR 35.131 ILLEGAL USE OF DRUGS

(a) General. (1) Except as provided in paragraph (b) of this section, this part does not prohibit discrimination against an individual based on that individual’s current illegal use of drugs.

(2) A public entity shall not discriminate on the basis of illegal use of drugs against any individual who is not engaging in current illegal use of drugs and who –

(i) Has successfully completed a supervised drug rehabilitation program or has otherwise been rehabilitated successfully;

(ii) Is participating in a supervised rehabilitation program; or

(iii) Is erroneously regarded as engaging in such use.

(b) Health and drug rehabilitation services. (1) A public entity shall not deny health services, or services provided in connection with drug rehabilitation, to an individual on the basis of that individual’s current illegal use of drugs, if the individual is otherwise entitled to such services.

(2) A drug rehabilitation or treatment program may deny participation to individuals who engage in illegal use of drugs while they are in the program.

(c) Drug testing. (1) This part does not prohibit a public entity from adopting or administering reasonable policies or procedures, including but not limited to drug testing, designed

to ensure that an individual who formerly engaged in the illegal use of drugs in not now engaging in current illegal use of drugs.

(2) Nothing in paragraph (C) of this section shall be construed to encourage, prohibit, restrict, or authorize the conduct of testing for the illegal use of drugs.

FINDING

State agency employees are provided with substance abuse treatment/counseling through the Employee Assistance Program. Employees participating in this program are protected from discrimination during their rehabilitation.

State agencies providing health services or services provided in connection with drug rehabilitation do not deny services on the basis of current illegal use of drugs. State drug rehabilitation programs may deny continued participation in programs to individuals who engage in illegal use of drugs while they are in the drug rehabilitation program.

PLAN OF ACTION

No response (plan of action, lead agencies, estimated cost, nor deadlines) needed.

REGULATION 28 CFR 35.132 SMOKING

This part does not preclude the prohibition of, or the imposition of restrictions on, smoking in transportation covered by this part.

FINDING

No response (finding, plan of action, lead agencies, estimated cost, nor deadlines) needed.

REGULATION 28 CFR 35.133 MAINTENANCE OF ACCESSIBLE FEATURES

(a) A public accommodation shall maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities by the Act or this part.

(b) This section does not prohibit isolated or temporary interruptions in service or access due to maintenance or repair.

FINDING

State agencies, by in large, do not have periodic inspection and maintenance procedures for accessibility equipment (wheelchair lifts, elevators, telecommunication devices, video text displays, etc.). The Department of Labor does inspect wheelchair lifts and elevators annually.

PLAN OF ACTION

The state government shall establish a master agreement for the maintenance of telecommunication devices for the deaf and each state agency with a TDD shall be required to participate. The state building commission shall maintain sufficient TDDs to

provide "loaners" during periodic maintenance or repairs.

The state shall establish a master agreement for the maintenance of elevators and wheelchair lifts, to cover all such equipment in state owned facilities; state agencies owning those facilities shall be required to participate. The state shall designate alternative meeting space (accessible w/out a lift or elevator) for use by agencies during periodic maintenance or repairs. The state shall insert language into its leases requiring lessors (of state agencies) to have in place a maintenance agreement for elevators and wheelchair lifts along the "access path" to state agency facilities and to provide alternative meeting space (accessible w/out a lift or elevator) for use by those state agencies during periodic maintenance or repairs.

The state government shall determine whether any other accessibility equipment is owned in sufficient quantities to warrant a master agreement for their maintenance. Each state agency with accessibility equipment that is not covered by a master agreement on maintenance shall establish its own maintenance agreement and make provisions for alternative meeting space (accessible w/out accessibility equipment) or equipment for use by those state agencies during periodic maintenance or repairs.

ITEM	LEAD AGENCIES	DEADLINE	COST
Draft lease Language on the maintenance of accessibility equipment & include in all state leases	Office of Property Management	April 1, 1992	NONE
Establishment of master agreements on maintenance of accessibility equipment (TDDs, elevators, wheelchair lifts,)	Division of Purchasing	July 1, 1992	REDUCED ⁴
Establishment of a TTD reserve pool	State Building Comm.	July 1, 1992	NONE
Determination of other master agreements on maintenance of accessibility equipment	State Building Comm. & the Div. of Purchasing	July 1, 1992	REDUCED ⁵

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REGULATION 28 CFR 35.134 RETALIATION OR COERCION

(a) No private or public entity shall discriminate against any individual because that individual has opposed any act or practice made unlawful by this part, or because that individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the Act or this part.

(b) No private or public entity shall coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other individual in the exercise or enjoyment of any right granted or protected by the Act or this part.

FINDING

Many state agencies do not have a written policy prohibiting retaliation or coercion with regards to individuals who file a

complaint, testify, assist or participate in any manner in an investigation with regards to discrimination in services or employment. The state's Fair Employment Practices Act does prohibit harassment of an individual who files a complaint.

PLAN OF ACTION

The State Handicapped Discrimination law (§ 42-87) shall be amended to prohibit retaliation or coercion against individuals who file a complaint, testify, assist or participate in any manner in an investigation with regards to discrimination in services or employment by employees of state government or agents of state government and provide for the termination or other penalty to be assessed against state employees and agents. Language from the RI Fair Employment Practices Act § 28-5-7(5) and (6) could be used in the amendment. The Office of Personnel Administration and each state agency shall amend their affirmative action plan and personnel policy/regulations to prohibit retaliation or coercion and provide for termination or other disciplinary action when it occurs.

ITEM	LEAD AGENCIES	DEADLINE	COST
Draft Amendment to § 42-87	Gov. Comm. o/t Handicapped	Jan. 1, 1992	NONE
Amend the affirmative action plan	Equal Opportunity Office	April 1, 1992	See note 3
Amend personnel policy/regulations	Office of Personnel Admin.	April 1, 1992	See note 3
Sponsor and enact amendment § 42-87	General Assembly Leaders	July 1, 1992	NONE

REGULATION 28 CFR 35.135 PERSONAL DEVICES AND SERVICES

This part does not require a public entity to provide individuals with disabilities personal devices, such as wheelchairs; individually prescribed devices, such as prescription eyeglasses or hearing aids; readers for personal use or study; or services of a personal nature including assistance in eating, toileting, or dressing.

FINDING

No response (finding, plan of action, lead agencies, estimated cost, nor deadlines) needed.

SUBPART C - EMPLOYMENT

REGULATION 28 CFR 35.140 EMPLOYMENT DISCRIMINATION

(a) No qualified individual with a disability shall, on the basis of disability, be subject to discrimination in employment under any service, program, or activity conducted by a public entity.

(b) (1) For purposes of this part, the requirements of title I of the Act, as established by the regulations of the Equal Employment Opportunity Commission in 29 CFR part 1630, apply to employment in any service, program, or activity conducted by a public entity if that public entity is also subject to the jurisdiction of title I.

(2) For the purpose of this part, the requirements of section 504 of the Rehabilitation Act of 1973, as established by the regulations of the Department of Justice in 28 CFR part 41, as those requirements pertain to employment, apply to employment in any service, program, or entity if that public entity is not also subject to the jurisdiction of title I.

REGULATION 29 CFR 1630.1 PURPOSE, APPLICABILITY AND CONSTRUCTION

(a) *Purpose.* The purpose of this part is to implement title I of the Americans with Disability Act (42 U.S.C. 12101 *et. seq.*) (ADA), requiring equal employment opportunities for qualified individuals with disabilities and sections 3(2), 3(3), 501, 503 506(e), 508, 510, and 511 of the ADA as those sections pertain to the employment of qualified individuals with disabilities.

(b) *Applicability.* This part applied to “covered entities” as defined at 1630.2(b).

(c) *Construction.* -- (1) *In general.* Except as otherwise provided in this part, this part does not apply a lesser standard than the standards applied under title V of the Rehabilitation Act of 1973 (29 U.S.C. 790-794a), or the regulations issued by Federal agencies pursuant to that title.

(2) *Relationship to other laws.* This part does not invalidate or limit the remedies, rights, and procedures of any Federal law or law of any State or political subdivision of any State or jurisdiction that provides greater or equal protection for the rights of individuals with disabilities than are afforded by this part.

FINDING

No response (finding, plan of action, lead agencies, estimated cost, nor deadlines) needed.

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REGULATION 29 CFR 1630.2 DEFINITIONS

(a) *Commission* means the Equal Employment Opportunity Commission established by section 705 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-4).

(b) *Covered Entity* means an employer, employment agency, labor organization, or joint labor management committee.

(c) *Person, labor organization, employment agency, commerce and industry affecting commerce* shall have the same meaning given

those terms in section 701 of the Civil Rights Act of 1964 (42 U.S.C. 2000e).

(d) *State* means (please refer to Regulations 28 CFR 35.104 Definition for State)

(e) *Employer*. -- (1) *In general*. The term 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, and any agency of such person, except that, from July 26, 1922 through July 25, 1994, an employer means a person engaged in an industry affecting commerce who has 25 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding year and any agency of such person.

(2) *Exceptions*. The term employer does not include –

(i) The United States, a corporation wholly owned by the government of the United States, or an Indian tribe; or

(ii) A bona fide private membership club (other than a labor organization) that is exempt from taxation under section 501(c) of the Internal Revenue Code of 1986.

(f) *Employee* means an individual employed by an employer.

(g) *Disability* means (please refer to Regulations 28 CFR 35.104 Definition for Disability) (See 1630.3 for exceptions to this definition)

(h) *Physical or mental impairment* means: (please refer to Regulations 28 CFR 35.104 Definition for Disability) (1) (1) (A&B)

(i) *Major Life Activities* means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

(j) *Substantially limits* -- (1) The term substantially limits means:

(i) Unable to perform a major life activity that the average person in the general population can perform; or

(ii) Significantly restricted as to the condition, manner or duration under which an individual can perform a particular major life activity as compared to the condition, manner, or duration under which the average person in the general population can perform that same major life activity.

(2) The following factors should be considered in determining whether an individual is substantially limited in a major life activity:

(i) The nature and severity of the impairment;

(ii) The duration or expected duration of the impairment; and

(iii) The permanent or long term impact, or the expected permanent or long term impact of or resulting from the impairment.

(3) With respect to the major life activity of *working* –

(i) The term *substantially limits* means significantly restricted in the ability to perform either a class of jobs or a broad range of jobs in various classes as compared to the average person having comparable training, skills and abilities. The inability to perform a single, particular job does not constitute a substantial limitation in the major life activity of working.

(ii) In addition to the factors listed in paragraph (j) (2) of this section, the following factors may be considered in

determining whether an individual is substantially limited in the major life activity of “working”;

(A) The geographical area to which the individual has reasonable access;

(B) The job from which the individual has been disqualified because of an impairment and the number and types of jobs utilizing similar training, knowledge, skills or abilities, within that geographical area, from which the individual is also disqualified because of the impairment (class of jobs); and/or

(C) The job from which the individual has been disqualified because of an impairment, and the number and types of other jobs not utilizing similar training, knowledge, skills or abilities, within that geographical area, from which the individual is also disqualified because of the impairment (broad range of jobs in various classes).

(k) *Has a record of such impairment* means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(1) *Is regarded as having such an impairment* means:

(1) Has a physical or mental impairment that does not substantially limit major life activities but is treated by a covered entity as constituting such limitation;

(2) Has a physical or mental impairment that substantially limits major life activities only as result of the attitudes of others toward such impairment; or

(3) Has none of the impairments defined in paragraphs (h) (1) or (2) of this section but is treated by a covered entity as having a substantially limiting impairment.

(m) *Qualified individual with a disability* means an individual with a disability who satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position. (See 1630.3 for exceptions to this definition).

(n) *Essential functions.* -- (1) *In general.* The term *essential functions* means the fundamental job duties of the employment position the individual with a disability holds or desires. The term “essential functions” does not include the marginal functions of the position.

(2) A job function may be considered essential for any of several reasons, including but not limited to the following:

(i) The function may be essential because the reason the position exists is to perform that function;

(ii) The function may be essential because of the limited number of employees available among whom the performance of that job function can be distributed; and/or

(iii) The function may be highly specialized so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function.

(3) Evidence of whether a particular function is essential includes, but is not limited to:

(i) The employer’s judgment as to which functions are essential;

(ii) Written job descriptions prepared before advertising or interviewing applicants for the job;

(iii) The amount of time spent on the job performing the function;

(iv) The consequences of not requiring the incumbent to perform the function;

(v) The terms of collective bargaining agreement;

(vi) The work experience of past incumbents in the job; and/or (vii) The current work experience of incumbents in similar jobs.

(o) *Reasonable accommodation.* (1) The term *reasonable accommodation* means:

(i) Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or

(ii) Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or

(iii) Modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.

(2) *Reasonable accommodations* may include but is not limited to:

(i) Making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and

(ii) Job restructuring; part-time or modified work schedules; reassignment to a vacant position; acquisition or modifications 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 for individuals with disabilities.

(3) To determine the appropriate reasonable accommodation it may be necessary for the covered entity to initiate an informal, interactive process with the qualified individual with a disability in need of the accommodation. This process should identify the precise limitations resulting from the disability and potential reasonable accommodations that could overcome those limitations.

(p) *Undue hardship* -- (1) *In general.* *Undue hardship* means, with respect to the provision of an accommodation, significant difficulty or expense incurred by a covered entity, when considered in light of the factors set forth in paragraph (p) (2) of this section.

(2) *Factors to be considered.* In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include:

(i) The nature and net cost of the accommodation needed under this part, taking into consideration the availability of tax credits and deductions, and/or outside funding;

(ii) The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at such facility,

and the effect on expenses and resources;

(iii) The overall financial resources of the covered entity, the overall size of the business of the covered entity with respect to the number of its employees, and the number, type and location of its facilities;

(iv) The type of operation or operations of the covered entity, including the composition, structure and functions of the workforce of such entity, and the geographic separateness and administrative or fiscal relationship of the facility or facilities in question to the covered entity; and

(v) The impact of the accommodation upon the operation of the facility, including the impact on the ability of other employees to perform their duties and the impact on the facilities ability to conduct business.

(q) *Qualification standards* means the personal and professional attributes including the skill, experience, education, physical, medical, safety and other requirements established by a covered entity as requirements which an individual must meet in order to be eligible for the position held or desired.

(r) *Direct Threat* means a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation. The determination that an individual poses a “direct threat” shall be based on an individualized assessment of the individual’s present ability to safely perform the essential functions of the job. This assessment shall be based on a reasonable medical judgment that relies on the most current medical knowledge and/or the best available objective evidence. In determining whether an individual would pose a direct threat, the factors to be considered include:

- (1) The duration of the risk;
- (2) The nature and severity of the potential harm;
- (3) The likelihood that the potential harm will occur; and
- (4) The imminence of the potential harm.

FINDING

No response (finding, plan of action, lead agencies, estimated cost, nor deadlines) needed.

REGULATION 29 CFR 1630.3 EXCEPTIONS TO THE DEFINITIONS OF “DISABILITY AND “QUALIFIED INDIVIDUAL WITH A DISABILITY.”

(a) The terms *disability* and *qualified individual with a disability* do not include individuals currently engaging in the illegal use of drugs, when the covered entity acts on the basis of such use.

(1) *Drug* means a controlled substance as defined in schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812)

(2) *Illegal use of drugs* means the use of drugs the possession or distribution of which is unlawful under the Controlled Substances Act, as periodically updated by the Food and Drug Administration. This term does not include the use of a

drug taken under the supervision of a licensed health care professional, or other uses authorized by the Controlled Substances Act or other provisions of Federal law.

- (b) However, the terms *disability* and *qualified* individual with a disability may not exclude an individual who;
- (1) Has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs, or has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of drugs; or
 - (2) Is participating in a supervised rehabilitation program and is no longer engaging in such use; or
 - (3) Is erroneously regarded as engaging in such use, but is not engaging in such use.
- (c) It shall not be a violation of this part for a covered entity to adopt or administer reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual, described in paragraph (b) (1) or (2) of this section is no longer engaging in the illegal use of drugs. (See 1630.16(c) Drug testing).
- (d) *Disability* does not include: (please refer to Regulation 28 CFR 35.104 Definition for Disability (5) (i-iii))
- (e) *Homosexuality and bisexuality* are not impairments and so are not disabilities as defined in this part.

FINDING

No response (finding, plan of action, lead agencies, estimated cost, nor deadlines) needed.

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REGULATION 29 CFR 1630.4 DISCRIMINATION PROHIBITED

It is unlawful for a covered entity to discriminate on the basis of disability against a qualified individual with a disability in regard to:

- (a) Recruitment, advertising, and job application procedures;
- b) Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;
- (c) Rates of pay or any other form of compensation and changes in compensation;
- (d) Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;
- (e) Leaves of absence, sick leave, or any other leave;
- (f) Fringe benefits available by virtue of employment, whether or not administered by the covered entity;
- (g) Selection and financial support for training, including:
 - apprenticeships, professional meetings, conferences and other related activities, and selection for leaves of absence to pursue training;
- (h) Activities sponsored by a covered entity including social and recreational programs; and
- (1) Any other term, condition, or privilege of employment. The term *discrimination* includes, but is not limited to the acts

described in 1630.5 through 1630.13 of this part.

FINDING

- (a) State agencies have not adopted procedures to ensure an equal opportunity for individuals with communication impairments in the recruitment, advertising, and job application process. Job notices and advertisements are only posted in written format. Notifications for job interviews do not contain procedures for requesting interpreters for the deaf, readers for the blind, or any other accommodations. Most, but not all state agencies do take steps to ensure the sites of job interviews are physically accessible.
- (b) The state Constitution (Article I Section 2), Fair Employment Practices Act (§ 28-5), Equal Opportunity and Affirmative Action Act (§ 28-5.1), the Discrimination Against the Handicapped Act (§ 42-87), and Merit System: Merit as Basis -- Discrimination Prohibited Act (§ 36-4-50) all prohibit discrimination on the basis of handicap (disability) in state employment with regard to hiring, upgrading, promotion, tenure, demotion, transfer, layoff, termination, right of return, and rehiring. The state Merit System: Handicapped Persons - Special List of Eligibles Act (§ 36-4-61) provides a method for individuals with physical impairments to bypass any civil service examination when the test results would reflect their disability rather than what the test purports to measure. The State Office of Personnel Administration's Testing Unit provides readers and untimed examinations for individuals with vision or reading disabilities. Procedures have not been adopted to ensure that all examinations utilized by the state are free from discriminatory criteria.
- (c) Rates of pay for state positions are established by law, or regulation prior to positions being filled, thereby avoiding discrimination.
- (d) Most state agency position descriptions are not available in a non-written format. The Office of Personnel Administration has not completed a review of job descriptions to ensure none contain discriminatory qualifications.
- (e) Leaves of absence, sick leave, and other forms of leave are available to all state employees without regard to disability.
- (f) Fringe benefits are available to all employees without regard to disability. The Office of Personnel Administration has not completed a review of the methods utilized by non-state providers of those benefits to ensure that each is operated in a nondiscriminatory manner. Employee benefit information is only available in written format.
- (g) Notices with regards to training opportunities are only posted in written format. Registration forms for courses offered by the Office of Training and Development do not contain procedures for requesting interpreters for the deaf, readers for the blind, or any other accommodations. The notices of training opportunities do contain both voice and TDD numbers for further information. The Commission on State Government Internships:
Summer Internships for the Disabled and Handicapped College Students (§ 42-47-8) provides summer internships in state

agencies for college students with disabilities, integrated into the summer internship program for Rhode Island residents attending out-of-state colleges. This program offers college students with disabilities (whether attending in-state or out-of-state colleges) additional opportunities to gain experience in state government service. The Commission also offers a spring semester internship program for colleges students attending in-state colleges, which is open to students without regard to disability. Funding of auxiliary aids for use during training has not been provided.

(h) Most state agencies have not established procedures for ensuring that agency sponsored social and recreational programs are offered in accessible locations and notices contain procedures for requesting interpreters for the deaf, readers for the blind, or any other accommodations.

(i) State personnel manuals are not available in non-print formats. Staff at the Office of Personnel Administration will read information from personnel manuals, position descriptions, etc. to individuals upon request.

PLAN OF ACTION

a) State agency advertisements of job vacancies shall be displayed in a section of the newspapers that contains the procedure for requesting interpreters for the deaf, readers for the blind, or any other accommodations. These notices will also be broadcast (see Regulation 28 CFR 35.149). A central listing of all job vacancies will be maintained by the Office of Personnel Administration that is accessible by phone (voice and TDD). All state agencies will be directed to conduct all job interviews in locations that conform to the RI Open Meeting Handicapped Accessibility Standard.

b) The state Merit System: Handicapped Persons - Special List of Eligibles Act (§ 36-4-61) will be amended to provide a method for individuals with mental impairments to bypass any civil service examination when the test results would reflect their disability rather than what the test purports to measure. The Office of Personnel Administration shall adopt procedures to ensure that all examinations utilized by the state are free from discriminatory criteria.

d) Job descriptions in non-print format will be made available through the Secretary of State's Central Document Reproduction Center, upon request (see Regulation 28 CFR 35.160). The Office of Personnel Administration will use the Hallcrest Study "Modernization of the Personnel System," to complete the review of job descriptions and to ensure any discriminatory language is removed.

f) The Office of Personnel Administration will complete a review of the operations of providers of fringe benefits and take steps to ensure any discriminatory practices are eliminated.

g) Notices of training opportunities will be provided in a non-print format upon request from the Central Document Reproduction Center (see Regulation 28 CFR 35.160). Funding for interpreters for the deaf, readers for the blind, or other accommodations will be provided from the central interpreter fund, central reader fund, (see Regulation 28 CFR 35.160) or

central pool of auxiliary aids (see Regulation 28 CFR 35.149).

h) All state agencies will be directed to conduct all employee social and recreation programs in locations that conform to the RI Open Meeting Handicapped Accessibility Standard and all social and recreation program notices shall contain procedures for requesting interpreters for the deaf, readers for the blind, or any other accommodations.

1) State personnel manuals and employee benefit manuals will be available in non—print format from the Central Documents Reproduction Center (see Regulation 28 CFR 35.160).

ITEM	LEAD AGENCIES	DEADLINE	COST
Draft amendment to §36-4-61	Gov. Comm.o/t Handicapped	Jan. 1, 1992	NONE
Sponsor & enact amendment §36-4-1	General Assembly Leaders	July 1, 1992	NONE
Central listing of all job notices	Office of Personnel Admin.	July 26, 1992	15,000 ⁶
Review of examinations	Office of Personnel Admin.	July 26, 1992	see note 3
Conduct a review of job descriptions	Office of Personnel Admin.	July 26, 1992	see note 3
Conduct a review of the operations of providers of benefits	Office of Personnel Admin.	July 26, 1992	see note 3
Issue accessibility directive on social and recreational programs	Gov. Comm.o/t Handicapped	July 26, 1992	NONE

REGULATION 29 CFR 1630.5 LIMITING SEGREGATING, AND CLASSIFYING

It is unlawful for a covered entity to limit, segregate, or classify a job applicant or employee in a way that adversely affects his or her employment opportunities or status on the basis of disability.

FINDING

Most state agencies do not limit, segregate, or classify any job applicant or employee in a way that adversely affects his or her employment opportunities or status on the basis of disability. Many state agencies do not have procedures to protect employees who have filed a workers' compensation claim from discrimination when they return to work, nor do most agencies advise injured workers of the right to reasonable accommodations (See 29 CFR 1630.9).

PLAN OF ACTION

The Office of Personnel Administration shall issue regulations protecting the rights of employees who have filed a workers' compensation claim to return to work and to be advised of their right to reasonable accommodations (See 29 CFR 1630.9).

ITEM	LEAD AGENCIES	DEADLINE	COST
Issue regulations protecting employees who have filed a workers' comp. claim	Office of Personnel Admin.	July 26, 1992	NONE

REGULATION 29 CFR 1630.6 CONTRACTUAL OR OTHER ARRANGEMENTS

(a) *In general.* It is unlawful for a covered entity to participate in a contractual or other arrangement or relationship that has the effect of subjecting the covered entity's own qualified applicant or employee with a disability to the discrimination prohibited by this part.

(b) *Contractual or other arrangement defined.* The phrase *contractual or other arrangement or relationship* includes but is not limited to, a relationship with an employment or referral agency; labor union, including collective bargaining agreement; an organization providing fringe benefits to an employee of the covered entity; or an organization providing training and apprenticeship programs.

(c) *Application.* This section applies to a covered entity, with respect to its own applicants or employees, whether the entity offered the contract or initiated the relationship, or whether the entity accepted the contract or acceded to the relationship. A covered entity is not liable for the actions of the other party or parties to the contract which only affect that other party's employees or applicants.

FINDING

Most state agencies have no procedure for determining if referral agencies or apprenticeship programs they utilize discriminate on the basis of disability. State collective bargaining agreements do not contain provisions allowing for reasonable accommodations for employees with disabilities. None of the collective bargaining agreements contain a nondiscrimination clause that includes reference to the Americans with Disabilities Act.

PLAN OF ACTION

The Department of Administration's Labor Relations Office shall arrange for the insertion into all state collective bargaining agreements, nondiscrimination clause and a reasonable accommodation clause, at the time of renegotiation. All quasi-governmental entities shall arrange for the insertion into all state collective bargaining agreements, nondiscrimination clause and a reasonable accommodation clause, at the time their agreements are renegotiated.

ITEM	LEAD AGENCIES	DEADLINE	COST
Drafting nondiscrimination clause & reasonable accommodation clause	Equal Opportunity Office	April 1, 1992	see note 3
Inserting these clauses into all collective bargaining agreements	Labor Relations Office & quasi-govt. entities	During the next collective bargaining negotiation for each union.	see note 3

REGULATION 29 CFR 1630.7 STANDARDS, CRITERIA, OR METHODS OF ADMINISTRATION

It is unlawful for a covered entity to use standards, criteria, or methods of administration, which are not job-related and consistent with business necessity, and;

(a) That have the effect of discriminating on the basis of disability; or

(b) That perpetuate the discrimination of others who are subject to common administrative control.

FINDING AND PLAN OF ACTION

(See 29 CFR 1630.4)

REGULATION 29 CFR 1630.8 RELATIONSHIP OR ASSOCIATION
WITH AN INDIVIDUAL WITH A DISABILITY

It is unlawful for a covered entity to exclude or deny equal jobs or benefits to, or otherwise discriminate against, a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a family, business, social or other relationship or association.

FINDING AND PLAN OF ACTION

(See 28 CFR 35.130 [g])

REGULATION 29 CFR 1630.9 NOT MAKING REASONABLE ACCOMMODATION

(a) It is unlawful for a covered entity not to make reasonable accommodation to the known physical or mental limitations of an otherwise qualified applicant or employee with a disability, unless such covered entity can demonstrate that the accommodation would impose an undue hardship on the operation of its business.

(b) It is unlawful for a covered entity to deny employment opportunities to an otherwise qualified job applicant or employee with a disability based on the need of such covered entity to make reasonable accommodation to such individual's physical or mental impairments.

(c) A covered entity shall not be excused from the requirements of this part because of any failure to receive technical assistance authorized by section 506 of the ADA, including any failure in the development or dissemination of any technical assistance manual authorized by that Act.

(d) A qualified individual with a disability is not required to accept an accommodation, aid, service, opportunity or benefit which such qualified individual chooses not to accept. However, if such individual rejects a reasonable accommodation, aid, service, opportunity or benefit that is necessary to enable the individual to perform the essential functions of the position held or desired, and cannot, as a result of the rejection, perform the essential functions of the position, the individual will not be considered a qualified individual with a disability.

FINDING

The State Constitution (Article I Section 2), Fair Employment Practices Act (§ 28-5) and the Discrimination Against the Handicapped Law (§ 42-87) require state agencies to make

reasonable accommodations for job applicants and employees with disabilities. Most state agencies have not adopted procedures for determining “undue hardship”, nor notified employees and job applicants of the procedure for requesting an accommodation.

PLAN OF ACTION

The Office of Personnel Administration shall issue regulations for determining “undue hardship”. The Equal Opportunity Office shall establish model procedures for agencies to use to notify employees and job applicants of the procedure for requesting an accommodation. Vocational Rehabilitation Services (with assistance as needed from Services for the Blind and Visually Impaired, the Division of Mental Health, or the Division of Retardation and Developmental Disabilities) shall provide assistance to state agencies in assessing an employee’s or job applicants need for reasonable accommodations and develop with the employee or job applicant and the state agency a “reasonable accommodation plan”.

ITEM	LEAD AGENCIES	DEADLINE	COST
Issuing regulations on how to determine “undue hardship”	Office of Personnel Admin.	July 1, 1992	see note 3
Drafting model procedures for requesting reasonable accommodations	Equal Opportunity Office	April 1, 1992	see note 3
Establishing a job analysis & reasonable accommodation plan development serv.	Vocational Rehabilitation	July 1, 1992	\$5,000/yr ⁷

REGULATION 29 CFR 1630. 10 QUALIFICATION STANDARDS, TESTS, AND OTHER SELECTION CRITERIA

It is unlawful for a covered entity to use qualification standards, employment tests or other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities, on the basis of disability, unless the standard, test or other selection criteria, as used by the covered entity, is shown to be job-related for the position in question and is consistent with business necessity.

FINDING AND PLAN OF ACTION
(See 29 CFR 1630.4)

REGULATION 29 CFR 1630.11 ADMINISTRATION OF TESTS

It is unlawful for a covered entity to fail to select and administer tests concerning employment in the most effective manner to ensure that, when a test is administered to a job applicant or employee who has a disability that impairs sensory, manual or speaking skills, the test results accurately reflect the skills, aptitude, or whatever other factor of the applicant or employee that the test purports to measure, rather than reflecting the impaired sensory, manual, or speaking skills of such employee or applicant (except where such skills are the factors that the test purports to measure).

FINDING AND PLAN OF ACTION
(See 29 CFR 1630.4)

REGULATION 29 CFR 1630.12 RETALIATION AND COERCION

(a) Retaliation. It is unlawful to discriminate against any individual because that individual has opposed any act or practice made unlawful by this part or because that individual made a charge, testified, assisted or participated in any manner in any investigation, proceeding, or hearing to enforce any provision contained in this part.

(b) Coercion, interference or intimidation. It is unlawful to coerce, intimidate, threaten, harass or interfere with any individual in the exercise or enjoyment of, or because that individual aided or encouraged any other individual in the exercise of, any right granted or protected by this part.

FINDING AND PLAN OF ACTION
(See 28 CFR 35.134)

REGULATION 29 CFR 1630.13 PROHIBITED MEDICAL EXAMINATIONS
AND INQUIRIES

(a) Pre—employment examination or inquiry. Except as permitted by 1630.14, it is unlawful for a covered entity to conduct a medical examination of an applicant or to make inquiries as to whether an applicant is an individual with a disability or as to the nature or severity of such disability.

(b) Examination or inquiry of employees. Except as permitted by 1630.14, it is unlawful for a covered entity to require a medical examination of an employee or to make inquiries as to whether an employee is an individual with a disability or as to the nature or severity of such disability.

FINDING

Most state agencies do not require medical examinations with regards to employment. The state “Bar of Claims” form which asks for information concerning the filing of workers’ compensation claims is completed by employees, after the job offer has been extended. Some state agencies require “medical proof of ability to perform certain tasks”, as part of a pre—employment screening, and so note on their job descriptions / vacancy notices.

PLAN OF ACTION

The Office of Personnel Administration shall issue regulations prohibiting the requiring of medical examinations or inquiries until after the agency has made an offer of employment but only in cases when all entering employees in the same job category are subject to such an examination or inquire. All job descriptions / vacancy notices related to jobs requiring “employment entrance examinations shall include a clause noting

same. The Office of Personnel Administration shall issue regulations to ensure that agencies do not utilize the "Bar of Claims" forms as a means of screening out individuals with disabilities from employment.

ITEM	LEAD AGENCIES	DEADLINE	COST
Issuing regulations on medical examinations	Office of Personnel Admin.	July 1, 1992	see note 3
Drafting model employment entrance examination clause	Office of Personnel Admin.	July 1, 1992	see note 3
Issuing regulations on the use of the "Bar of Claims" form	Office of Personnel Admin.	July 1, 1992	see note 3

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REGULATION 29 CFR 1630.14 MEDICAL EXAMINATIONS AND INQUIRES SPECIFICALLY PERMITTED

(a) Acceptable pre—employment inquiry. A covered entity may make pre—employment inquires into the ability of an applicant to perform job—related functions, and! or may ask an applicant to describe or to demonstrate how, with or without reasonable accommodation, the applicant will be able to perform job—related functions.

(b) Employment entrance examination. A covered entity may require a medical examination (and/or inquiry) after making an offer of employment to a job applicant and before the applicant begins his or her employment duties, and may condition an offer of employment on the results of such examination (and/or inquiry), if all entering employees in the same job category are subjected to such an examination (and/or inquiry) regardless of disability.

(1) Information obtained under paragraph (b) of this section regarding the medical condition or history of the applicant shall be collected and maintained on separate forms and in separate medical files and be treated as a confidential medical record, except that:

(i) Supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations;

(ii) First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and

(iii) Government officials investigating compliance with their part shall be provided relevant information on request.

(2) The results of such examination shall not be used for any purpose inconsistent with this part.

(3) Medical examinations conducted in accordance with this section do not have to be job—related and consistent with business necessity. However, if certain criteria are used to screen out an employee or employees with disabilities as a result of such an examination or inquiry, the exclusionary criteria must be job—related and consistent with business necessity, and performance of the essential job functions cannot be accomplished

with reasonable accommodation as required in this part. (See 1630.15(b) Defenses to charges of discriminatory application of selection criteria.)

(c) *Examination of employees.* A covered entity may require a medical examination (and/or inquiry) of an employee that is job-related and consistent with business necessity. A covered entity may make inquiries into the ability of an employee to perform job-related functions.

(1) Information obtained under paragraph (C) of this section regarding the medical condition or history of any employee shall be collected and maintained on separate forms and in separate medical files and be treated as a confidential medical record, except that:

(i) Supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations;

(ii) First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and

(iii) Government officials investigating compliance with this part shall be provided relevant information on request.

(2) Information obtained under paragraph (c) of this section regarding the medical condition or history of any employee shall not be used for any purpose inconsistent with this part.

(d) *Other acceptable examinations and inquiries.* A covered entity may conduct voluntary medical examinations and activities, including voluntary medical histories, which are part of an employee health program available to employees at the work site.

(1) Information obtained under paragraph (d) of this section regarding the medical condition or history of any employee shall be collected and maintained on separate forms and in separate medical files and be treated as a confidential medical record, except that:

(i) Supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations;

(ii) First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and

(iii) Government officials investigating compliance with this part shall be provided relevant information on request.

(2) Information obtained under paragraph (d) of this section regarding the medical condition or history of any employee shall not be used for any purpose inconsistent with this part.

FINDING AND PLAN OF ACTION

(See 29 CFR 1630.13)

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REGULATION 29 CFR 1630.15 DEFENSES

Defenses to an allegation of discrimination under this part include, but are not limited to, the following:

(a) *Disparate treatment charges.* It may be a defense to a charge of disparate treatment brought under 1630.4 through 1630.8

and 1630.11 through 1630.12 that the challenged action is justified by a legitimate, nondiscriminatory reason.

(b) *Charges of discriminatory application of selection criteria -- (1) In general.* It may be a defense to a charge of discrimination, as described in 1630.10 that an alleged application of qualification standards, tests, or selection criteria that screens out or tends to screen out or otherwise denies a job or benefit to an individual with a disability has been shown to be job-related and consistent with business necessity, and such performance cannot be accomplished with reasonable accommodation, as required in this part.

(2) *Direct threat as a qualification standard.* The term “qualification standard” may include a requirement that an individual shall not pose a direct threat to the health or safety of the individual or others in the workplace. (see 1630.2(r) defining direct threat.)

(c) *Other disparate impact charges.* It may be a defense to a charge of discrimination brought under this part that a uniformly applied standard, criterion, or policy has a disparate impact on an individual with a disability or a class of individuals with disabilities that the challenged standard, criterion or policy has been shown to be job-related and consistent with business necessity, and such performance cannot be accomplished with reasonable accommodation, as required in this part.

(d) *Charges of not making reasonable accommodation.* It may be a defense to a charge of discrimination under this part that a challenged action is required or necessitated by another Federal law or regulation prohibits an action (including the provision of a particular reasonable accommodation) that would otherwise be required by this part.

(e) *Conflict with other federal laws.* It may be a defense to a charge of discrimination under this part that a challenged action is required or necessitated by another Federal law or regulation, or that another Federal law or regulation prohibits an action (including the provision of a particular reasonable accommodation) that would otherwise be required by this part.

(f) *Additional defenses.* It may be a defense to a charge of discrimination under this part that the alleged discriminatory action is specifically permitted by 1630.14 or 1630.16.

FINDING

No response (finding, plan of action, lead agencies, estimated cost, nor deadlines) needed.

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REGULATION 29 CFR 1630.16 SPECIFIC ACTIVITIES PERMITTED

(a) *Religious entities.* A religious corporation, association, educational institution, or society is permitted to give preference in employment to individuals of a particular religion to perform work connected within the carrying on by that corporation, association, educational institution, or society of its activities. A religious entity may require that all applicants and employees conform to the religious tenets of such organization. However, a religious entity may not discriminate

against a qualified individual, who satisfies the permitted religious criteria, because of his or her disability.

(b) *Regulation of alcohol and drugs.* A covered entity:

(1) May prohibit the illegal use of drugs and the use of alcohol at the workplace by all employees;

(2) May require that employees not be under the influence of alcohol or be engaging in the illegal use of drugs at the workplace;

(3) May require that all employees behave in conformance with the requirements established under the Drug-Free Workplace Act of 1988 (41 U.S.C. 701 et seq.);

(4) May hold an employee who engages in the illegal use of drugs or who is an alcoholic to the same qualification standards for employment or job performance and behavior which the entity holds its other employees, even if any unsatisfactory performance and behavior to which the entity holds its other employees, even if any unsatisfactory performance or behavior is related to the employee's drug use or alcoholism;

(5) May require that its employees employed in an industry subject to such regulations comply with the standards established in the regulations (if any) of the Departments of Defense and Transportation, and the Nuclear Regulatory Commission, regarding alcohol and the illegal use of drugs, and

(6) May require that employees employed in sensitive positions comply with the regulations (if any) of the Departments of Defense and Transportation and of the Nuclear Regulatory Commission that apply to employment in sensitive positions subject to such regulations.

(c) *Drug testing -- (1) General policy.* For purposes of this part, a test to determine the illegal use of drugs is not considered a medical examination. Thus, the administration of such drug is not considered a medical examination. Thus, the administration of such drug tests by a covered entity to its job applicants or employees is not a violation of 1630.13 of this part. However, this part does not encourage, prohibit, or authorize a covered entity to conduct drug tests of job applicants or employees to determine the illegal use of drugs or to make employment decisions based on such test results.

(2) *Transportation Employees.* This part does not encourage, prohibit, or authorize the otherwise lawful exercise by entities subject to the jurisdiction of the Department of Transportation of authority to:

(i) Test employees of entities in, and applicants for, positions involving safety sensitive duties for the illegal use of drugs or for on-duty impairment by alcohol; and

(ii) Remove from safety-sensitive positions persons who test positive for illegal use of drugs or on-duty impairment by alcohol pursuant to paragraph (c) (2) (i) of this section.

(3) *Confidentiality.* Any information regarding the medical condition or history of any employee or applicant obtained from a test to determine the illegal use of drugs, except information regarding the illegal use of drugs, is subject to the requirements of 1630.14(b) (2) and (3) of this part.

(d) *Regulations of smoking.* A covered entity may prohibit or impose restrictions on smoking in places of employment. Such

restrictions do not violate any provision of this part.

(e) *Infectious and communicable diseases; food handling jobs*

-- (1) *In general.* Under title I of the ADA, section 103(d) (1), the Secretary of Health and Human Services is to prepare a list, to be updated annually, of infectious and communicable diseases which are transmitted through the handling of food. (Copies may be obtained from Center for Infectious Diseases, Centers for Disease Control, 1600 Clifton Road, NE., Mailstop C09, Atlanta, GA 30333.) If an individual with a disability is disabled by one of the infectious or communicable diseases included on its list, and if the risk of transmitting the disease associated with the handling of food cannot be eliminated by reasonable accommodation, a covered entity may refuse to assign or continue to assign such individual to a job involving food handling. However, if the individual food handling. However, if the individual with a disability is a current employee, the employer must consider whether he or she can be accommodated by reassignment to a vacant position not involving food handling.

(2) *Effect on state or other laws.* This part does not preempt, modify, or amend any State, county, or local law, ordinance or regulation applicable to food handling which:

(i) Is in accordance with the list, referred to in paragraph (e) (1) of this section, of infectious or communicable diseases and the modes of transmissibility published by the Secretary of Health and Human Services; and

(ii) Is designed to protect the public health from individuals who pose a significant risk to the health or safety of others, where that risk cannot be eliminated by reasonable accommodation.

(f) *Health insurance, life insurance, and other benefit plans* -- (1) An insurer, hospital, or medical service company, health maintenance organization, or any agent or entity that administers benefit plans, or similar organizations may underwrite risks, classify risks, or administer such risks that are based on or not inconsistent with State law.

(2) A covered entity may establish, sponsor, observe or administer the terms of a bona fide benefit plan that are based on underwriting risks, classifying risks, or administering such risks that are based on or not inconsistent with State law.

(3) A covered entity may establish, sponsor, observe, or administer the terms of a bona fide benefit plant that is not subject to State laws that regulate insurance.

(4) The activities described in paragraph (f) (1), (2), and (3) of this section are permitted unless these activities are being used as a subterfuge to evade the purposes of this part.

FINDING

No response (finding, plan of action, lead agencies, estimated cost, nor deadlines) needed.

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SUBPART D – PROGRAM ACCESSIBILITY

REGULATION 28 CFR 35.149 DISCRIMINATION PROHIBITED

Except as otherwise provided in 35.150, no qualified individual with a disability shall, because a public entity's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, or activities of a public entity, or be subject to discrimination by any public entity.

FINDING

State agencies are required by the RI Constitution (Article I Section 2) and general laws (42-87 and 28-5.1) to operate their services, programs, and activities in a manner which ensures all qualified individuals with disabilities have access to and use of those services, programs, and activities. Meetings of public bodies are required to be conducted in locations that are accessible and notices of such meetings are required to contain a description of the procedure for obtaining interpreter services for the deaf.

Most state agencies have instituted procedures to ensure that locations for short term services, programs, and activities are physically accessible. Unfortunately a comprehensive listing of accessible meeting/conference sites that meet the ADAAG has not been compiled.

Many state agencies have included language on printed notices and newspaper advertisements describing the procedure for requesting interpreters for the deaf for services, programs, and activities of a limited duration. The telephone directory's listing of state agency phone numbers contains both within each agency's list and separately a listing of TDD numbers.

Most state agencies do not have auxiliary aids available to ensure access to and use of services, programs, and activities, other than TDDs (see list of agencies with TDDs in appendix) Most state agencies have not adopted policies and procedures to ensure that auxiliary aids are provided when requests. Most state agencies have not informed their employees that individuals with disabilities have a right to auxiliary aids in order to access and use the agency's services, programs, and activities.

PLAN OF ACTION

A comprehensive list of meeting and conference sites that conform to the ADAAG standard shall be provided to all state agencies with a directive that only these sites can be used. Agencies wishing to utilize other facilities will be required to get a certification of accessibility from the State Building Commission. Once a site is certified it would be added to the comprehensive list.

All state agency notices of meetings, conferences, bids, etc. shall be printed in one section of the newspaper. That section shall contain a banner (headline) with information concerning the procedure for requesting interpreters, readers, or other assistance to ensure equal access and use of any and all state services, programs, or activities listed. All state agency

notices will also be broadcast (audio and visual) by the RI Radio Information Service, WSBE TV, and Capitol TV once a week at a scheduled time and day. Capitol TV will be responsible for producing the tape each week and providing an audio copy to the Radio Information Service and a video tape to WSBE TV.

A central pool of auxiliary aids shall be established, within the State Library Service. When state agencies need auxiliary aids to provide access and or use of a service, program, or activity the equipment would be "loaned" to the agency from this central fund. When the equipment is no longer needed it would be returned, repaired (if needed) and be made available for use by another agency. The Office of Higher Education shall establish a similar pool of auxiliary aids to provide access and use for students in the three state colleges. The Department of Elementary and Secondary Education shall establish a similar pool of auxiliary aids to provide access and use for students at the School for the Deaf and the vocational technical schools. The Governor's Commission on the Handicapped will arrange for the purchase of equipment for the three central pools of auxiliary aids from the Accessibility Renovation Fund (see 28 CFR 35.150 below)

Uniform procedures on assistive devices shall be adopted to ensure appropriate auxiliary aids are made, available upon request, to individuals with disabilities so they may enjoy equal access and use of state services, programs, and activities.

ITEM	LEAD AGENCIES	DEADLINE	COST
Inspection of meeting sites			
Draft uniform procedure on			
Assistive devices being available	Gov. Comm.o/t Handicapped	March 1, 1992	NONE
Text of Banner for state notices	Gov. Comm. oft Handicapped	March 1, 1992	NONE
Establishment of state notice			
section in the newspaper	Div. of Purchasing	March 1, 1992	REDUCED 5% ⁸
Development of comprehensive list	Gov. Comm.o/t Handicapped		
of accessible facilities	& State Building Comm.	April 1, 1992	see note 2
Selection of auxiliary aids	Gov. Comm.o/t Handicapped	July 1, 1992	see note 2
Purchase of auxiliary aids	State Building Comm.	Sept. 1, 1992	\$214,100 ⁹
Establish a central pool of auxiliary	Regional Library f/t		
aids for short term use by agencies	Blind & Phy. Hand.	Sept. 1, 1992	\$18,000/yr ¹⁰
Establish a central pool of auxiliary			
aids for elem. & sec. school use	Dept. of Education	Sept. 1, 1992	NONE
Establish a central pool of auxiliary			
aids for higher education use	Office of Higher Education	Sept. 1, 1992	NONE

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REGULATION 28 CFR 35.150 EXISTING FACILITIES

(a) *General.* 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. This paragraph does not –

(1) Necessarily require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities.

(2) Require a public entity to take any action that would threaten or destroy the historic significance of an historic property; or

(3) Require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. In those circumstances where personnel of the public entity believe that the proposed action would result in undue financial and administrative burdens, a public entity has the burden of proving that compliance with 35.150(a) of this part would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the head of the public entity or his or her designee after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in such an alteration or such burdens, a public entity shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that individuals with disabilities receive the benefits or services provided by the public entity.

(b) *Methods — (1) General.* A public entity may comply with the requirements of this section through such means as redesign of equipment, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternative accessible sites, alteration of existing facilities and construction of new facilities, use of accessible rolling stock or other conveyances, or other methods that result in making its services, programs, or activities readily accessible to and usable by individuals with disabilities. A public entity is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section. A public entity, in making alterations to existing buildings, shall meet the accessibility requirements of 35.151. In choosing among available methods for meeting the requirements of this section, a public entity shall give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate.

(c) *Historic preservation programs.* In meeting the requirements of 35.150(a) in historic preservation programs, a public entity shall give priority to methods that provide physical access to individuals with disabilities. In cases where a physical alteration to an historic property is not required because of paragraph (a) (2) or (a) (3) of this section, alternative methods of achieving program accessibility include -

(i) Using audio-visual materials and devices to depict those portions of an historic property that cannot otherwise be made accessible;

(ii) Assigning persons to guide individuals with handicaps into or through portions of historic properties that cannot otherwise be made accessible; or

(iii) Adopting other innovative methods.

RI ADA SELF-EVALUATION & COMPLIANCE PLAN

(c) Time period for compliance. Where structural changes in facilities are undertaken to comply with the obligations established under this section, such changes shall be made within three years of January 26, 1992, but in any event as expeditiously as possible.

(d) Transition plan. (a) In the event that structural changes to facilities will be undertaken to achieve program accessibility, a public entity that employs 50 or more persons shall develop, within six months of January 26, 1992, a transition plan setting forth the steps necessary to complete such changes. A public entity shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the transition plan by submitting comments. A copy of the transition plan shall be made available for public inspection.

(2) If a public entity has responsibility or authority over streets, roads, or walkways, its transition plan shall include a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs, giving priority to walkways serving entities covered by the Act, including State and local government offices and facilities, transportation, places of public accommodations, and employers, followed by walkways serving other areas.

(3) The plan shall, at a minimum —

(i) Identify physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities;

(ii) Describe in detail the methods that will be used to make the facilities accessible;

(iii) Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and

(iv) Indicate the official responsible for implementation of the plan.

(4) If a public entity has already complied with the transition plan requirements of a Federal agency regulation implementing section 504 of the Rehabilitation Act of 1973, then the requirements of this paragraph (d) shall apply only to those policies and practices that were not included in the previous transition plan.

FINDINGS

The State Properties Committee will not lease facilities, on behalf of state agencies, unless the State Building Commissioner certifies that the facility complies with the applicable handicapped accessibility standard or the Governor's Commission on the Handicapped's Accessibility Committee grants a variance. Variances are only granted when the agency planning to utilize the facility demonstrates that it has in place a plan to provide programmatic and employment access to all programs, services, and activities to be offered in that facility. The State Building Commission is incorporating the ADAAG and UFAS standards into the

state building code so only one standard will need to be utilized in the future. Some quasi-governmental corporations do not use the State Properties Committee when leasing facilities. These agencies have leased facilities without determining whether they are accessible.

Following the issuance of Section 504 Regulations in the late 70's the State of Rhode Island established a uniform procedure for eliminating environmental and communication barriers at state owned facilities, Access for All in the Ocean State. Each state agency has been required to identify those services, programs and activities that were not offered in a totally accessible facility. The state agencies then requested funding from the Governor's Commission on the Handicapped to overcome environmental and communication barriers to those services, programs, or activities. The Governor's Commission on the Handicapped in conjunction with the State Building Commission has developed and implemented Rhode Island's Section 504 Transition Plan. The Accessibility Committee consists of representatives of organizations of individuals with disabilities and the State Building Commission. Since 1980 over 156 facilities have been renovated, 150 TDDs purchased, and 3 facilities have been equipped with assistive listening systems. The 504 Transition Plan has been updated twice. Since 1980 the voters have approved three Handicapped Access Bond Issues for a total expenditure of \$12,250,000. The state is continuing its efforts to eliminate pockets of inaccessibility within state owned facilities to expand employment opportunities as well as ensure programmatic accessibility and is presently preparing a request for a fourth bond issue.

Many state agencies have not adopted procedures to ensure when the existing facility is not accessible that the services, programs, and activities operated within the inaccessible facility are still available to individuals with disabilities.

(see regulation 28 CFR 35.149 above)

The state has not established a procedure for achieving program accessibility to historic preservation programs.

The Department of Transportation has been directed to develop a transition plan with regards to pedestrian walkways and curb cuts, ramps or other slopes.

PLAN OF ACTION

The current procedure requiring the State Properties Committee to obtain either a certification of compliance (with the accessibility provisions of the state building code) from the State Building Commissioner, or a variance on the handicapped accessibility standard for state leased facilities from the Accessibility Committee of the Governor's Commission on the Handicapped shall be codified in law and all state agencies including quasi-governmental corporations shall be required to process their leases through the State Properties Committee. This will ensure that all state programs, services, or activities operated in leased facilities are accessible to and usable by individuals with disabilities, by the time all the current leases expire.

RI ADA SELF-EVALUATION & COMPLIANCE PLAN

The State Building Commission shall conduct programmatic and employment accessibility inspections of all state owned facilities that have not already been inspected. The Accessibility Committee of the Governor's Commission on the Handicapped will in consultation with state agencies operating from facilities that are not programmatically accessible, determine the most appropriate method from ensuring access to and use of all the services, programs, and activities provided in those facilities. When structural renovations are needed to ensure programmatic and employment access, those renovations will be included in phase IV of the Access for All in the Ocean State program. The Accessibility Committee and the State Building Commission will revise the "504" Transition Plan process to incorporate all entities covered by the ADA and will utilize the Accessibility Renovation Fund (part of the Asset Protection Fund).

The existing process for granting variances for state leased facilities while ensuring programmatic and employment accessibility shall be modified to allow for the review of historic preservation programs and the granting of variances that approve alternative methods of achieving program accessibility.

The Department of Transportation will complete a Pedestrian Curb Cut Transition Plan (including state roads and state properties and state educational facilities) which will be partially funded through the federal highway construction program.

ITEM	LEAD AGENCIES	DEADLINE	COST
Draft amendment to §37-8-15	Gov. Comm. o/t Handicapped	Jan. 1, 1992	NONE
Inspect state owned facilities to ensure program access	State Building Comm.	Feb. 1, 1992	NONE
Complete the ADA/504 Transition Plan	Gov. Comm.o/t Handicapped	March 1, 1992	NONE
Complete the Curb Cut Transition Plan	Dept. of Transportation	March 1, 1992	TBD ¹¹
Establish variances for historic property	Gov. Comm.o/t Handicapped	March 1, 1992	see note 2
Sponsor & enact amendment §37-8-15	General Assembly Leaders	July 1, 1992	NONE
Implemented the ADA/504 Trans. Plan	State Building Commission	Jan. 26 1995	5 million ¹²
Implemented the Curb Cut Trans. Plan	Dept. of Transportation	Jan. 26, 1995	TBD ¹³

REGULATION 28 CFR 35.151 NEW CONSTRUCTION AND ALTERATIONS

(a) Design and construction. Each facility or part of a facility constructed by, on behalf of, or for the use of a public entity shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by individuals with disabilities, if the construction was commenced after January 26, 1992.

(b) Alteration. Each facility or part of a facility altered by, on behalf of, or for the use of a public entity in a manner that affects or could affect the usability of the facility or part of the facility shall, 1 to the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by individuals with

disabilities, if the alteration was commenced after January 26, 1992.

(C) *Accessibility standard.* Design, construction, or alternation of facilities in conformance with the Uniform Federal Accessibility Standard [UFAS] (Appendix A to 41 CFR part 101-19.6) or with the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities [ADAAG] (Appendix A to 28 CFR part 36) shall be deemed to comply with the requirements of this section with respect to those facilities, except that the elevator exemption contained at section 4.1.3(5) and section 4.1.6(1) (j) of ADAAG shall not apply. Departures from particular requirements of either standard by the use of other methods shall be permitted when it is clearly evident that equivalent access to the facility or part of the facility is thereby provided.

(d) *Alterations: Historic properties.* (1) Alterations to historic properties shall comply, to the maximum extent feasible, with section 4.1.7 of UFAS or section 4.1.7 of ADAAG.

(2) If it is not feasible to provide physical access to an historic property in a manner that will not threaten or destroy the historic significance of the building or facility, alternative methods of access shall be provided pursuant to the requirements of 35.150.

(e) *Curb ramps.* (1) Newly constructed or altered streets, roads, and highways must contain curb ramps or other sloped areas at any intersection having curbs or other barriers to entry from a street level pedestrian walkway.

2) Newly constructed or altered street level pedestrian walkways must contain curb ramps or other sloped areas at intersections to streets, roads, or highways.

FINDINGS

State law requires all new construction or alternations of government facilities to meet the state building code's accessibility provisions. Plans for construction or alternations of state owned facilities must be approved by the State Building Commissioner. Once completed the State Building Commissioner must issue of certification of occupancy that includes compliance with the accessibility provisions of the code.

State law requires the incorporation of the ADAAG into the existing State Building Code by Jan. 1, 1992. The code is being modified to include ADAAG with exceptions for government buildings with regards to the elevator exemption contained at section 4.1.3(5) and section 4.1.6(1) (j) of the ADAAG.

Alterations to historic properties are reviewed by the State Building Commissioner and the Historical Preservation Commission to ensure compliance with the state building code.

The Department of Transportation installs curb cuts at all intersections on newly constructed or altered streets, roads, and highways or street level pedestrian walkways that intersect streets, roads, or highways.

PLAN OF ACTION

The State Building Commission shall complete the incorporation of the ADAAG into the state building code. Current practices of the Building Commission with regards to review and approval of plans for the new construction or alternation of state owned facilities shall continue. Current practices of the Department of Transportation with regards to curb cuts shall continue.

ITEM	LEAD AGENCIES	DEADLINE	COST
Insert ADAAG into State Building Code	State Building Comm.	Jan. 1, 1992	NONE

SUBPART E - COMMUNICATIONS

REGULATION 28 CFR 35.160 GENERAL

(a) 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.

(b) (1) 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 conducted by a public entity.

(2) In determining what type of auxiliary aid and service is necessary, a public entity shall give primary consideration to the requests of the individual with disabilities.

FINDING

WSBE TV 36 is not equipped to caption for the deaf locally produced public or instructional television programs. WSBE TV does not determine whether public or instructional television programs purchased from third parties are captioned for the deaf. WSBE TV does provide interpreters for the deaf during candidate debates and televised addresses of the Governor. The Governor uses interpreters for the deaf at his press conferences and other public functions. The commercial broadcast stations do not always include the interpreter on camera when they televise the Governor's addresses.

The General Assembly's Capitol TV televises all sessions of the House of Representatives, live. When the House and Senate are both in session, the Senate sessions are broadcast on a delayed basis, immediately following the House session. Hearings of the House Finance Committee are televised live. Hearings of other committees are televised live if of great public interest. At present events televised by Capitol TV are not captioned for the deaf. When interpreters for the deaf are present, the interpreter appears on camera. Most sessions of the General Assembly and its committees do not have interpreters for the deaf present. In the past commercial broadcast stations have objected to interpreters for the deaf being included on any "pool" signal being transmitted from the State House, via Capitol TV.

The State Open Meetings Law (42-46-13) requires public bodies to include a description of the procedure for requesting an interpreter for the deaf at any meeting, workshop, working session, etc. of the public body. All state agencies conducting workshops, seminars, conferences, pre-bid conferences, etc. are required to include information concerning the procedure for requesting interpreters for the deaf. Most, but not all state agency advertisements, notices of meetings, conferences, seminars, etc. do contain a description of the process of requesting interpreters for the deaf (see 28 CFR 35.149).

Most conference, meeting, and court rooms as well as classrooms at the colleges and vocational schools are not equipped with assistive listening systems. The chambers of the House and Senate and two principal hearing rooms have assistive listening systems. The state is in the process of installing

assistive listening systems in meeting rooms and court rooms.

Orally delivered information, such as via a public address system are not also available in a format accessible to and usable by individuals with hearing impairments.

The State Open Meetings Law also requires public bodies to provide audio tape copies of the minutes of their meetings, upon request to individual reading impairments. Most state agencies have not adopted a procedure for providing visually delivered material in an accessible and usable format for individuals with vision/reading impairments. Procedures for acquiring readers for the blind have not been adopted by most state agencies. Most state agency notices of conferences, meetings, seminars, etc. do not contain a description of the process for requesting readers or other assistive services (see 28 CFR 35.149). Visually delivered information, such as video texts displays at the state airport and colleges is not provided in a format accessible to and usable by individuals with vision or reading impairments.

WSBE TV does not have a third audio channel transmitter to broadcast the auditory descriptions of the visual action.

Many state agencies have not adopted procedures for providing auxiliary aids and services (see 28 CFR 35.149).

PLAN OF ACTION

Simultaneous closed captioning of state government television programming will be provided. This action will ensure accessible through closed captioning of all live or taped television programs (signals) produced by or for the state government, including broadcasts from the General Assembly, WSBE TV, Emergency Management Agency, press conferences at the State House, public service announcements, government agency cable tv shows (ABLE TOO..., PUC, etc.), or televised seminars and telecourses. The inclusion of captioning for the deaf will be required for all new programming that is purchased for instructional or college credit TV by WSBE TV, the state colleges or the Department of Education.

Simultaneous closed captioning is a new and expanding field, with a rapidly changing technology. In addition to government programming, simultaneous closed captioning has vast commercial potential. The Coordinating Committee on the ADA will establish a subcommittee to investigate the potential for developing the private simultaneous closed captioning industry in Rhode Island as well as to ensure that all state government television programming is captioned.

Closed caption decoders will be purchased and attached to tv monitors in the House and Senate galleries and hearings rooms 35 & 313, spectators with hearing impairments will be able to view the proceedings with instantaneous captions.

Interpreters for the deaf would be available, upon request, when individuals wish to make presentations to legislative committees or when attending hearings in committee rooms without tv monitors. The bulletin boards for legislative hearings will contain a large banner with the phone numbers for requesting interpreters for the deaf and readers for the blind. Interpreters for the deaf will be provided at all press conferences conducted by state officials, which are to be televised live. The

commercial broadcast TV stations will be asked to include the interpreter on camera. The Attorney General will request a ruling from the FCC on the refusal of commercial broadcasters to include the interpreter in live broadcasts. Capitol TV shall include interpreters for the deaf, until closed captioning is available, on camera whenever the interpreter is present. Interpreters for the deaf will be provided upon request at any meeting, hearing, seminar, pre—bid conference, etc. from a central interpreter fund. Interpreters for the deaf, for other activities, such as semester long engagements shall be provided by the agency, operating the program, service, or activity needing to be interpreted.

The state is installing a video text display board to print duplicate announcements made over the public address system at the state airport. The State Building Commission, as part of its inspection of state owned facilities for programmatic access, will identify those facilities needing assistive listening systems, video text display boards, etc. That information will be used by the Governor’s Commission on the Handicapped’s Accessibility Committee in the development of the “ADA/504 Transition Plan” (see 28 CFR 35.150).

A third audio channel transmitter will be provided to WSBE TV 36 through the Accessibility Renovation Fund to carry the descriptive audio service for the blind. Readers for the blind will be provided upon request at any meeting, hearing, seminar, pre—bid conference, etc. from a central reader fund. Readers for the blind, for long term engagements shall be provided by the agency or college operating the program, service, or activity needing such services. Information available on video text displays will also be made available on audio tapes or other format accessible to and usable by individuals with vision or reading impairments. A central documents reproduction service will reproduce any state document on audio tape or other format accessible to and usable by individuals with vision or reading impairments.

ITEM	LEAD AGENCIES	DEADLINE	COST
Purchasing only captioned video tapes	Telecomm. Authority, Department of Education & the state colleges	March 1, 1992	10,000/yr ¹⁴
Purchase Assistive Listening Systems	State Building Comm.	July 1, 1992	150,000 ¹⁵
Planning Simultaneous Closed Caption	Coordinating Cmte on ADA	July 1, 1992	NONE
Purchase Third Channel Transmitter	State Building Comm.	July 1, 1992	35,000 ¹⁶
Providing Interpreters	Comm. o/t Deaf & HI	July 1, 1992	50,000/yr ¹⁷
Installing video text display	State Building Comm.	July 1, 1992	65,000 ¹⁸
Providing Readers	Dept. of Elderly Affairs	July 1, 1992	NONE
Installing speech synthesizer for video text monitor	State Building Comm.	July 1, 1992	17,000 ¹⁹
Establishing document reproduction centers	Regional Library f/t Blind & Secretary of State	July 1, 1992	24,000 ²⁰
Audio Tapes of Bulk Mailed Documents	Treasury & Taxation	July 1, 1992	2,000 ²¹

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REGULATION 28 CFR 35.161 TELECOMMUNICATION DEVICES FOR
THE DEAF (TDD's)

Where a public entity communicates by telephone with applicants and beneficiaries, TDD's or equally effective telecommunication systems shall be used to communicate with individuals with impaired hearing or speech.

FINDING

The state distributes TDDs and other assistive devices to modify telephones to state residents with hearing, speech or neuromuscular impairments under a state law (§ 39—23).

All state departments and most of the other state agencies have telecommunication devices for the deaf (TDD). Due to recent reductions in the workforce, many state agencies/departments' employees are not adequately trained in the use of TDDs. The Community Development Training unit provides training in the use of TDDs, at least twice a year. The state 800 telephone operator does not have a TDD.

The telephone directory's listing of state agency phone numbers contains both within each agency's list and separately a listing of TDD numbers. Most state agency stationery does not list TDD numbers, some don't list any telephone number.

PLAN OF ACTION

At least one TDD will be provided to each state agency. One permanent and two back up TDD operators will be trained at each agency that has a TDD (see 28 CFR 35.133). The state 800 telephone operator will be provided with a TDD, the number will be listed as voice and TDD in the telephone directory. All state agency stationery will list their TDD number when stationery is reprinted.

ITEM	LEAD AGENCIES	DEADLINE	COST
Providing TDDs to all agencies	State Building Comm.	March 1, 1992	13,500 ²²
Listing of TDD number on stationery	Dept. of Administration	March 1, 1992	NONE

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REGULATION 28 CFR 35.162 TELEPHONE EMERGENCY SERVICES

Telephone emergency services, including 911 services, shall provide direct access to individuals who use TDD's and computer modems

FINDING

The E 911 system has TDDs and trained operators available 24 hours a day. All E 911 telephone operators are trained in the use of TDDs. The State Police has TDDs operational 24 hours a day. Most of the other emergency telephone services: Department of Health; Historical Preservation Commission; Fire Marshal's Office; Department of Children, Youth and Families; Governor's Office of Energy, Housing & Intergovernmental Relations and the college campus police, either don't have the agency TDD at the emergency number, don't have operators trained in the use of TDDs, or don't have a TDD.

PLAN OF ACTION

A separate TDD and backup will be provided to each state agency that operates emergency or hot line telephone services. All emergency telephone service operators will be trained and certified in the proper use of TDDs, including language used, etc. All advertisements/announcements will note that the hot line/emergency numbers are voice/TDD.

ITEM	LEAD AGENCIES	DEADLINE	COST
Providing TDDs to all emergency service providers	State Building Comm.	March 1, 1992	\$5,500 ²³
Listing of TDD number on stationery	Dept. of Administration	March 1, 1992	NONE

REGULATION 28 CFR 35.163 INFORMATION AND SIGNAGE

(a) A public entity shall ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities.

(b) A public entity shall provide signage at all inaccessible entrances to each of its facilities, directing users to an accessible entrance or to a location at which they can obtain information about accessible facilities. The international symbol for accessibility shall be used at each accessible entrance of a facility.

FINDING

Many state facilities, whether owned or leased by the state, do not provide raised letter signage directing individuals to accessible services, activities, facilities. The state does not publish (in print or on tape) listings of the accessible locations of its services, programs, or activities.

Most state facilities, whether owned or leased by the state, do not have signage at all inaccessible entrances directing users to an accessible entrance or to a location at which they can obtain information about the accessible location of the services, programs, or activities. The international symbol for accessibility is not posted at each accessible entrance of most state facilities.

PLAN OF ACTION

The State Building Commission, as part of its inspections of leased facilities and state owned facilities for programmatic accessibility shall identify those facilities needing signage. That information will be used by the Governor’s Commission on the Handicapped’s Accessibility Committee in the development of the “ADA/504 Transition Plan” (see 28 CFR 35.150). The Governor’s Commission on the Handicapped will compile a directory of inaccessible state facilities and the locations of the accessible sites of their services, programs, and activities. The directory shall be made available at no charge in print, audio tape, and diskette and annually updated.

ITEM	LEAD AGENCIES	DEADLINE	COST
Installing signage	State Building Comm.	March 1, 1992	\$10,000 ²⁴
Publishing a list of accessible programs, services, & activities	Gov. Corn m. o/t Handicapped	April 1, 1992	see note 2

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REGULATION 28 CFR 35.164 DUTIES

This subpart does not require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. In those circumstances where personnel of the public entity believe that the proposed action would fundamentally alter the service, program, or activity or would result in undue financial and administrative burdens, a public entity has the burden of providing that compliance with this subpart would result in such alteration or burdens must be made by the head of the public entity or his or her designee after considering all resources available for use in the funding and operation of the service, program, or activity and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action required to comply with this subpart would result in such an alteration or such burdens, a public entity shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the benefits or services provided by the public entity.

FINDING

No response (finding, plan of action, lead agencies, estimated cost, nor deadlines) needed.

APPENDIX I. FINANCIAL END NOTES

- (1) Regulation 28 CFR 35.106 Notice — Publishing Nondiscrimination Announcement — currently several agencies that receive federal funds each publish a nondiscrimination announcement annually. The plan calls for consolidation of all those announcements into one announcement each year for the entire state government. Cost reduced from present by at least 50% and can be included in the “indirect charges” formula for federal grants.
- (2) Regulation 28 CFR 35.107 Designation of Responsible Employee — Coordinate Compliance — Governor’s Commission on the Handicapped’s Coordinating Committee on the ADA and its ADA staff functions. 39,140 for Personnel and 8,436 for operation expenses.
- (3) Regulation 28 CFR 35.130 General Prohibitions — Office of Personnel Administration (including the Equal Opportunity Office and the Office of Community Development & Training). Personnel expenses of OPA for: providing training to contractors, vendors, and grantees on the ADA; [28 CFR 35.134] revising affirmative action plans and personnel rules; [29 CFR 1630.4] creating a central list of job notices, reviewing job descriptions and the operations of benefit providers; [29 CFR 1630.6] drafting reasonable accommodation and nondiscrimination clauses of labor contracts; [29 CFR 1630.9] drafting “undue hardship” rules and developing a reasonable accommodation request procedure; [29 CFR 1630.13] drafting medical examination, employment entrance examination, and bar of claims rules; overseeing compliance to the ADA personnel requirements throughout state government and coordinating ADA compliance within the Department of Administration. 142,373.
- (4) Regulation 28 CFR 35.133 Maintenance of Accessibility Features — Master agreements on maintenance of equipment — Reduced cost through group purchasing of repair contracts.
- (5) Regulation 28 CFR 35.133 Maintenance of Accessibility Features — Determination of other master agreements — see # 4 above.
- (6) Regulation 29 CFR 1630.04 Discrimination Prohibited — Central listing of all job notices — telecomputer listing of all job vacancies at the Office of Personnel Administration. 15,000 of software and tele-information equipment.
- (7) Regulation 29 CFR 1630.09 Not Making Reasonable Accommodations — Job analysis — 5,000/yr for FI 92 & 93, reduced to 2,000/yr in following years. (5% of newly employed workers with disabilities).
- (8) Regulation 28 CFR 35.149 Program Accessibility: Discrimination Prohibited — by listing the process for requesting interpreters for the deaf and readers for the blind each meeting notice, etc. only once per page advertisement costs

(9) Regulation 28 CFR 35.149 Program Accessibility - purchase of auxiliary aids:

- 6 Automatic Page Turners @ \$100.00
- 6 Braille Translator (page scanner/reader) @ \$500.00
- 6 Voice to Text Dictation (adapting computer) @ \$700.00
- 6 Page Scanner/Reader (w/computer) @ \$6,800.00
- 1 Page edge Scanner/Reader @ \$7,500
- 6 Closed Circuit TV Reading Aid @ \$3,600.00
- 12 Page Scanner/Reader (book edge/stand alone) @ \$9,950.00
- 20 Speech Synthesizer (for computer) @ \$850.00

Grand Total

\$214,100

(10) Regulation 28 CFR 35.149 Program Accessibility - Central Pool of Auxiliary Aids - \$18,000/yr for storage space at the Regional Library for the Blind & Physically Handicapped to create an assistive technology center to demonstrate equipment, assess needs, train in its use, maintain and distribute to agencies as needed. This center would also reproduce state documents in tape or braille as requested.

(11) Regulation 28 CFR 35.150 Existing Facilities - Curb Cut Transition Plan - RIDoT to contract survey Federal Highway Funds will cover most costs, state's share unknown.

(12) Regulation 28 CFR 35.150 Existing Facilities * - Implementing the ADA/504 Transition Plan — ~\$5 million, of which \$2.4 million would be from the Asset Protection Fund. Facilities to be renovated (if on-site inspection determines renovations are needed) include in order of priority.

* and Regulation 28 CFR 35.163 Information and signage

I. Facilities serving individuals with disabilities:

a) Mental Health Advocate - Cottage 405 Court B, Medical Center [to ensure 1st floor & restroom access]

b) Executive Department/ Office of Substance Abuse Talbot House, Wallum Lake (treatment facility) [complete access], Caritas House, Medical Center (treatment facility) [complete access], Tank Town Apt A and/or Norville, Wallum Lake (transitional housing) [to ensure at least 1 apartment and the common spaces are accessible]

II. Facilities serving the general public (including individuals with disabilities):

a) Dept. of Mental Health, Retardation & Hospitals - Welcome Arnold Bldg., Medical Center (shelter for the homeless) [complete access],

b) Dept. of Human Services - food stamp, welfare, etc. facilities [facilities owned by state - complete access, also inspect & install signage at occupied and leased facilities and advise landlords of other renovations],

c) Office of the Public Defender [inspect and if rented, install signage and notify landlord of other renovations, if state owned make completely accessible],

- d) Executive Dept.- State Police Scituate Headquarters [complete access],
- e) Executive Dept. - Military - The Armories used for emergency shelters [complete access for ground level sleeping and rest rooms],
- f) University of RI & Dept. of Environ. Management -Agriculture, Cooperative Extension Service Facilities [access to classrooms, examination rooms, & rest rooms],
- g) Facilities needing signage:
 Commission for Human Rights; Higher Education Assistance Authority; Community College of RI;
 RI College; University of RI; Child Advocate's Office;
 Dept. for Children, Youth, & Families; Dept. of Administration - Powers Building; Executive Dept. - Council on the Arts; Dept. of State Library Services; Office of Higher Education;
 RI Public Transit Authority; Dept. of Economic Development; Treasury Department;
 Dept. of Mental Health, Retardation & Hospitals;
 Dept. of Transportation — Administration Building & Registries of Motor Vehicles and;
 Dept. of Environ. Management - Water Resources Office Air & Hazardous Materials Office
- h) Dept. of Transportation - Westerly Airport
- i) University of RI
 - 1) Carlotti Administration Building
 - 2) Washburn Hall Marine Affairs Center [inspect computer lab and research library, determine if off-site computer terminal can be installed to provide access]
 - 3) Rodman Hall Community Planning Center [inspect computer lab and research library, determine if off-site computer terminal can be installed to provide access]
 - 4) Laundry Rooms in dorms [relocate one dryer and washer to accessible floor in each dorm]
 - 5) Alton Jones Environmental Center Cabins
 - 6) Roosevelt Hall Learning Assistance (currently operate tutorial services in vacant rooms as need arises)
- j) Department of Administration - Powers Building [cafeteria & signage]

III. Administrative and Support Service Facilities:

Executive Dept., Justice Commission

- a) Dept. of Environ. Management, Enforcement Division - 83 Park Street;
- b) Depart. of Mental Health, Retardation & Hospitals
 - 1) Zambarano Hospital Laundry
 - 2) Medical Center Cottage 402 & Cottage 403 [ground level and rest room access];
 - 3) Medical Center Central Power Plant, Facilities & Maintenance Administration and E Ward, Center Bldg. supply center [admin. office, rest rooms & visual fire alarms];

RI SELF- EVALUATION COMPLIANCE PLAN

e) Dept. of Transportation — 17 Highway Maintenance Garages

The following facilities are “auxiliary” sites operated independently of state government , on state property. They will also need **to** be made accessible. The appropriate funding procedures are being researched.

- Faculty Housing - URI
- Health Services X Ray - URI
- Youth Hotel - URI
- Roger Williams Dining Hall — URI
- University Club - URI
- Graduate Housing - URI

Existing Facilities not to be renovated:

Dept. of Education, Roger Williams Building [to be torn down]

Existing Facilities with renovations already planned [Phase III of the Access for All in the Ocean State \$2 million bond issue approved in 1988]:

- State House Blackstone Valley Sewer Authority
- Bridge and Turnpike Authority
- Dept. of Mental Health, Retardations, & Hospitals
- Zambarano Memorial Hospital
- Regan Conference Center
- Dept. of Health, Cannon Building
- Executive Department —
- Military, Market Street Armory
- Historical Preservation Commission, Old State House
- Judiciary, All Court Houses
- Coastal Resources Management
- University of RI - Dormitory Rooms
- Dept. of Education – Regional Vocational Schools

Existing Facility undergoing general renovations, accessibility to be incorporated:

Department of Transportation, Green State Airport, North Central State Airport, and Quonset State Airport.

(13) Regulation 28 CFR 35.150 Existing Facilities – Curb Cut installation at every intersection state road @ \$1,034 — Federal Highway Funds will cover most costs, state costs undetermined.

(14) Regulation 28 CFR 35.160 Communications – General – Purchasing of captioned video tapes, Community College of RI \$15,000 to replace existing series and \$10,000/yr for captioned version of video tapes.

(15) Regulation 28 CFR 35.160 Communications: General – Assistive Listening Systems -
30 FM Transmission Systems (for the Courts) @ 1,000.00 *

80 FM Transmission Systems (or Colleges & Voc. Schools) @ \$1,000.00

100 Personal Systems (for Colleges & Voc. Schools) \$700

Total \$15000

APPENDIX II STATE AGENCY ADA COORDINATORS

RI Attorney General's Office
Donald Deignan
72 Pine Street
Providence RI 02903
274—2424/voice 274—2424/tdd

RI General Treasurer's Office
Josephine J. DiRuzzo
40 Fountain Street 8th Fl
Providence RI 02903
277—3644/voice
277—2397/State house tdd
277—2203/Fountain St tdd

RI Governor's Office
•Peter Dennehy
State House
Providence RI 02903
277—2080/voice 277—3700/tdd
273—5729/fax

RI Lt. Governor's Office
Michelle O'Brien
State House Room 317
Providence RI 02903
277—2371/voice 277—2371/tdd
277—2012/fax

RI Secretary of State Office
Judy Dennis—Hertzler
State House
Providence RI 02903
277—2357/voice 277—2311/tdd
277—1356/fax

RI Senate
Alan Merrit
Senate Majority Leader's Office
State House Room 318
Providence RI 02903
277—6655/voice 277—6659/tdd

RI Judiciary
Gail Higgins Fogarty
250 Benefit Street
Providence RI 02903
277—3266/voice 277—3269/tdd
277—3599/fax

RI Office of Higher
Orestes Monterey
301 Promenade Street
Providence RI 02903
277—6560/voice 277—1350/tdd
Education

Community College of RI
John White
Knight Campus
Hilton Street
Providence RI 02903
455—6011/voice 825—2238/tdd

RI College
• Dr. James Cornelison
600 Mount Pleasant Avenue
Providence RI 02908
456—8200/voice 456—8061/tdd

456—8379/fax

University of Rhode Island
Barbara Roberts
Memorial Union

Kingston RI 02881
792—2101/voice 792—2285/tdd

RI Higher Education Assistance Authority
Russell A. Woodward
560 Jefferson Boulevard
Warwick RI 02886
277—2050/voice 277—6195/tdd
732—3541/fax

RI Department of Administration
Armando D'Iorio
Office of Personnel Administration
One Capitol Hill
Providence RI 02903
277—2160/voice 277—3090/tdd
277—6378/fax

RI Office of Child Advocate
Laureen D'Ambra
260 West Exchange Street Suite 002
Providence RI 02903
277—6650/voice
277—6652/fax

RI Coastal Resources Management
Council
Jeffrey Willis
Oliver Stedman Government Center
4808 Tower Hill Road
Wakefield RI 02879
277—2476/voice

RI Consumers' Council
Edwin P. Palumbo
365 Broadway
Providence RI 02909
277—2764/voice

RI Department of Corrections
Barry Levin
75 Howard Avenue
Cranston RI 02903
464—2554/voice

RI Department of Elderly Affairs
Anthony Zompa
160 Pine Street
Providence RI 02903
277—2858/voice 277—2880/tdd
277—2130/fax

RI Dept of Employment & Training
Mike Hayes
101 Friendship Street
Providence RI 02903
277—3675/voice 277—3718/tdd
277—2731/fax
RI Department of Business Regs.

Bill Feeny
Business Management Office
233 Richmond Street
Providence RI 02903
277—2216/voice 277—2223/tdd
277—6098/fax

RI Dept. for Children, Youth
and Families
Thomas M. Bohan
Office of the Director
610 Mt. Pleasant Ave Bldg. 7
Providence RI 02908
457—4703/voice 457—5363/tdd

RI Commission for Human Rights
Nick Palazzo
10 Abbott Park Place
Providence RI 02903
277—2661/voice 277—2664/tdd
277—2616/fax

RI Convention Center Authority
John Conway
One LaSalle Square
Providence RI 02903
351—2700/voice

RI Department of Economic Devel.
Ike Wallace
7 Jackson Walkway
Providence RI 02903
277—2601/voice

RI Dept of Elem. & Sec. Education
Frank Walker
Office of Civil Rights & Personnel
22 Hayes Street
Providence RI 02908
277—2042/voice 277—2031/tdd
277—6178/fax

RI Department of Environmental
Management
Frederick J. Vincent
83 Park Street
Providence RI 02903
277—2776/voice 277—6800/tdd
277—2591/fax

RI Ethics Commission
Mark Eckstein
43 Jefferson Blvd.
Warwick RI 02888
277—3790/voice
461—7049/fax

RI Executive Department
Comm. on the Deaf & Hearing Imp.
Jeanne Panarace
1 Capitol Hill
Providence RI 02908
277—1204/voice 277—1205/tdd

RI Executive Department
Developmental Disabilities Council
Colleen Molloy
600 New London Avenue
Cranston RI 02920
464—3191/voice 464—3191/tdd

RI Executive Department
E 911
Gail A. Hogan
One Communications Place
Providence RI 02903
274—0911/voice 274—0911/tdd
277—6516/centrex voice/tdd

RI Executive Department
Governor's Commission on
the Handicapped
Bob Cooper
555 Valley Street, Bldg. 51
Providence RI 02908
277—3731/voice 277—3701/tdd

RI Executive Director
Historical Preservation Comm.
Don Faxon
150 Benefit Street
Providence RI 02903
277—2678/voice
277—2968/fax

RI Executive Department
Office of the Adjutant General
Col. John J. Flanagan
1051 North Main Street
Providence RI 02904
457—4235/voice
457—4302/fax
RI Executive Department

Advisory Commission on Women
Mary Deibler
67 Cedar Street
Providence RI 02903
277—6105/voice
351—9407/fax

RI Executive Department
Council on the Arts
Barbara Conley
95 Cedar Street Suite 103
Providence RI 02903
277—3880/voice 277—3880/tdd

RI Executive Department
Division of Fire Safety
Carl Iacofano
1270 Mineral Spring Avenue
North Providence RI 02904
277—2335/voice 277—2578/tdd

RI Executive Department
Emergency Management Agency
Louise Arsenault
State House Room 27
Providence RI 02903
277—2368/voice 751—7635/tdd

RI Executive Department
Governor's Justice Commission
Norman Dakake
222 Quaker Lane
Warwick RI 02886
277—2620/voice
277—1294/fax

RI Executive Department
Municipal Police Training Academy
Glenford J. Shibley
Louisquisset Pike (CCRI)
Lincoln RI 02865
277—3753/voice
726—5720/fax

RI Executive Department
Office of Housing, Energy
and Intergovernment
Kenneth Brown
275 Westminster St 3rd fl
Providence RI 02903
277—6920/voice 1—800—253—
4328/tdd
277—1260/fax

Office of Substance Abuse
R. Panarello
State House
Providence RI 02903
277—2080/voice

RI Executive Department
State Police
Lt. David M. Driscoll
Box 185
No Scituate RI 02857
647—5184/voice 647—5184/tdd
647—0048/fax

RI Health and Educational
Building Authority
F. Charles Goodwin
400 Westminster St 2nd fl
Providence RI 02903
831—3770/voice

RI Department of Human Services
William Messoro
Vocational Rehabilitation
40 Fountain Street
Providence RI 02903
277—2608/voice 421—7016/tdd

RI Lottery Commission
Peg Rose
1425 Pontiac Avenue
Cranston RI 02920
463—6500/voice

RI Department of MHRH
Ralph Rodriguez
600 New London Avenue
Cranston RI 02920
464—2431/voice 464—3313/tdd
474—5570/fax

RI Public Building Authority
Marilyn A. Derkaz
260 West Exchange Street
Providence RI 02903
421—2932/voice 421—2932/tdd
421—6530/fax

RI Public Transit Authority
Douglas Brown
265 Meirose Street
Providence RI 02903
781—9450/voice 461—9400/tdd
781—0130/fax
Sheriff of Providence County

Marianne 3. Beirne
250 Benefit Street Room 204
Providence RI 02903
277—3510/voice

RI Department of Health
William 3. Waters Jr.
3 Capitol Hill Room 402
Providence RI 02908
277—2228/voice 277—2506/tdd
277—6548/fax

RI Housing & Mortgage Finance Corp.
Helen King
60 Eddy Street
Providence RI 02903
751—5566/voice 4221—9799/tdd

RI Department of Labor
Raymond DeStefanis
220 Elmwood Avenue
Providence RI 02907
457—1870/voice 457—1888/tdd

RI Mental Health Advocate's Office
Ruth Glassman
RI Medical Center Cottage 405
Cranston RI 02920
464—2003/voice

RI Narragansett Bay Water
Quality Management Corp.
Denise Mello
235 Promenade Street Suite 500
Providence RI 02908
277—6680/voice 277—6680/tdd

RI Public Defender's Office
Rosemary Zelano
100 North Main Street
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