



TRANSPORTATION RESEARCH SYNTHESIS

March 2010
TRS 1004

ADA Compliance Reference and Training Materials

Introduction

As part of the development of Minnesota DOT's Americans with Disabilities Act Transition Plan, the department adopted Public Rights-of-Way Accessibility Guidelines as its primary guidance for public facility design. To fully implement PROWAG, Mn/DOT will be conducting departmentwide training on both design and policy. The department is developing ADA compliance training for Mn/DOT staff, local governments and consultants. To assist Mn/DOT in the development of curriculum modules and other training materials, CTC & Associates conducted a "state of the practice" review of relevant reference and training materials from federal agencies, advocacy groups and other state DOTs.

Summary

Our findings are presented in three categories: **Reference Materials**, **Training Materials** and **State DOT Current Practices**. [Appendix A](#) to this report contains an updated list of ADA contacts for all 50 states and the District of Columbia, and [Appendix B](#) provides a copy of the Kentucky Transportation Cabinet's ADA policy.

Reference Materials

This section includes guides to best practices from NCHRP, the U.S. Department of Justice and the Texas Transportation Institute. Also included are guidance materials and research from the U.S. Access Board, AASHTO, and the U.S. Department of Justice.

Training Materials

This section includes ADA training programs currently provided by FHWA-NHI, FHWA's Civil Rights Team, the U.S. Access Board, the Association of Pedestrian and Bicycle Professionals, the Institute of Transportation Engineers and the National Association of ADA Coordinators.

State DOT Current Practices

We surveyed ADA coordinators from all 50 states and the District of Columbia to determine if they provided training to DOT staff, local road and highway agency staff, and design contractors; utilized FHWA, U.S. Access Board or other training materials; and had developed in-house training materials. We received information from 13 agencies. Despite the relatively low response level, several common themes can be identified:

- Several agencies (Washington, D.C., Rhode Island, Idaho) don't have training materials currently but are developing them.

- Several agencies (Idaho, Delaware, Massachusetts, West Virginia, Louisiana, Nebraska) have used FHWA or U.S. Access Board training materials in the past, but have not developed in-house materials.
- Three responding agencies (Maryland, Florida, Kentucky) have developed in-house materials.
- Maryland has developed and employed multiple comprehensive training materials that Mn/DOT may find helpful.

Reference Materials

ADA Transition Plans: A Guide to Best Management Practices, Jacobs Engineering Group, *NCHRP Project Number 20-7 (232)*, May 2009.

<http://www.transportation.org/sites/design/docs/ADA%20Transition%20Plans%20Report,%20May%202009.doc>

From the guide: “The purpose of this guidance document is to ensure that good ideas, helpful information, and successful practices concerning the development and updating of Transition Plans are recognized, recorded, and shared among Departments of Transportation.” The guide is organized into two main sections: Steps to Compliance and Findings and Best Practices of State DOTs. An attachment to the report lists contact information for ADA coordinators by state.

ADA Compliance at Transportation Agencies: A Review of Practices, Cesar Quiroga, Shawn Turner, Texas Transportation Institute, September 2008.

http://onlinepubs.trb.org/onlinepubs/archive/NotesDocs/20-07%28249%29_FR.pdf

Chapter 2 includes a section titled Design Guides and Other Relevant Documentation. This section contains a list of documentation, including training materials, produced by the U.S. Access Board, U.S. Department of Justice, FHWA, state DOTs, cities, counties, metropolitan planning organizations and universities. Also included are sample guides and checklists produced by FHWA and the U.S. Department of Justice.

ADA Best Practices Tool Kit for State and Local Governments, U.S. Department of Justice, May 2007.

<http://www.ada.gov/pcatoolkit/chap6toolkit.htm>

Chapter 6 of this resource, Curb Ramps and Pedestrian Crossings Under Title II of the ADA, focuses on requirements of Title II of the ADA relating to curb ramps at pedestrian crossings. This chapter contains background on the ADA requirements, design standards, pictures and information on ensuring compliance.

Accessible Pedestrian Signals: A Guide to Best Practices, *NCHRP Project 3-62*, Guidelines for Accessible Pedestrian Signals, June 2007.

<http://www.apsguide.org/index.cfm>

The content of this Web site is a product of the *NCHRP Project 3-62*, Guidelines for Accessible Pedestrian Signals. This research study used extensive field testing to determine which accessible pedestrian signal features and locations are most beneficial for blind and visually impaired pedestrians. The Web site content was adapted from the document produced by the NCHRP study, entitled Accessible Pedestrian Signals: A Guide to Best Practices. A copy of the report can be found at http://onlinepubs.trb.org/onlinepubs/nchrp/nchrp_w117a.pdf. The report is designed to be a contractor’s guide and is heavily focused on the technical aspects of designing and constructing accessible pedestrian signals.

Special Report: Accessible Public Rights-of-Way Planning and Design for Alterations, Public Rights-of-Way Access Advisory Committee, Subcommittee on Technical Assistance, August 2007.

<http://www.access-board.gov/PROWAC/alterations/guide.htm>

This report and recommendation were created by the Public Rights-of-Way Access Advisory Committee to provide technical assistance for complying with provisions of the ADA. Chapter 7 of the report contains information and resources from the U.S. Department of Justice, the U.S. Access Board, FHWA, AASHTO, the Institute for Transportation Engineers, NCHRP and several state DOTs.

AASHTO Guide for the Planning, Design, and Operation of Pedestrian Facilities, AASHTO, 2004.

Abstract: https://bookstore.transportation.org/item_details.aspx?id=119

From the abstract: “The purpose of this guide is to provide guidance on the planning, design, and operation of pedestrian facilities along streets and highways. Specifically, the guide focuses on identifying effective measures for accommodating pedestrians on public rights-of-way. Appropriate methods for accommodating pedestrians, which vary among roadway and facility types, are described in this guide. The primary audiences for this manual are planners, roadway designers, and transportation engineers, whether at the state or local level, the majority of whom

make decisions on a daily basis that affect pedestrians. This guide also recognizes the profound effect that land use planning and site design have on pedestrian mobility and addresses these topics as well.”

U.S. Access Board, Public Rights of Way

<http://www.access-board.gov/prowag/>

The U.S. Access Board is creating new guidelines for public rights-of-way that will address various issues, including access for blind pedestrians at street crossings and wheelchair access to on-street parking. The Web site provides information and links to PROWAG, U.S. Access Board and FHWA materials and research as a resource until the guidelines are complete.

ADA Regulations and Technical Assistance Materials, U.S. Department of Justice, 2009.

<http://www.ada.gov/publicat.htm>

This resource provides links to U.S. Department of Justice regulations and resources regarding the ADA. The section titled State and Local Governments: Technical Assistance Manuals and Publications provides links to relevant resources including Title II Technical Assistance Manual, Chapter 6 – New Construction and Alterations (<http://www.ada.gov/taman2.html#II-6.0000>), and Accessibility of State and Local Government Websites to People with Disabilities (http://www.ada.gov/websites2_scrn.pdf).

Training Materials

Pedestrian Facility Design, FHWA-NHI Course 142045, National Highway Institute, 2010.

http://www.nhi.fhwa.dot.gov/training/course_detail.aspx?num=FHWA-NHI-142045&cat=&key=&num=142045&loc=&sta=%25&tit=&typ=&lev=&ava=&str=&end=&drl

This course focuses on case examples involving corridor and intersection design issues. *From the course description:* “Participants are engaged through lecture, discussion, video demonstrations of problem areas in corridors and intersections, small group problem identification, and the development of design alternatives. This training was developed to provide information and application opportunities to those involved in the design of pedestrian facilities.”

Designing Pedestrian Facilities for Accessibility, ADA/504 Training, Civil Rights Team, FHWA Resource Center.

<http://www.fhwa.dot.gov/resourcecenter/teams/civilrights/courses.cfm>

This two-day course, targeted toward state DOT management personnel, provides an overview of the ADA and guidelines and policies to the public rights of way. Subject matter includes accessible design elements of the pedestrian corridor; accessible driveways and curb ramps; street crossings and intersections; pedestrian signs and signals, including accessible pedestrian signals; temporary facilities and construction site safety; and U.S. DOT and FHWA policies and funding opportunities. Contact: Teresa Banks, Team Leader, teresa.banks@dot.gov, (404) 562-3592

U.S. Access Board

<http://www.access-board.gov/training.htm>

This resource provides information about training opportunities regarding accessibility guidelines and standards. “The Board tailors its trainings to the particular needs and interests of each audience.” Contact: Peggy Greenwell, Training Coordinator, training@access-board.gov, (202) 272-0017 (voice) or (202) 272-0082 (TTY)

Designing Pedestrian Facilities for Accessibility (DPFA), Association of Pedestrian and Bicycle Professionals.

http://www.apbp.org/?page=Access_Course

From the Web site: “This newly updated course includes both classroom and field work designed to increase your understanding of Public Right-of-Way Accessibility Guidelines (PROWAG) and FHWA ADA policies. Topics include legal policies, sidewalk design, crossings, intersections, curb ramps, construction, maintenance, pedestrian signals, and temporary traffic control. The DPFA course was developed collaboratively with the Federal Highway Administration and the U.S. Access Board.”

Designing Accessible Pedestrian Facilities in the Public Rights-of-Way Series, Online Learning Gateway, Institute of Transportation Engineers.

<http://www.ite.org/education/olg.asp>

From the Web site: “This series of four individual courses is intended to provide practicing traffic and highway engineers, planners and transportation managers with a better understanding of the latest Public Rights-of-Way guidelines developed by the US Access Board, and how they can be applied in better designing sidewalks and intersections to accommodate persons with disabilities.”

In this series, ITE provides four online learning courses related to designing accessible pedestrian facilities in the public right-of-way:

- Pedestrian Accessibility: Introduction and Context
- Planning for Accessible Pedestrian Rights-of-Way
- Accessible Sidewalks and Pedestrian Access
- Accessible Pedestrian Crossings

National Association of ADA Coordinators

<http://www.jan.wvu.edu/NAADAC/naadac/otherservices.html>

From the Web site: “The National Association of ADA Coordinators can bring customized ADA training workshops to your area. The Association’s professionals each have eight or more years of hands-on ADA and/or Section 501/503/504 experience with added expertise in their specialties.”

Disability and Business Technical Assistance Center, National Network of Disability Centers.

<http://www.adacourse.org/>

This resource provides links to publications, PowerPoint presentations, toolkits and training courses produced by the Disability and Business Technical Assistance Center. The DBTAC has 10 regional offices; Minnesota is part of the DBTAC Great Lakes Center (<http://www.adagreatlakes.org/>).

State DOT Current Practices

This section provides details about specific states and the District of Columbia that either have training materials or responded to the survey regarding training materials.

Delaware

Contact: Linda M. Osiecki, Program Manager, Quality Section, Delaware DOT, Linda.Osiecki@state.de.us, (302) 760-2342

Linda Osiecki indicated that Delaware conducted departmentwide training in 2005 for construction, maintenance and design personnel. The presentation was based on the Association of Pedestrian and Bicycle Professionals’ Designing Pedestrian Facilities for Accessibility training program, which FHWA personnel had attended, adding in local pictures and particular guidance from Delaware’s design and standard construction details. Delaware also used the National Highway Institute pedestrian facility design course in 2007. Ms. Osiecki said, “There has been no interest nor support from upper management to continue the trainings.”

Florida

Dean Perkins, Architect, Florida DOT, Office of Design, ADA Coordinator, dean.perkins@dot.state.fl.us, (850) 414-4359

Florida has designed and currently uses four courses that are similar in nature but targeted toward specific audiences: roadway designers, bridge designers, facilities managers and contractors. According to Mr. Perkins, each class is about 2.5 to 3 hours long and covers the accessibility features and issues that may be encountered during projects. He has also created a course specifically for ADA coordinators that he has used at workshops for district ADA coordinators. Each course can be found at

<http://www.dot.state.fl.us/projectmanagementoffice/ADA/ADAOnlineTraining.shtm>

According to Mr. Perkins, Florida DOT tries to conduct trainings in each of its eight districts at least once per year. The sessions are provided for in-house design, construction and inspection staff. Consultants, contractors and

inspectors working on state projects are also invited to attend. Florida also includes ADA training at most of its statewide or regional conferences.

Idaho

Contact: Karen Sparkman, EEO Manager, Idaho Transportation Department, karen.sparkman@itd.idaho.gov, (208) 334-8852

Karen Sparkman indicated that the Idaho Transportation Department currently uses the Association of Pedestrian and Bicycle Professionals training, which was developed in cooperation with FHWA. Idaho has not used any other FHWA or U.S. Access Board trainings. Ms. Sparkman did indicate that Idaho plans to use in-house training materials in the future.

Indiana

Contact: Martha G. Kenley, Director, Economic Opportunity Division, Indiana DOT, mkenley@indot.in.gov, (317) 232-5328

Indiana DOT does not have well-developed training materials. Martha Kenley said, “If you receive any useful information, I would appreciate it if you could pass it on to Indiana.”

Iowa

Contact: Roger Bierbaum, Contracts Engineer, Iowa DOT, Roger.Bierbaum@DOT.Iowa.gov, (515) 239-1414

Iowa DOT does not have an ADA training plan in place and has not utilized training materials from FHWA, the U.S. Access Board or other sources.

Kentucky

Contact: Mahlian Carmichael, ADA Coordinator, Kentucky Transportation Cabinet, Mahlian.Carmichael@ky.gov

According to Mahlian Carmichael, soon after hire, each new employee attends a one-day ADA orientation. ADA policy is covered with the employees and an opportunity for questions and answers is provided. The policy is currently being updated. Mr. Carmichael works closely with Norb Ryan (Norb.Ryan@ky.gov), who is the ADA coordinator for the entire state. See [Appendix B](#) for a copy of the department’s current policy.

Louisiana

Contact: Tanya St. Angelo, Title VI/ADA Programs Manager, Compliance Programs Section, Louisiana Department of Transportation and Development, Tanya.stangelo@la.gov, (225) 379-1361

The Louisiana Department of Transportation and Development has participated in a variety of ADA training courses provided by FHWA, NHI, and the Association for Pedestrian and Bicycle Professionals. The department also attended an Advanced Geometric Design Workshop conducted by Northwestern University in 2008. LA DOTD does not provide in-house ADA training, but the department is currently working with a consultant to do so in the future.

Maryland

Contact: Norie Calvert, Program Manager, Maryland State Highway Administration, ncalvert@sha.state.md.us, (410) 545-8846, or John Gover, Trainer and Field Manager, Maryland State Highway Administration, wgover@sha.state.md.us, (410) 545-8766

Maryland has developed multiple ADA training courses, including:

- *ADA Awareness Training*: This training is for nontechnical staff and provides an overview of ADA compliance, but is not detailed as to design or construction criteria.
- *ADA Design Training*: This training is for design staff, consultants, and county and local road agencies.

- *ADA Construction Training*: This training is for contractors and developers, including state and local contractors.

The construction and design trainings contain information that often overlaps, so in practice there is often one training encompassing both construction and design that is tailored to meet the needs of the specific audience in attendance (that is, more emphasis on construction or on design).

The *ADA Field Guide* is given to all contractors who go through the ADA training. It includes all of the standards and pictures to explain those standards. It is designed so that the contractors can have the guide with them on-site as a reference tool to ensure compliance. The field guide has been a great success, and demand for the field guide and the associated training continues to increase.

Copies of each of the training courses and the field guide have been delivered to Mn/DOT.

Interview with Norie Calvert, Program Manager

According to Norie Calvert, training sessions are needed to clarify the specific standards that exist. She stated that no matter how clear the guidelines may be, they are always open to some interpretation. These sessions also explain why it is important to follow the guidelines. Maryland's trainings are offered free of charge and last for only one-half day. Ms. Calvert commented that often people will attend the trainings more than once to get a fuller understanding of the standards. She also emphasized that the trainings are constantly being added to and improved. She also commented that an important part of the trainings and the field guide is the inclusion of pictures in addition to the written guidelines. Pictures can quickly and easily convey what to do and not to do.

In addition to the in-house training the Maryland State Highway Administration has developed, it has also implemented a GIS database to track, monitor and update its level of compliance. The database relates to the self-evaluation requirements of the ADA Transition Plan.

In 2006 Maryland was able to collect data on all of the pedestrian accessible areas in the state, identify them as compliant or noncompliant, and input that data in a database that is accessible to contractors, designers and staff. The database allows designers and contractors to look at an area of construction and identify every right of way that will need to be fixed or reconstructed before they begin a project.

The GIS database also improves the department's ability to reach out to the public. When a complaint is received staff can immediately look to the database to determine the status of the right of way that is the subject of the complaint. According to Ms. Calvert, the GIS database was implemented and brought up to date in one calendar year for about \$400,000.

Massachusetts

Contact: David Phaneuf, ADA Coordinator, Massachusetts Highway Department, david.phaneuf@state.ma.us, (617) 973-7722

According to David Phaneuf, Massachusetts does not have a current training plan for DOT staff, local road and highway agencies, or design contractors. He indicated that Massachusetts has construction guidelines and standards, but no specific training program. Massachusetts has participated in training from NHI in the past, but the department has not had the opportunity to run any programs in-house.

Mr. Phaneuf stated that the NHI training was "really good," consisting of both a general discussion of ADA principles and some areas specific to Massachusetts.

Nebraska

Contact: Jim Knott, Roadway Design Engineer, Nebraska Department of Roads, jim.knott@nebraska.gov, (402) 479-4601

According to Jim Knott, the Nebraska Department of Roads uses FHWA's NHI training, *Designing Pedestrian Facilities for Accessibility*. The department does not currently have any in-house training materials.

New Jersey

Contact: New Jersey Department of Transportation, Bureau of Research

http://www.state.nj.us/transportation/refdata/research/pdf/cambridge/cambridge_09_q2_ada_review.pdf

According to this quarterly report from the New Jersey DOT Bureau of Research, NJDOT is conducting research in to best practices and gathering training materials from other states.

Rhode Island

Contact: Marc Malkasian, ADA Transition Plan Manager, Rhode Island DOT, mmalkasi@dot.ri.gov, (401) 222-2411, ext. 4515

Rhode Island DOT is currently undergoing the ADA self-evaluation phase and has recently submitted its “Transition Plan State of Work” to the FHWA for review. A training component was included in the SOW, and RIDOT is also seeking to find sample training guides and practices for its in-house and field staffs.

Washington

Contact: Sally Anderson, Manager, Roadside and Site Development, Washington State DOT, anderss@wsdot.wa.gov, (360) 705-7242

Washington State DOT developed a Regional Awareness Training titled Universal Access: Meeting Accessibility Requirements in Public Rights of Way. A copy of the PowerPoint presentation can be found at <http://www.wsdot.wa.gov/publications/fulltext/Roadside/Training.pdf>.

Washington, D.C.

Contact: Brett Rouillier, District DOT, ADA Coordinator, brett.rouillier@dc.gov, (202) 671-0533

According to Brett Rouillier, the District DOT is currently preparing the foundation of an ADA Title II Compliance training program. Mr. Rouillier has retained a consultant and expects to have the program completed in a couple of months. This would be the first formal ADA training manual for the department.

The District does have compliance standards established in the DC specs. Mr. Rouillier said, “I have found that hands-on training is needed as the specs are too broad and do not provide the assistance that is needed by everyone applying these requirements on the street.” Mr. Rouillier also works with the design engineers, architects and contractors directly, reviewing plans to identify deficiencies, preparing design solutions and conducting surveys on the street to resolve the many unanticipated problems that often arise when construction is undertaken.

Mr. Rouillier indicated that he had attended one of Maryland State Highway Administration’s training programs and said it was “excellent.” He also said that the U.S. Access Board has been very helpful, particularly since it is located in Washington, D.C.

West Virginia

Contact: Ray C. Lewis, Staff Engineer, Traffic Research and Special Projects, West Virginia Department of Transportation, Division of Highways, ray.c.lewis@wv.gov, (304) 558-9451

Ray Lewis indicated that West Virginia has used outside instructors from NHI and the FHWA Resource Center to train designers, engineers and planners on accessibility and ADA Accessibility Guidelines requirements. The department has also developed an outline for training employees that has not yet been implemented.

ADA Contacts by State

Alabama: Byron Browning, (334) 242-6942, browningb@dot.state.al.us

Alaska: Jon Dunham, (907) 269-0851, jon_dunham@dot.state.ak.us

Arizona: Edward Edison, (602) 712-7761, edison@dot.state.az.us

Arkansas: James Moore, (501) 569-2299, james.moore@arkansashighways.com

California: Alex Morales III, (916) 324-8764, alex_morales@dot.ca.gov

Colorado: Benjamin Cordova, (303) 757-9594, Benjamin.cordova@dot.state.co.us

Connecticut: John F. Carey, (860) 594-2710, john.f.carey@po.state.ct.us

Delaware: Linda M. Osiecki, (302) 760-2342, Linda.osiecki@state.de.us

District of Columbia: Brett Rouillier, (202) 497-4722, brett.rouillier@dc.gov

Florida: Dean Perkins, (850) 414-4359, dean.perkins@dot.state.fl.us

Georgia: Carol Barnett, (404) 631-1280, cbarnett@dot.ga.gov

Hawaii: Benjamin Gorospe, (808) 587-7584, Benjamin.gorospe@hawaii.gov

Idaho: Karen Sparkman, (208) 334-8852, karen.sparkman@itd.idaho.gov

Illinois: David Dailey, (217) 557-5900, david.dailey@illinois.gov

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Minnesota: Bruce Lattu, (651) 366-4718, bruce.lattu@state.mn.us

Mississippi: Carolyn Bell, (601) 359-7466, cbell@mdot.state.ms.us

Missouri: Stefan Denson, (573) 751-1355, stefan.denson@modot.mo.gov

Montana: Alice Flesch, (406) 444-9229, aflesch@mt.gov

Nebraska: Jim Knott, (402) 479-4601, jim.knott@nebraska.gov

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New Jersey: Paul Thomas, paul.thomas@dot.state.nj.us

New Mexico: Jose Ortiz, (505) 827-1648, jose.ortiz@state.nm.us

New York: David Perez, dperez@dot.state.ny.us

North Carolina: Walt Thompson, (919) 733-2083, wthompson@dot.state.nc.us

North Dakota: Roger Weigel, (701) 328-4403, rweigel@nd.gov

Ohio: Kimberly Watson, (614) 728-9245, kim.watson@dot.state.oh.us

Oklahoma: Glenn Brooks, (405) 521-4139, gbrooks@fd9ns01.okladot.state.ok.us

Oregon: Martha Smith, (503) 373-7093, Martha.r.smith@odot.state.or.us

Pennsylvania: Chris Drda, (717) 783-9309, cdrda@state.pa.us

Rhode Island: Marc Malkasian, (401) 222-2411, ext. 4515, mmalkasi@dot.ri.gov

South Carolina: Natalie Moore, (803) 737-1347, adacoordinator@scdot.org

South Dakota: June Hansen, (605) 773-3540, june.hansen@state.sd.us

Tennessee: Margaret Mahler, (615) 741-4984, Margaret.z.mahler@state.tn.us

Texas: Jesse W. Ball Jr., (512) 475-3117, jball@dot.state.tx.us

Utah: Warren Grames, (801) 965-4272, wgrames@utah.gov

Vermont: Lori Valbum, (802) 828-5561, lori.valbum@state.vt.us

Virginia: Alexis Thornton-Crump, (804) 786-4414, alexis.crump@vdot.virginia.gov

Washington: Kathryn LePome, (360) 705-7097, lepomek@wsdot.wa.gov

West Virginia: Ray Lewis, (304) 558-3063, ray.c.lewis@wv.gov

Wisconsin: Michele Carter, (608) 266-0208, Michele.carter@dot.wi.gov

Wyoming: Kent Lambert, kent.lambert@dot.state.wy.us

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AMERICANS WITH DISABILITIES ACT (ADA)

The Transportation Cabinet is committed to prohibiting discrimination against persons with disabilities in all phases of employment in accordance with the Americans with Disabilities Act (ADA) of 1990. Personnel Services in the Department of Human Resources Management has the primary responsibility for ensuring that the Cabinet complies with the employment provisions of ADA.

Each request for reasonable accommodation because of a disability is reviewed on a case-by-case basis. All medical information concerning employees is kept strictly confidential and separate from other personnel-related documents. The following procedures maintain consistency and provide guidance to districts and divisions in reasonably accommodating the disabilities of qualified employees.

RESPONSIBILITIES OF ADA PROGRAM COORDINATOR

The ADA Program Coordinator (ADA-PC), under the supervision of the Director of Personnel Services, has the following responsibilities:

- Oversee and assist the districts and Central Office divisions concerning the ADA and employee requests for reasonable accommodation
- Maintain copies of all accommodation requests and documentation of meetings with the requesting employee
- Recommend and review for compliance with Cabinet policy all correspondence to the employee concerning the accommodation request
- Help determine if any direct threat of harm caused by a disability can be removed by a reasonable accommodation
- Assist in and monitor efforts to provide and implement reasonable accommodations

BENEFITS FOR PERMANENT FULL-TIME POSITIONS

Americans with Disabilities Act (ADA)

GAP-407

DISTRICT & DIVISION

ADA COORDINATORS The chief district engineer (CDE) of each highway district and the director of each Central Office division shall appoint an employee to assist the CDE/director with any ADA-related matters. The district/division ADA coordinator has the following responsibilities:

- Request information from the ADA-PC in the Division of Personnel Services and inform managers and employees on the legal provisions of the ADA concerning employment
- Forward copies of employee requests, medical information and documentation of meetings with the employee to the ADA-PC
- Document all meetings with an employee concerning a request for reasonable accommodation
- Forward copies of any draft memo concerning ADA matters to the ADA-PC for review to ensure compliance with Cabinet policy before sending to employees

CDE & DIVISION DIRECTOR

Each CDE and Central Office division director, with assistance from the district/division ADA coordinator, shall follow these steps when an employee requests a reasonable accommodation:

1. Determine the current essential functions of the job. Review the Essential/Marginal Duties Form (TC 12-20E, **Exhibit 9009**) for the position and note any special duties or circumstances that affect the job. Update the form if necessary to accurately describe the job duties and physical requirements.
2. Ask the employee to put the accommodation request in writing and request documentation of the employee's functional limitations and suggested reasonable accommodations from his/her doctor. This information is necessary to help determine whether the employee has a disability as defined by the ADA and what essential functions of the job require accommodation. Give the employee a Request for Reasonable Accommodation (TC-201E, **Exhibit 9033**) and the Essential/Marginal Duties Form (TC 12-20E, **Exhibit 9009**) to take to his/her physician and return to the director/CDE.
3. Send a copy of the employee's request, medical documentation, and Essential/Marginal Duties Form to the ADA-PC in Personnel Services.
4. Meet with the employee to obtain as much information as possible about his or her functional limitations and abilities as they relate to the job's essential functions. Document the discussion and copy the ADA-PC. Consult with the ADA-PC to determine if the employee has a disability as defined by the ADA and to discuss possible accommodations.

**CDE & DIVISION
DIRECTOR (CONT.)**

5. Prepare a written response to the employee, if the ADA does not cover the individual, to explain that the condition is not a disability under the ADA. Send a draft to the ADA-PC for review. Send the memo to the employee after the ADA-PC has reviewed the response to ensure compliance with Cabinet policy.
6. If the employee has a disability covered by the ADA and the appropriate accommodation is not obvious, consult with the employee and, if necessary, his/her supervisor to discuss potential accommodations. The consultation shall include reviewing the essential functions of the job, finding out the employee's abilities and limitations as they relate to the essential job duties, asking the employee what accommodation he/she needs, and giving the request appropriate consideration. Ask the ADA-PC and the employee's supervisor for assistance in identifying reasonable accommodations if necessary.
7. Determine, with the ADA-PC's help, whether the employee with the disability poses a direct threat of harm to himself /herself or others and whether the threat could be removed by a reasonable accommodation. Request clarification from the employee's doctor regarding the limitations and abilities if necessary. Decide how effective any potential reasonable accommodations might be.
8. Document the search for reasonable accommodation and copy the ADA-PC. Advise the employee's supervisor of potential accommodations. Approve the implementation of the reasonable accommodation, or deny the implementation if it poses an undue hardship. Draft a memo to advise the employee concerning details of the decision, and send it to the ADA-PC for review to ensure compliance with Cabinet policy. After it has been approved by the ADA-PC, send the memo to the employee. Monitor the employee's performance with the accommodation.
9. Identify any vacant positions for which the employee is qualified if no accommodation can be found or if the requested accommodation would cause an undue hardship. Ask the ADA-PC for assistance in searching for vacancies if necessary.
10. Consider the employee for the position if a vacancy exists and the employee is qualified and able to perform the essential functions of the job, with or without reasonable accommodation. If no vacancy exists, the CDE/director will draft a memo for the ADA-PC's review to advise the employee that no reasonable accommodation can be identified. After approval by the ADA-PC, send the memo to the employee.





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**Request for Reasonable Accommodation
MEDICAL REPORT**

This form is to be completed by the employee's physician. The physician's recommendation will help determine if the employee is eligible to return to work or is disabled under the Americans with Disabilities Act and the specific accommodation(s) needed. The Essential/Marginal Duties Form (TC 12-20) listing the essential job functions and the physical effort required is attached.

1. _____ has been under my care since _____
(Employee Name) (Beginning Date)

2. CHECK ONE BOX ONLY

- Employee is released to return to work and perform all functions of the position without restriction on _____ (Date)
- Employee is permanently disabled and is unable to perform the functions of this position. I recommend that this employee not return to their current position.
- Employee could return to their current position only if the Kentucky Transportation Cabinet can provide an accommodation. They are substantially limited in these activities:

_____ and cannot perform the following essential functions of the position without reasonable accommodation:

Employee has the ability to perform the following job functions:

Suggested accommodation(s) that would allow employee to perform the essential job functions:

3. SPECIFIC LIMITATIONS

Schedule Limitations: Number of hours per day _____ per week _____ for how long? _____

Lifting Limitations: Maximum Weight Frequently _____ Maximum Weight Occasionally (2 1/2 hours per day) _____

| TASK | NEVER | OCCASIONALLY (up to 2 1/2 hours per day) | TASK | NEVER | OCCASIONALLY (up to 2 1/2 hours per day) |
|-------------------------------|-------|---|---------------------------|-------|---|
| Stooping | | | Turning | | |
| Bending | | | Kneeling | | |
| Reaching | | | Climbing | | |
| Pushing | | | Typing | | |
| Pulling | | | Sitting | | |
| Walking | | | Gripping | | |
| Standing | | | Squeezing | | |
| Twisting | | | Hammering | | |
| Operating Motorized Equipment | | | Operating a Motor Vehicle | | |
| Above Shoulder Lifts | | | Overhead Lifts | | |

4. PHYSICIAN'S SIGNATURE _____ Date _____

Address _____



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Request for Reasonable Accommodation
CONSENT TO RELEASE OF MEDICAL INFORMATION

The Kentucky Transportation Cabinet may require medical information when an employee has requested reasonable accommodation under the Americans with Disabilities Act to determine whether an employee has a disability and if the employee can continue to perform his/her essential job functions.

If the medical information reveals or confirms that an employee has a disability, the information will not be used by the Transportation Cabinet to unlawfully discriminate against the employee on the basis of the disability. The Transportation Cabinet will not use the medical information to discharge an employee unless the disability limits the individual in the performance of essential functions of his/her job, and no reasonable accommodation can be made.

Any medical information obtained as a result of the consent form will be maintained in separate medical files and will be treated as confidential information. Medical information may be disclosed in accordance with the Americans with Disabilities Act in some circumstances, including:

1. Supervisors and managers may be informed about necessary restrictions on the work or duties of an employee and necessary accommodations;
2. First aid and safety personnel may be informed, where appropriate, if a disability might require emergency treatment; and
3. Government officials investigating compliance with federal law shall be provided relevant information upon request.

I, _____, hereby consent to the release of pertinent medical information by my physician or other health care professional(s) concerning my ability to safely and effectively perform my job duties. I authorize my physician or other health care professional(s) to release medical information and provide medical opinions as to my physical or mental ability to perform my job to the Transportation Cabinet or its authorized representatives.

Employee Signature

Date

| | |
|-----------------|--|
| Employee Name | |
| Employee SSN | |
| Position Number | |

PHYSICAL EFFORT REQUIRED FOR THIS POSITION (CHECK APPROPRIATE BLOCK.)

| | SELDOM | OCCASIONALLY | FREQUENTLY | CONSTANTLY |
|--------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Reaching | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Bending | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Climbing/Balancing | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Stooping/Kneeling/Crouching/Crawling | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Handling/Feeling/Using Fingers | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Pushing/Pulling | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Lifting/Carrying | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Walking/Standing | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sitting | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Lifting/Carrying - Describe item(s) lifted/carried and distance carried.

| | |
|---|--|
| Heaviest weight lifted/carried (approximate weight in pounds) | |
|---|--|

FREQUENCY OF LIFTING/CARRYING FOR THIS POSITION (CHECK APPROPRIATE BLOCK.)

| | SELDOM | OCCASIONALLY | FREQUENTLY | CONSTANTLY |
|-------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Up to 25 lbs | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Up to 75 lbs | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Over 75 lbs (with assistance) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

List any special working conditions or additional physical effort required for this position may include but not limited to vision, hearing, fine motor dexterity, inside/outside work, extreme temperatures, particular hazards, noise, vibration, use of special tools, equipment, or work aids).

SUPERVISOR SIGNATURE

EMPLOYEE SIGNATURE

Certifying Duties for This Position

Date

Date