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Introductory

Information

HISTORY & PURPOSE OF THE SD ADA RESOURCE DIRECTORY

This directory has been developed to assist you in finding answers to your questions regarding the Americans with Disabilities Act (ADA).

Our intent is to provide a listing of ADA technical assistance resources at the local, state and federal levels, as well as a listing of ADA enforcement agencies, South Dakota agencies and organizations, and information on assistive technology.

This directory is not meant to be all encompassing. It is a selected list of resources available as of the publication date.

The South Dakota ADA Resource Directory originated in the early 1990's and was revised in 1997 and 2002. The COALITION completed this current revision with assistance from South Dakota's Council on Developmental Disabilities and Rocky Mountain ADA & IT Center.

Please feel free to duplicate and distribute this directory. Additional copies and alternate formats are available from the COALITION by calling 1-800-210-0143 or by writing the COALITION, 221 S Central Ave., Pierre, SD 57501 or by emailing: Faithe@sd-ccd.org.

The directory will also be available on the COALITION'S website www.sd-ccd.org. This web-based document provides greater ease in completing continual revisions, and it will be the most current document. This option also gives people the ability to download the document.

In any collection of information, errors will occur and changes will need to be made. If you find an error or notice any changes that need to be made, please contact us at the phone number, address or email address noted above.

WHAT IS THE AMERICANS WITH DISABILITIES ACT (ADA)?

The ADA, signed by President George H.W. Bush on July 26, 1990, provides for broad universal civil rights protection for people with disabilities.

To our nation's more than 54 million citizens with disabilities, the Americans with Disabilities Act, PL 101-336, is an unprecedented opportunity to eliminate barriers to independence and productivity.

The purpose of the ADA is to extend to people with disabilities civil rights similar to those available on the basis of race, color, national origin, sex and religion through the Civil Rights Act of 1964. It prohibits discrimination on the basis of disability in employment, services rendered by state and local governments, places of public accommodation, transportation and telecommunication services.

ADA Title I: Employment

Title I requires employers with 15 or more employees to provide qualified individuals with disabilities an equal opportunity to benefit from the full range of employment-related opportunities available to others. It prohibits discrimination in recruitment, hiring, promotions, training, pay, social activities, and other privileges of employment. It restricts questions that can be asked about an applicant's disability before a job offer is made, and it requires that employers make reasonable accommodation to known physical or mental limitations of otherwise qualified individuals with disabilities, unless it results in undue hardship.

Religious organizations are covered by the ADA, but they may give employment preference to people of their own religion or religious organization.

The legislative branch of the U.S. Government is covered by the ADA, but is governed by different enforcement procedures established by Congress for its employees.

Certain individuals appointed by elected officials of state and local governments also are covered by the special enforcement procedures established for Congressional employees.

Who Is Exempt?

Executive agencies of the U.S. Government are exempt from the ADA, but these agencies are covered by similar nondiscrimination requirements and additional affirmative employment requirements under Section 501 of the Rehabilitation Act of 1973. Also exempted from the ADA (as they are from Title VII of the Civil Rights Act) are corporations fully owned by the U.S. Government, Indian tribes, and bona fide private membership clubs that are not labor organizations and that are exempt from taxation under the Internal Revenue Code.

ADA Title II: State and Local Government Activities

Title II covers all activities of State and local governments regardless of the government entity's size or receipt of Federal funding. Title II requires that State and local governments give people with disabilities an equal opportunity to benefit from all their programs, services and activities (e.g., public education, employment, transportation, recreation, health care, social services, courts, voting, and town meetings).

State and local governments are required to follow specific architectural standards in the new construction and alteration of their buildings. They also must relocate programs or otherwise provide access in inaccessible older buildings, and communicate effectively with people who have hearing, vision, or speech disabilities. Public entities are not required to take actions that would result in undue financial and administrative burdens. They are required to make reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination, unless they can demonstrate that doing so would fundamentally alter the nature of the service, program, or activity being provided.

The transportation provisions of Title II cover public transportation services, such as city buses and public rail transit.

ADA Title III: Public Accommodations

Title III covers businesses, nonprofit service providers, privately operated entities offering certain types of courses and examinations, privately operated transportation, and commercial facilities. Public accommodations are private entities who own, lease, lease to, or operate facilities such as restaurants, retail stores, hotels, movie theaters, private schools, convention centers, doctors' offices, homeless shelters, transportation depots, zoos, funeral homes, day care centers, and recreation facilities including sports stadiums and fitness clubs.

Public accommodations must comply with basic nondiscrimination requirements that prohibit exclusion, segregation, and unequal treatment. They also must comply with specific requirements related to architectural standards for new and altered buildings; reasonable modifications to policies, practices, and procedures; effective communication with people with hearing, vision, or speech disabilities; and other access requirements. Additionally, public accommodations must remove barriers in existing buildings where it is easy to do, which means it can be done without much difficulty or expense, given the public accommodation's resources.

Courses and examinations related to professional, educational, or trade-related applications, licensing, certifications, or credentialing must be provided in a place and manner accessible to people with disabilities, or alternative accessible arrangements must be offered.

Commercial facilities, such as factories and warehouses, must comply with the ADA's architectural standards for new construction and alterations.

ADA Title IV: Telecommunications Relay Services

Title IV addresses telephone and television access for people with hearing and speech disabilities. It requires common carriers (telephone companies) to establish interstate and intrastate telecommunications relay services (TRS) 24 hours a day, 7 days a week.

Title V: Miscellaneous Provisions

Various explanations, exemptions, directives and mandated studies are also detailed in the Act.

Enforcement Agencies

Enforcement jurisdiction of the law is controlled by:

- Equal Employment Opportunity Commission (Title I)
- Department of Justice (Title II and Title III)
- Architectural and Transportation Barriers Compliance Board (Title III Transportation provisions)
- Federal Communications Commission (Title IV - Telecommunications)

ALTERNATIVE DISPUTE RESOLUTION

ADA Mediation Program

Excerpt from Department of Justice
(<http://www.usdoj.gov/crt/ada/mediate.htm>)

In 1994, the Department of Justice established the ADA Mediation Program. Initially funded through the ADA Technical Assistance Program, the Mediation Program now operates under a contract with the Key Bridge Foundation.

Many ADA disputes can be resolved successfully through informal methods. In enacting the ADA, Congress specifically encouraged the use of alternative means of dispute resolution, including mediation, to resolve ADA disputes.

What is mediation?

- ✓ Mediation is an informal process where an impartial third party helps disputing parties to find mutually satisfactory solutions to their differences. Mediation can resolve disputes quickly and satisfactorily, without the expense and delay of formal investigation and litigation.

- ✓ Mediation proceedings are confidential and voluntary for all parties. Mediation typically involves one or more meetings between the disputing parties and the mediator. It may also involve one or more confidential sessions between individual parties and the mediator.
- ✓ Mediation is neither therapy nor a "day in court." Rather, mediation should provide a safe environment for the parties to air their differences and reach a mutually agreeable resolution. Mediators are NOT judges. Their role is to manage the process through which parties resolve their conflict, not to decide how the conflict should be resolved. They do this by assuring the fairness of the mediation process, facilitating communication, and maintaining the balance of power between the parties.
- ✓ Representation by an attorney is permitted, but not required, in mediation. While mediators may not give legal advice or interpret the law, they will refer parties to impartial outside experts within the disability and legal communities when questions or issues needing clarification arise.
- ✓ A successful mediation results in a binding agreement between the parties. If mediation is unsuccessful and an agreement cannot be reached, parties may still pursue all legal remedies provided under the ADA, including private lawsuits.

Complaints under both title II (public entities) and title III (private entities) can be mediated. Disputes involving barrier removal or program accessibility, modification of policies, and effective communication are most appropriate for mediation.

Through its program, the Department refers appropriate ADA disputes to mediators at no cost to the parties. The mediators in the Department of Justice program are professional mediators who have been trained in the legal requirements of the ADA by the Key Bridge Foundation. The Department's program has already resolved many ADA disputes quickly and effectively.

If you want to work with a mediator and the other party to resolve an ADA dispute through the Department's program, you must simply follow the usual procedure for filing a complaint (title II, title III) with the Department

and note on the complaint that you want to take your dispute to mediation. While we cannot guarantee that everyone who wants mediation will be able to participate in the program, the Department will make every effort to comply with requests for mediation.

Facts About Mediation

*The U.S. Equal Employment Opportunity Commission
(<http://www.eeoc.gov/index.html>)*

Mediation is a form of Alternative Dispute Resolution (ADR) that is offered by the U.S. Equal Employment Opportunity Commission (EEOC) as an alternative to the traditional investigative or litigation process. Mediation is an informal process in which a neutral third party assists the opposing parties to reach a voluntary, negotiated resolution of a charge of discrimination. The decision to mediate is completely voluntary for the charging party and the employer. Mediation gives the parties the opportunity to discuss the issues raised in the charge, clear up misunderstandings, determine the underlying interests or concerns, find areas of agreement and, ultimately, to incorporate those areas of agreements into resolutions. A mediator does not resolve the charge or impose a decision on the parties. Instead, the mediator helps the parties to agree on a mutually acceptable resolution. The mediation process is strictly confidential. Information disclosed during mediation will not be revealed to anyone, including other EEOC employees.

How Mediation Works

An EEOC representative will contact the employee and employer concerning their participation in the program. If both parties agree, a mediation session conducted by a trained and experienced mediator is scheduled. While it is not necessary to have an attorney in order to participate in EEOC's Mediation Program, either party may choose to do so. It is important that persons attending the mediation session have the authority to resolve the dispute. If mediation is unsuccessful, the charge is investigated like any other charge.

Advantages of Mediation

✓ Free

Mediation is available at no cost to the parties.

- ✓ ***Fair and Neutral***
Parties have an equal say in the process and decide settlement terms, not the mediator. There is no determination of guilt or innocence in the process.
- ✓ ***Saves Time and Money***
Mediation usually occurs early in the charge process, and many mediations are completed in one meeting. Legal or other representation is optional but not required.
- ✓ ***Confidential***
All parties sign a confidentiality agreement. Information disclosed during mediation will not be revealed to anyone, including other EEOC investigative or legal staff.
- ✓ ***Avoids Litigation***
Lengthy litigation CAN be avoided. Mediation costs less than a lawsuit and avoids the uncertainty of judicial outcome.
- ✓ ***Fosters Cooperation***
Mediation fosters a problem solving approach to complaints and workplace disruptions are reduced. With investigation, even if the charge is dismissed by EEOC, the underlying problems may remain, affecting others in the workforce and human resources staff.
- ✓ ***Improves Communication***
Mediation provides a neutral and confidential setting where both parties can openly discuss their views on the underlying dispute. Enhanced communication can lead to mutually satisfactory resolutions.
- ✓ ***Discover the Real Issues in your Workplace***
Parties share information, which can lead to a better understanding of issues affecting the workplace.
- ✓ ***Design your own Solution***
A neutral third party assists the parties in reaching a voluntary, mutually beneficial resolution. Mediation can resolve all issues important to the parties, not just the underlying legal dispute.
- ✓ ***Everyone Wins***
An independent survey showed 96% of all respondents and 91% of all charging parties who used mediation would use it again if offered.

For additional information about the mediation program at EEOC, you may go to <http://www.eeoc.gov/mediate/contacts.html>.

EEOC District Office Mediation Contact List

EEOC's mediation program is administered primarily through its field offices, including 15 District and 9 Field Offices, located throughout the country. Each District office has a staff member who is responsible for coordinating mediation activities for charges of employment discrimination filed within that office's geographical jurisdiction. As charges are filed, they are reviewed to determine whether they may be appropriate for mediation. If so, the charging party is contacted to see if he/she is willing to participate in the mediation process. If the charging party is willing to participate, the party against whom the charge was filed is contacted. If both parties are willing to participate, the charge enters the mediation process.

Mediations are conducted either by EEOC mediators or mediators with whom EEOC has a contract, such as the Federal Mediation and Conciliation Service (FMCS). Pro bono mediators may also be used to conduct mediations. All mediators are trained and experienced in mediation techniques and the laws enforced by EEOC. Because the mediators are neutral and mediations are confidential, each field office has established mechanisms to separate the mediation process from the investigative process.

Additional information about EEOC's mediation program is available in each field office. EEOC staff are also available to provide on-site presentations to groups and organizations about EEOC's mediation program.

Accessible Information Technology in Education and Related Terms

Excerpt from University of Washington, further information available on their web site: <http://www.washington.edu/accessit/>.

Technology has become an integral part of most educational institutions, but many people find the associated terminology confusing. The following definitions are designed to clear up some of the confusion by explaining the most common terms in simple, non-technical language. This document is intended to be comprehensible to anyone working with

technology in an educational setting, including educators, IT staff, policy makers, school technology directors, distance learning staff, and webmasters. This document does not provide full legal definitions, but sources for this information are included at the end of the document.

What is Information Technology?

Information technology, (IT) includes products that store, process, transmit, convert, duplicate, or receive electronic information. In federal legislation, the term Electronic and Information Technology (E&IT) is typically used. Examples of IT include: software applications, operating systems, web-based information and applications, telephones and other telecommunication products, video equipment, multimedia products, and office equipment. Electronic textbooks, instructional software, email, chat, and distance learning programs are also examples of IT.

What is Assistive Technology?

Assistive technology refers to products that people with disabilities use to access environments and activities that would otherwise be difficult or impossible for them to access. It enables individuals to accomplish daily living tasks, such as dressing or eating, it assists in communication, and it provides greater access to education, employment, and recreation. Examples of assistive technology include wheelchairs, hand controls for cars, communication aids, and hearing aids.

Specifically relevant to accessible IT are those assistive technology products (sometimes called adaptive technology) that help people with disabilities use computers, software, the Internet, telephones, and other IT. In order to use a computer, people with limited hand function may use a keyboard with large keys or a special mouse; people who are blind or have difficulties reading may use software that reads onscreen text aloud; and people with low vision may use screen enlargement software. To communicate by telephone, people who are deaf may use a TTY (text telephone); or people with speech impairments may use a device that speaks out loud as the individuals enter text via a keyboard.

What is Universal Design?

To employ universal design means to develop products that are usable by all people, to the greatest extent possible, without adaptation or

specialized design. These products accommodate a wide range of individual preferences and abilities; communicate necessary information effectively (regardless of ambient conditions or the user's sensory abilities); and can be approached, reached, manipulated, and used regardless of the individual's body size, posture, or mobility. Application of universal design principles reduces the need for assistive technology, results in products compatible with assistive technology, and creates a product that works better for everyone, not just people with disabilities.

What Makes Information Technology Inaccessible to People with Disabilities?

IT may be inaccessible to people with disabilities if it provides only one way for users to gain access to or manipulate information, in particular, if the ability to use the technology depends primarily on user vision or hearing. For example, people who have visual impairments cannot read instructions presented only in a visual format; people who are deaf cannot understand content that is only presented aurally; people who are color-blind cannot discriminate between color-coded options; people who have limited use of their hands or arms cannot use a mouse; and people who use wheelchairs cannot operate a fax machine if the controls are impossible for them to reach from a seated position. Web sites with inconsistent layout, difficult to recognize graphics, and inaccessible language are difficult for all users, but in particular for people with cognitive disabilities and those who have difficulty reading. Many of these barriers can be lowered or eliminated when technology environments are developed using universal design.

What Is *Accessible* Information Technology?

Accessible IT is compatible with assistive technology and might include flexible features that allow users with disabilities to use the assistive technology. Accessibility features may be built-in such as, auditory feedback for an information kiosk or a high contrast option in computer operating software. Or they may be available on demand, like closed captioning or audio description for video. In principle, accessibility means that users are able to interact with the technology in the ways that work best for them. In practice, what is accessible is a complex technical issue. The section 508 standards developed by the Access Board set the

minimum standards of accessibility. Go to: <http://www.section508.gov/> to learn more.

Accessible Videos

Accessible videos include synchronized text captions for spoken information and other audio content. They also provide synchronized audio descriptions for visual content.

Accessible Websites

An accessible website is one that is designed so that all visitors can navigate the site, access content, and participate in interactive web activities. Accessible websites are those that provide a text equivalent (typically a description) for all non-text elements, such as audio, video, graphics, animation, graphical buttons, and image maps. They also include clear and consistent navigation and adhere to web content accessibility guidelines, like those published by the World Wide Web Consortium's Web Accessibility Initiative (WAI) or Section 508. Websites designed in this way allow those who cannot see the screen to access the information using assistive technology, for example a screen reader. Keep in mind that while a screen reader can read the description of a picture, even the most sophisticated screen reader cannot provide a description unless one has been included.

Accessible Copy Machines

An accessible copy machine is one that may be operated in more than one way using keypads, touch screens, or voice recognition. Height and position can also be adjusted so that controls are within easy reach and the display easily viewed. Document feeders are located at desk height, putting them within reach of wheelchair users.

Working Towards Creating Accessible Environments

The same principles that apply when we create accessible physical environments apply to creating accessible IT environments. Just as buildings that have ramps and elevators are more accessible to wheelchair users, IT that adheres to accessible design principles is more usable by people with a wide variety of abilities and disabilities. In essence, IT creates virtual learning environments. In the same way all parts of a physical school building have to be accessible (the bathrooms,

the library, the cafeteria), all features of the virtual school have to be accessible (the website, the encyclopedia on CD-ROM, on-line discussion and assessment).

Creating accessible electronic and information systems used in facilities and programs requires planning ahead. For example, when putting together a distance-learning program, developers do not know what disabilities future students may have. By applying universal design principles they can make sure that all individuals, including those with disabilities, can participate. Multimedia products need to be captioned and audio-described; web resources must be designed with accessibility in mind, allowing individuals using a wide variety of assistive technologies to participate; class communication should be conducted using technology that is accessible to everyone; and plans must be in place for providing specific disability-related accommodations if requested. Offering an inaccessible distance-learning course is like offering a course in a building without ramps and elevators: Even if a potential student has a wheelchair to use for mobility, he or she will not be able to get to the class. Although retrofitting is an option for both physical and electronic environments, it is expensive, does not always create an acceptable solution, and takes time.

Accessible IT environments also make good economic sense. To list just a few benefits-accessible IT environments allow all members of the community to participate in a school's activities, lower the need for (and thus the total cost of) special accommodations, and reduce or eliminate the risk of complaints and potentially costly legal actions. Organizations that value and promote development of accessible IT environments create systems that are more accessible and usable by all.

For more information on web accessibility, please go to: www.w3.org/WAI/

What is Section 508?

Excerpt from Information Technology Technical Assistance and Training Center – <http://www.ittatc.org/technical/experts/answers>

Section 508 of the Rehabilitation Act requires that when Federal agencies develop, procure, maintain, or use electronic and information technology, they shall ensure that this technology allows:

- ✓ Federal employees with disabilities to have access to and use of information and data that is comparable to that by Federal employees who are not individuals with disabilities, unless an undue burden would be imposed on the agency, and
- ✓ Individuals with disabilities, who are members of the public seeking information or services from a Federal agency, to have access to and use of information and data that is comparable to that provided to the public who are not individuals with disabilities.

The Architectural and Transportation Barriers Compliance Board (or Access Board) was charged with developing technical and functional provisions to establish a minimum level of accessibility. These technology-specific provisions address:

- ✓ software applications and operating systems;
- ✓ web-based information or applications;
- ✓ telecommunications products;
- ✓ video or multi-media products;
- ✓ self contained, closed products such as information kiosks and transaction machines, and
- ✓ desktop and portable computers.

They also address compatibility with assistive technologies that some people with disabilities use for information and communication access.

Note: The scope of Section 508 is limited to the Federal sector. It does not apply to the private sector, nor does it generally impose requirements on the recipients of Federal funds.

The law establishes a complaint procedure and reporting requirements that further promote compliance. Section 508 provides that any individual with a disability may file a complaint alleging that a Federal agency fails to comply with Section 508 when procuring EIT. Complaints shall be filed with the Federal agency alleged to be in noncompliance. Under Section 508, individuals may also sue an agency in Federal court to correct an

alleged violation. Agencies are encouraged to develop voluntary alternative dispute resolution procedures to address complaints. People with disabilities also may have enforceable rights under Sections 501 and 504 of the Rehabilitation Act for agency's development, maintenance, or use of EIT.

The General Services Administration (GSA) maintains a website devoted to Section 508 at <http://www.section508.gov>. In addition, the Access Board provides information about the law and its standards at <http://www.access-board.gov/508.htm>.

What is electronic and information technology?

Excerpt from Information Technology Technical Assistance and Training Center – <http://www.ittatc.org/technical/experts/answers>

Electronic and information technology includes any product used to acquire, store, manipulate, or transmit information. This includes software applications and operating systems; web-based information and applications such as distance learning; telephones and other telecommunications products; video equipment and multimedia products that may be distributed on videotapes, CDs, DVDs, or the World Wide Web; office products such as photocopiers and fax machines; calculators; and computer hardware.

A more formal definition is provided within the Access Board's Electronic and Information Technology Accessibility Standards, written in accordance with Section 508 of the Rehabilitation Act Amendments of 1998:

"Electronic and information technology [includes] information technology and any equipment or interconnected system or subsystem of equipment, that is used in the creation, conversion, or duplication of data or information. The term electronic and information technology includes, but is not limited to, telecommunications products (such as telephones), information kiosks and transaction machines, World Wide Web sites, multimedia, and office equipment such as copiers and fax machines. The term does not include any equipment that contains embedded

information technology that is used as an integral part of the product, but the principal function of which is not the acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information. For example, HVAC (heating, ventilation, and air conditioning) equipment such as thermostats or temperature control devices, and medical equipment where information technology is integral to its operation, are not information technology.

Information technology [is] any equipment or interconnected system or subsystem of equipment, that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information. The term 'information technology' includes computers, ancillary equipment, software, firmware and similar procedures, services (including support services), and related resources." (Source: AccessIT at <http://www.washington.edu/accessit/articles?106>)

FACTS ABOUT DISABILITY RELATED TAX PROVISIONS

The Internal Revenue Code has four disability-related provisions of particular interest to businesses as well as people with disabilities.

DISABLED ACCESS TAX CREDIT

(Title 26, Internal Revenue Code, Section 44)

This new tax credit is available to "eligible small businesses" in the amount of 50 percent of "eligible access expenditures" that exceed \$250 but do not exceed \$10,250 for a taxable year. A business may take the credit each year that it makes an eligible access expenditure.

Eligible small businesses are those businesses with either: \$1 million or less in gross receipts for the preceding tax year; or 30 or fewer full-time employees during the preceding tax year.

Eligible access expenditures are amounts paid or incurred by an eligible small business for the purpose of enabling the business to

comply with the applicable requirements of the Americans with Disabilities Act (ADA). These include amounts paid or incurred to:

- ✓ remove architectural, communication, physical, or transportation barriers that prevent a business from being accessible to, or usable by, individuals with disabilities;
- ✓ provide qualified readers, taped texts, and other effective methods of making materials accessible to people with visual impairments;
- ✓ provide qualified interpreters or other effective methods of making orally delivered materials available to individuals with hearing impairments;
- ✓ acquire or modify equipment or devices for individuals with disabilities; or
- ✓ provide other similar services, modifications, materials or equipment.

Expenditures that are not necessary to accomplish the above purposes are not eligible. Expenses in connection with new construction are not eligible. "Disability" has the same meaning as it does in the ADA. To be eligible for the tax credit, barrier removals or the provision of services, modifications, materials or equipment must meet technical standards of the ADA Accessibility Guidelines where applicable. These standards are incorporated in Department of Justice regulations implementing Title III of the ADA (28 CFR Part 36; 56 CFR 35544, July 26, 1991).

TAX DEDUCTION TO REMOVE ARCHITECTURAL AND TRANSPORTATION BARRIERS TO PEOPLE WITH DISABILITIES AND ELDERLY INDIVIDUALS

(Title 26, Internal Revenue Code, section 190)

The IRS allows a deduction up to \$15,000 per year for "qualified architectural and transportation barrier removal expenses." Expenditures to make a facility or public transportation vehicle owned or leased in connection with a trade or business more accessible to, and usable by, individuals who are handicapped or elderly are eligible for the deduction. The definition of a "handicapped individual" is similar to the ADA definition of an "individual with a disability." To be eligible for this deduction, modifications must meet the requirements of standards established by IRS regulations implementing section 190.

TARGETED JOBS TAX CREDIT

(Title 26, Internal Revenue Code, section 51)

(January 1994)

Employers are eligible to receive a tax credit up to 40 percent of the first \$6,000 of first-year wages of a new employee with a disability who is referred by state or local vocational rehabilitation agencies, a State Commission on the Blind, or the U.S. Department of Veterans Affairs, and certified by a State Employment Service. There is no credit after the first year of employment. For an employer to qualify for the credit, a worker must have been employed for at least 90 days or have completed at least 120 hours of work for the employer. The previous TJTC program authorization, the result of a six-month extension under the Tax Extension Act of 1991 (Pub.L. 102-227), expired on June 30, 1992. The program has been reauthorized for an additional thirty (30) months by the Omnibus Budget Reconciliation Act of 1993 (Pub.L. 103-06, August 10, 1993, retroactive to July 1, 1992). The reauthorization is effective for employees who begin work for the employer after June 30, 1992.

IRS Publication No. 907, providing information on these provisions, may be obtained by calling 1-800-829-3676. For further information, contact the Internal Revenue Service, Office of the Chief Counsel, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044, (202) 566-3292 (voice only).

WORK OPPORTUNITY TAX CREDIT

(U.S. Department of Labor website – doleta.gov)

What is the Work Opportunity Tax Credit?

The Work Opportunity Tax Credit (WOTC), authorized by the Small Business Job Protection Act of 1996, is a federal tax credit that encourages employers to hire eight targeted groups of job seekers by reducing employers' federal income tax liability by as much as \$2,400 per qualified new worker.

The WOTC is one tool in a diverse toolbox of flexible strategies designed to help people move from welfare to work and gain on-the-job experiences. It joins other education and job training initiatives and

targeted tax credits that help American workers prepare for good jobs; ease the transition from job to job; and create high performance workplaces.

UPDATE: Employers may claim the WOTC if they hire individuals from groups that are considered to face barriers to employment. The maximum credit is \$2,400 and may be claimed during the individual's first year of employment. The provision extends the current WOTC without modification through 2006. Beginning in 2007, the provision combines the WOTC with the Welfare-to-Work (WTW) credit and extends the combined provision through 2007. Key modifications of the combined credit include expanded eligibility for WOTC (raised age ceiling for food stamp recipients from 25 to 40), revised eligibility requirements for ex-felons (without regard to family income) and a modification of the filing deadline for WOTC claimants from 21 to 28 days.

ADA

Resource

Listing

(Regional – City – County – State)

REGIONAL ADA TECHNICAL ASSISTANCE CENTER

Rocky Mountain ADA & Information Technology Center

The Rocky Mountain ADA & IT Center is one of 10 centers funded by the U.S. Department of Education's National Institute on Disability and Rehabilitation Research (NIDRR) to provide information on the Americans with Disabilities Act (ADA) and education-based information technology. The center serves the six-state region of South Dakota, North Dakota, Montana, Wyoming, Utah and Colorado.

The center's four core functions include materials dissemination, training, referrals and technical assistance. The technical assistance (i.e., informal guidance) is a free service and is available through a toll-free hotline and is staffed weekdays from 8am - 5pm, MT.

Rocky Mountain ADA & IT Center
3630 Sinton Road, Suite 103
Colorado Springs, CO 80907
1-800 949-4232 Voice/TTY/Toll-Free
www.ada-infonet.org

CITY ADA COORDINATORS

Brookings

Shari Thornes
P.O. Box 270
Brookings, SD 57006-0270
(605) 692-6281 Voice
(605) 692-6907 FAX
sthornes@cityofbrookings.org

Huron

Walda Benker – HR Director
239 Wisconsin Avenue SW
Huron, SD 57350
(605) 353-8502 Voice
(605) 353-8506 FAX

Mitchell

Teri Bertness
612 N. Main Street
Mitchell, SD 57301
(605) 995-8420 Voice

Pierre

Kirby Welch
P.O. Box 1253
Pierre, SD 57501-1253
(605) 773-7341 Voice
Kirby.Welch@ci.pierre.sd.us

Rapid City

Mayor's Office
300 6th Street
Rapid City, SD 57701
(605) 394-4110 Voice
(605) 394-6010 TTY

Sioux Falls

Jeff Munce
P.O. Box 7402
224 West 9th Street
Sioux Falls, SD 57117-7402
(605) 367-8745 Voice
(605) 367-7865 FAX

Spearfish

Tom Paisley
625 Fifth Street
Spearfish, SD 57783
(605) 642-1335 Voice

Sturgis

Bob Kaufman
1147 Sherman Street
Sturgis, SD 57785
(605) 347-4424 Voice

Vermillion

John Prescott
25 Center Street
Vermillion, SD 57069
(605) 677-7050 Voice

Watertown

Tracy Turbak (General Questions)
City Hall
23 2nd Street NE
P.O. Box 910
Watertown, SD 57201
(605) 882-6203 Voice
Steve Lehner (Municipal Utilities Questions)
901 4th Avenue SW
Watertown, SD 57201
(605) 882-6233 Voice

COUNTY ADA COORDINATORS

Aurora County

Susan Urban, Auditor
P.O. Box 397
Plankinton, SD 57368-0397
(605) 942-7752

Beadle County

County Commissioner
P.O. Box 845
Huron, SD 57350-0845
(605) 353-8400

Bennett County

Susan Williams, Auditor
P.O. Box 460
Martin, SD 57551-0460
(605) 685-6931

Bon Homme County

Linda Pesek, Auditor
P.O. Box 605
Tyndall, SD 57066-0605
(605) 589-4212

Brookings County

Stephanie Vogel
Commission Assistant-Human Resource Director
314 6th Avenue
Brookings, SD 57006
(605) 696-8205

Brown County

Mick Palmer, Director of Maintenance
25 Market Street
Aberdeen, SD 57401
(605) 626-7124

Brule County

Pamela Petrak, County Auditor
300 South Courtland Street, Suite 103
Chamberlain, SD 57325-1599
(605) 234-4430 Voice/FAX

Buffalo County

Elaine Wulff, County Auditor
P.O. Box 146
Gann Valley, SD 57341-0146
(605) 293-3217

Butte County

Stan Harms, County Commissioner
1809 8th Avenue
Belle Fourche, SD 57717
(605) 892-4485

Campbell County

Lisa Schaeffbauer, Auditor
P.O. Box 37
Mound City, SD 57646-0037
(605) 955-3366

Charles Mix County

Christine Pazour, County Auditor
P.O. Box 490
Lake Andes, SD 57356-0490
(605) 487-7131

Clark County

Nancy Worth, Auditor
P.O. Box 294
Clark, SD 57225-0294
(605) 532-5921

Clay County

Ray Hofman
211 W. Main Street, Suite 203
Vermillion, SD 57069
(605) 677-7145

Codington County

Commissioners
Attention: Chairman
14 1st Avenue SE
Watertown, SD 57201-3611
(605) 882-6288

Corson County

Dorothy Schuh, County Auditor
P.O. Box 255
McIntosh, SD 57641-0255
(605) 273-4229

Custer County

Linda Nelson, Auditor
420 Mount Rushmore Road
Custer, SD 57730

Davison County

Kenneth Martish
909 S. Miller Street
Mitchell, SD 57301
(605) 770-9625

Day County

Leonard Naessig, County Commissioner
Mary Halsey, Community Service Director
Lester Rowland, Veteran's Service Officer
711 West First Street
Webster, SD 57274
(605) 345-9500

Deuel County

Pam Lynde, County Auditor
P.O. Box 616
Clear Lake, SD 57226-0616
(605) 874-2312
plynde@itctel.com

Dewey County

Adele R. Enright, County Auditor
P.O. Box 277
Timber Lake, SD 57656-0277
(605) 865-3672

Douglas County

Karen M. Blume, County Auditor
P.O. Box 159
Armour, SD 57313-0159

Edmunds County

Carole Sweeter
210 2nd Avenue
Ipswich, SD 57451
(605) 426-6971

Fall River County

Glen Reaser
906 N. River Street
Hot Springs, SD 57747
(605) 745-5808 or (605) 745-5130

Faulk County

Patricia Holdren, County Auditor
P.O. Box 309
Faulkton, SD 57438-0309
(605) 598-6224

Grant County

County Auditor
210 East 5th Avenue
Milbank, SD 57252
(605) 432-6711

Gregory County

Jim Waterbury, County Auditor
221 East 8th Street
P.O. Box 437
Burke, SD 57523-0437

Haakon County

County Auditor
P.O. Box 698
Philip, SD 57567-0698
(605) 859-2800

Hamlin County

Dixie Opdahl, County Auditor
P.O. Box 237
Hayti, SD 57241-0237
(605) 783-3201

Hand County

Sandra Selting, Auditor
415 W. 1st Avenue
Miller, SD 57362
(605) 853-2182
(605) 853-2769 FAX

Hanson County

Chester McManus, County Commissioner
42004 SD Hwy 38
Fulton, SD 57340
(605) 239-4726

Harding County

Kathy Glines, County Auditor
P.O. Box 26
Buffalo, SD 57720-0026
(605) 375-3313

Hughes County

Shellie Baumgart, Finance Officer
104 East Capitol Avenue
Pierre, SD 57501
(605) 773-7451

Hutchinson County

Jerome Hoff, County Auditor
140 Euclid Street, Room 128
Olivet, SD 57052
(605) 387-4212

Hyde County

Reneta Cowman, County Commissioner
P.O. Box 571
Highmore, SD 57345-0571
(605) 852-2619

Jackson County

Vicki Wilson, County Auditor
P.O. Box 280
Kadoka, SD 57543-0280
(605) 837-2422

Jerauld County

Kim Schultz
P.O. Box 160
Wessington Springs, SD 57382-0160
(605) 539-1167

Jones County

Gary Sletto, Veterans Service Officer
RT. #1, Box 66
Draper, SD 57531
(605) 669-2557

Kingsbury County

Jennifer Albrecht, County Auditor
P.O. Box 196
De Smet, SD 57231-0196
(605) 854-3832

Lake County

Scott Freet, Building & Grounds Superintendent
200 East Center Street
Madison, SD 57042
(605) 256-7623

Lawrence County

Marlene Barrett, Commissioner's Assistant
P.O. Box F
90 Sherman Street
Deadwood, SD 57732
(605) 578-1941
(605) 578-1065 FAX

Lincoln County

Paula Feucht, County Auditor
100 East 5th Street
Canton, SD 57013
(605) 987-2581

Lyman County

Pam Michalek, County Auditor
P.O. Box 38
Kennebec, SD 57544-0038
(605) 869-2247

Marshall County

Julie Hagen, County Auditor
P.O. Box 130
Britton, SD 57430-0130
(605) 448-2401

McCook County

Geralyn Sherman, County Auditor
P.O. Box 190
Salem, SD 57058-0190
(605) 425-2791

McPherson County

Steve Serr, County Auditor
P.O. Box 390
Leola, SD 57456-0390
(605) 439-3314

Meade County

Curtis Nupen, County Commissioner
P.O. Box 166
Piedmont, SD 57769-0166
(605) 347-2360
(605) 787-4009 (Home)

Mellette County

Julie Dimond, Auditor
321 E 4th Street
P.O. Box C
White River, SD 57579
(605) 259-3291

Miner County

Rollin Schulz, Commission Chairman
P.O. Box 86
Howard, SD 57349-0086
(605) 772-4671

Minnehaha County

Nora Buckman, ADA Coordinator
415 N. Dakota Avenue
Sioux Falls, SD 57104
(605) 367-4337

Moody County

Jean Larson, County Auditor
101 E. Pipestone Avenue, Suite D
Flandreau, SD 57028-1750
(605) 997-3161

Pennington County

Commission Office
Pennington County Courthouse
315 St. Joseph Street
Rapid City, SD 57701
(605) 394-2171

Perkins County

Sylvia Chapman, Finance Officer
P.O. Box 126
Bison, SD 57620-0126
(605) 244-5624

Potter County

Karen Doerr, County Auditor
201 South Exene Street
Gettysburg, SD 57442
(605) 765-9408

Roberts County

Eddie Madsen, County Commissioner
47745 SD Hwy 127
Rosholt, SD 57260
(605) 537-4488

Sanborn County

Diane Larson, County Auditor
P.O. Box 7
Woonsocket, SD 57385-0007
(605) 796-4513

Shannon County

Deb Rooks-Cook
906 N. River Street
Hot Springs, SD 57747
(605) 867-5788 or (605) 745-3996

Spink County

Cindy Schultz, Auditor
210 East Seventh Avenue
Redfield, SD 57469-1299
(605) 472-1825

Stanley County

Jacque Eldridge, Auditor
Stanley County Courthouse
P.O. Box 595
Ft. Pierre, SD 57532-0595
(605) 223-7780
(605) 223-7791 FAX

Sully County

Patty McGee, County Auditor
P.O. Box 265
Onida, SD 57564-0265
(605) 258-2541

Todd County

Kathleen Flakus, County Auditor
200 East 3rd Street
Winner, SD 57580
(605) 842-3727

Tripp County

Kathleen Flakus, County Auditor
200 E 3rd Street
Winner, SD 57580
(605) 842-3727

Turner County

Sheila Hagemann, County Auditor
P.O. Box 370
Parker, SD 57053-0370
(605) 297-3153

Union County

Doyle Karpen, Commissioner
209 E Main Street, Suite 200
Elk Point, SD 57025-2327
(605) 356-2101

Walworth County

Alfred Reuer, County Commissioner
14202 317th Avenue
Hoven, SD 57450
(605) 649-7029
or contact County Auditor's Office at (605) 649-7878

Yankton County

Paula Jones, County Auditor
321 West 3rd Street
P.O. Box 137
Yankton, SD 57078-0137
(605) 665-2143

Ziebach County

Cindy LongBrake, County Auditor
P.O. Box 68
Dupree, SD 57623-0068
(605) 365-5157

STATE OF SOUTH DAKOTA ADA RESOURCES

Department of Human Services

Division of Rehabilitation Services

Hillview Plaza, 3800 E Hwy 34
c/o 500 E. Capitol Avenue
Pierre, SD 57501-5070
(605) 773-3195 Voice/TTY
1-800-265-9684 Toll-Free

The Division of Rehabilitation Services is a key resource within state government for technical assistance on the ADA. Staff provides technical assistance on employment issues covered under Title I; county and local government issues covered by Title II; and the need for public accommodations as addressed under Title III. Technical Assistance regarding the Scope and Technical Requirements in the Americans With Disabilities Act Accessibility Guidelines (ADAAG) is also available. Technical assistance may be requested by contacting the state office (noted above) or any of the district offices (noted below).

Aberdeen Area Office - Rehabilitation Services
1707 4th Avenue SE, Suite A
Aberdeen, SD 57401
(605) 626-2398 Voice/TTY
1-800-439-3417 Toll-Free

Brookings Area Office - Rehabilitation Services
1310 Main Avenue S, Suite 102
Brookings, SD 57006-3841
(605) 688-4280 Voice/TTY 605-688-5497 Fax
1-800-382-2176 Toll-Free

Chamberlain Sub Office - Rehabilitation Services
320 Sorenson Drive, Suite 102
Chamberlain, SD 57325
(605) 734-4555 Voice

1-877-873-8500 Toll-Free
Huron Sub Office - Rehabilitation Services
380 Illinois Avenue SW
Huron, SD 57350
(605) 353-7130 Voice
1-800-439-3417 Toll-Free 605-353-7305 Fax

Mitchell Sub Office - Rehabilitation Services
1321 N. Main Street
Mitchell, SD 57301
(605) 995-8072 Voice/TTY
1-800-382-2176 Toll-Free 605-996-8072 Fax

Mobridge Sub Office - Rehabilitation Services
1415 E. Grand Crossing, Suite B
Mobridge, SD 57601
(605) 845-2202 Voice/TTY
1-800-439-3417 Toll-Free 605-845-2140 Fax

Pierre Sub Office - Rehabilitation Services
912 E. Sioux Avenue
c/o 500 East Capitol Avenue
Pierre, SD 57501-5070
(605) 773-3318 Voice/TTY
1-877-873-8500 Toll-Free 605-773-5161 Fax

Rapid City Area Office - Rehabilitation Services
Time Square Plaza
111-A New York Street
Rapid City, SD 57701-1196
(605) 394-2261 Voice/TTY
1-800-439-8861 Toll-Free 605-394-1659 Fax

Sioux Falls Area Office - Rehabilitation Services
811 East 10th Street, Dept 21
Sioux Falls, SD 57103-1650
(605) 367-5330 Voice/TTY
1-800-265-9679 Toll-Free 605-367-5327 Fax

Spearfish Sub Office - Rehabilitation Services
1300 North Ave
Spearfish, SD 57783
(605) 642-6815 Voice/TTY
1-800-439-8861 Toll-Free 605-642-6907 Fax

Watertown Sub Office - Rehabilitation Services
2001 9th Avenue SW, Suite 200
Watertown, SD 57201
(605) 882-5150 Voice/TTY
1-866-261-9261 Toll-Free 605-882-5182 Fax

Yankton Area Office - Rehabilitation Services
3113 Spruce Street, Suite 115
Yankton, SD 57078-3700
(605) 668-3050 Voice/TTY
1-800-265-9677 Toll-Free 605-668-3058 Fax

Board of Vocational Rehabilitation (BVR)
221 S. Central Avenue
Pierre, SD 57501
(605) 945-2207
1-800-210-0143 Toll-Free

Statewide Independent Living Council (SILC)
221 S. Central Avenue
Pierre, SD 57501
(605) 945-2207
1-800-210-0143 Toll-Free

Other Divisions within the Department of Human Services available to provide technical assistance on the ADA are:

Division of Service to the Blind & Visually Impaired
Hillview Plaza, 3800 E. Hwy 34
c/o 500 East Capitol Avenue
Pierre, SD 57501-5070

(605) 773-4644 Voice/TTY

Aberdeen District Office
Service to the Blind & Visually Impaired
1707 4th Avenue SE, Suite A
Aberdeen, SD 57401
(605) 626-2395 Voice
(605) 626-2398 TTY 605-626-3089 Fax
1-800-439-3417 Toll-Free

Rapid City District Office
Service to the Blind & Visually Impaired
Time Square Plaza
111-A New York Street
Rapid City, SD 57701-1196
(605) 394-2253 Voice
(605) 394-2261 TTY 605-394-1659 Fax
1-800-439-8861 Toll-Free

Sioux Falls District Office
Service to the Blind & Visually Impaired
811 E. 10th Street, Dept. 22
Sioux Falls, SD 57103-1650
(605) 367-5330 Voice/TTY or 1-800-265-9679 Toll-Free

SD Rehabilitation Center for the Blind
Park Place Plaza
2900 W. 11th Street, Suite 101
Sioux Falls, SD 57104
(605) 367-5260 Voice/TTY
1-800-658-5441 Toll-Free 605-367-5263 Fax

Board of Service to the Blind & Visually Impaired
Hillview Plaza, 3800 E. Hwy 34
c/o 500 East Capitol Avenue
Pierre, SD 57501-5070
(605) 773-4644 Voice

Division of Developmental Disabilities

Hillsview Plaza, 3800 E. Hwy 34
c/o 500 East Capitol Avenue
Pierre, SD 57501-5070
(605) 773-3438 Voice

Division of Mental Health

Hillsview Plaza, 3800 E. Hwy 34
c/o 500 E Capitol Avenue
Pierre, SD 57501-5070
(605) 773-5991 Voice

Other State agencies available to provide technical assistance on the ADA are:

Department of Labor

700 Governors Drive
Pierre, SD 57501-2291
(605) 773-3101 Voice
(605) 773-4211 FAX

Fair Employment Practice Agency

Division of Human Rights

James Marsh, Director
700 Governors Drive
Pierre, SD 57501-2291
(605) 773-4493 Voice

The Division of Human Rights has a work sharing agreement with EEOC to investigate complaints that are received by the Division under Title I - Employment. The Division of Human Rights also enforces the provision of the states human rights act.

STATE OF SOUTH DAKOTA ADA COORDINATORS

In accordance with the ADA Regulation Sec. 35.107:

- a. “Designation of responsible employee and adoption of grievance procedures.” 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 actions 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.

Attorney General’s Office

Jeffrey Hallem, Assistant Attorney General

1302 E. Hwy 14

Pierre, SD 57501-8501

(605) 773-3215 Voice

Consumer Protection Line: (605) 773-4400 Voice

Board of Regents

Janice Price

306 E. Capitol Avenue Suite 200

Pierre, SD 57501-2409

(605) 773-3455 Voice

Bureau of Information & Telecommunications

Dale Luckhurst

700 Governor’s Drive

Pierre, SD 57501-2291

(605) 773-5545 Voice

Bureau of Personnel

Employment Issues
Jeff Bloomberg
500 E. Capitol Avenue
Pierre, SD 57501-5070
(605) 773-4918 Voice
(605) 773-6957 TTY
(605) 773-3148 Voice/TTY

Department of Corrections

Scott Bollinger
3200 E. Hwy 34
Pierre, SD 57501
(605) 773-3478

Department of Environment & Natural Resources

Kay Miller
523 E. Capitol Avenue
Pierre, SD 57501-3182
(605) 773-4216 Voice

Department of Game, Fish & Parks

Mary Healy
523 E. Capitol Avenue
Pierre, SD 57501
(605) 773-4510 Voice
(605) 773-3381 TTY

Department of Human Services

Jerry C. Hofer - Secretary
Hillsview Plaza, 3800 E. Hwy 34
c/o 500 E. Capitol Avenue
Pierre, SD 57501-5070
(605) 773-5990 Voice 605-773-6412 TTY
1-800-265-9684 Toll-Free 605-773-5483 Fax

Department of Labor

Ray T. Falk
700 Governor's Drive
Pierre, SD 57501
(605) 773-4493 Voice
(605) 773-4211 FAX
humanrights@state.sd.us

Department of Legislative Audit

Gary L. Hoscheid
427 South Chapelle
c/o 500 E. Capitol Avenue
Pierre, SD 57501-5070
(605) 773-5167 Voice

Department of Military & Veterans Affairs

Andy Gerlach, Deputy Secretary
425 E. Capitol Avenue
c/o 500 East Capitol Avenue
Pierre, SD 57501-5070
(605) 773-3269 Voice 877-579-0015 Toll Free

Department of Public Safety

Susan Barta, Personnel Officer
500 E. Capitol Avenue
Pierre, SD 57501-5070
(605) 773-6945 Voice

Department of Revenue & Regulation

Paul Kinsman - Secretary
445 E. Capitol Avenue
Pierre, SD 57501-3100
(605) 773-3311 Voice/TTY

Department of Social Services

Glenda Bruch, Personnel Officer
500 E. Capitol Avenue
Pierre, SD 57501-5070
(605) 773-6363 Voice/TTY

Department of Transportation

Roxanne Rice, Director of Finance
700 Broadway Avenue
Pierre, SD 57501-2586
(605) 773-3284 Voice

Governor's Office

500 E. Capitol Avenue
Pierre, SD 57501-5070
(605) 773-3661 Voice

Governor's Office of Economic Development

Steve Harding
711 E. Wells Avenue
Pierre, SD 57501-3369
(605) 773-3301 Voice

Legislative Research Council

Jacquelyn Storm, Legislative Attorney
500 E. Capitol Avenue
Pierre, SD 57501-5070
(605) 773-3251 Voice/TTY

Lottery

Norm Lingle, Executive Director
PO Box 7107
Pierre, SD 57501-7107
(605) 773-5770 Voice

Office of School & Public Lands

Marlette Fischbach, Office Manager
500 E. Capitol Avenue
Pierre, SD 57501-5070
(605) 773-3303 Voice

Secretary of State's Office

Kea Warne
500 E. Capitol Avenue, Suite 204
Pierre, SD 57501-5070
(605) 773-5666 Voice

State Auditor's Office

Bob Swanson
500 E. Capitol Avenue
Pierre, SD 57501-5070
(605) 773-3341 Voice

State Engineer's Office

John White
523 E. Capitol Avenue
Pierre, SD 57501
(605) 773-3466 Voice

State Retirement System

Lisa Vander Maten, Administrative Services
P.O. Box 1098
Pierre, SD 57501-1098
(605) 773-3731 Voice

State Treasurer's Office

Connie McNeely, Administrative Assistant
500 E. Capitol Avenue
Pierre, SD 57501-5070
(605) 773-3378 Voice

Tribal Government Relations

Roger Campbell
711 E. Wells Avenue, Suite 250
Pierre, SD 57501-2017
(605) 773-3415 Voice

Unified Judicial System

500 E. Capitol Avenue
Pierre, SD 57501-5070

(605) 773-4867 Voice

**South
Dakota
ADA
Resources**

ASSISTIVE TECHNOLOGY

The term “assistive technology device” means any item, piece of equipment, or product system, whether acquired commercially, off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

The term “Assistive Technology Service” means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device.

Rehabilitation Engineering

Steve Stewart, Rehabilitation Engineer
Hillsview Plaza, 3800 E. Hwy 34
c/o 500 E. Capitol Avenue
Pierre, SD 57501-5070
(605) 773-3195 Voice/TTY

DakotaLink

1161 Deadwood Avenue, Ste. 5
Rapid City, SD 57702
(605) 394-6742 Voice
1-800-645-0673 Voice/TTY/Toll-Free
<http://dakotalink.tie.net>

DakotaLink, the South Dakota Technology Related Assistance Services Program, is commonly referred to as the State Assistive Technology Program. The program goals are to increase access (awareness, knowledge, and understanding) and acquisition (obtaining) of assistive technology devices and services for individuals with disabilities or functional limitations of all ages throughout South Dakota allowing greater participation in education, employment, community living, and the use of information technology and telecommunications.

Children’s Care Hospital & School

2501 W. 26th Street
Sioux Falls, SD 57105-2498
(605) 782-2300

1-800-584-9294 Toll-Free www.cchs.org

Children's Care Rehabilitation and Development Center

7110 Jordan Drive
Rapid City, SD 57702
(605) 342-4412

1-800-584-0208 Toll-Free www.cchs.org

Children's Care Hospital and School seeks to maximize each child's potential through technology. Services available include evaluation and implementation of technology for augmentative communication, adapted computer access, powered mobility, environmental controls, and seating/positioning. Training for families, paraprofessionals and professionals is also available. Technology services are available to residential, day and outpatient students.

Avera McKennan Hospital

800 E. 21st Street
Sioux Falls, SD 57117-5045

(605) 322-8000 www.averamckennan.org

Avera McKennan Hospital has Speech pathologists who are available for evaluations and training. Staff members train individuals with disabilities to use a voice activated computer and software.

South Dakota AgrAbility Project

SDSU Extension
ABE 119, SDSU
Box 2120, North Campus Drive
Brookings, SD 57007-2120

Office: 605-688-5672

Fax: 605-688-6764

ruden.brad@ces.sdstate.edu

<http://agrability.sdstate.edu>

The South Dakota AgrAbility Project assists people to safely accommodate disability in agriculture and rural living. Project partners (SDSU Extension, Easter Seals, & Avera Health) provide direct contact

and service to rural areas and offer a nation-wide peer support network (there is no fee). The project can assist local communities and statewide organizations to remove barriers, create awareness, provide educational programs, and develop greater access to employment and independent living through on-site consultations and collaborations with rural professionals. Local access to rural assistive technology information is available as every county across South Dakota still has at least one extension educator who can work closely with the project director and the local consumer.

Department of Labor

South Dakota Dept. of Labor - Aberdeen

420 S. Roosevelt
Aberdeen, SD 57402
(605) 626-2340 Voice
(605) 626-2228 FAX

South Dakota Dept. of Labor - Brookings

1310 Main Avenue South, Ste. 103
Brookings, SD 57006-3893
(605) 688-4350 Voice
(605) 688-4351 Voice
(605) 688-6761 FAX

South Dakota Dept. of Labor - Hot Springs

2500 Minnekahta Avenue
Hot Springs, SD 57747-1199
(605) 745-5101 Voice
(605) 745-6562 FAX

South Dakota Dept. of Labor - Huron

380 Illinois Avenue SW
Huron, SD 57350-2413
(605) 353-7155 Voice
(605) 353-7305 FAX

South Dakota Dept. of Labor - Madison

223 S. Van Eps Avenue, Ste. 101
Madison, SD 57042-2886
(605) 256-5300 Voice
(605) 256-5306 FAX

South Dakota Dept. of Labor - Milbank

210 E. 5th Avenue
Milbank, SD 57252-2433
(605) 432-9595 Voice
(605) 432-4703 FAX

South Dakota Dept. of Labor - Mitchell

1321 N. Main Street
Mitchell, SD 57301
(605) 995-8060 Voice
(605) 995-8070 FAX
www.sdjobs.org

South Dakota Dept. of Labor - Mobridge

1415 E. Grand Crossing
Mobridge, SD 57601-2905
(605) 845-2971 Voice
(605) 845-2140 FAX

South Dakota Dept. of Labor - Pierre

116 W. Missouri Avenue
Pierre, SD 57501-4506
(605) 773-3372 Voice
(605) 773-6680 FAX

South Dakota Dept. of Labor - Pine Ridge

Billy Mills Hall
Pine Ridge, SD 57770
(605) 867-5843 Voice
(605) 867-5844 FAX

South Dakota Dept. of Labor - Rapid City

111 New York Street
Rapid City, SD 57701
(605) 394-2296 Voice
(605) 394-1824 FAX

South Dakota Dept. of Labor - Sioux Falls

811 E. 10th Street, Dept. 41
Sioux Falls, SD 57103 –1650
(605) 367-5300 Voice
(605) 367-5308 FAX

South Dakota Dept. of Labor - Sisseton

205 E. Oak Street, Ste. 120
Sisseton, SD 57262-1526
(605) 698-3964 Voice
(605) 698-3449 FAX

South Dakota Dept. of Labor - Spearfish

1300 North Avenue
Spearfish, SD 57783-1525
(605) 642-6900 Voice
(605) 642-6907 FAX

South Dakota Dept. of Labor - Vermillion

1024 W. Cherry
Vermillion, SD 57069-1742
(605) 677-6900 Voice
(605) 677-6909 FAX

South Dakota Dept. of Labor - Watertown

2001 9th Avenue SW, Ste. 200
Watertown, SD 57201-4029
(605) 882-5131 Voice
(605) 882-5152 FAX

South Dakota Dept. of Labor - Winner

313 S. Main Street
Winner, SD 57580-1728
(605) 842-0474 Voice
(605) 842-0165 FAX

South Dakota Dept. of Labor - Yankton

3113 Spruce, Ste. 124
Yankton, SD 57078-5320
(605) 668-2900 Voice
(605) 668-2916 FAX

CENTERS FOR INDEPENDENT LIVING

Centers for Independent Living (CILS) are community based facilities that provide independent living services to enable individuals with disabilities to live and function as independently as possible. Services may include independent living skills training, individual and systems advocacy services, information and referral, peer counseling, and education and training necessary for living and participating in the community.

CILS are often an excellent source of advice on an array of accessibility, attitudinal and other issues of concern to people with disabilities.

CSD of South Dakota

3520 Gateway Lane
Sioux Falls, SD 57106
(605) 367-5759 Voice/TTY
(605) 362-2806 FAX
1-866-246-5759 Toll-Free Voice/TTY

CSD of South Dakota - Aberdeen

1707 4th Avenue SE
Aberdeen, SD 57401
(605) 626-2668 Voice/TTY
(605) 626-2613 FAX

CSD of South Dakota - Rapid City
150 Knollwood Drive
Rapid City, SD 57701
(605) 394-6864 Voice/TTY
(605) 394-6609 FAX

Opportunities for Independent Living

1200 S Main Street, Ste. A
Aberdeen, SD 57401
(605) 626-2976 Voice
(605) 626-2977 TTY
(605) 626-2652 FAX
1-800-406-2649 Toll-Free

Opportunities for Independent Living Satellite Office

1514 Dakota Ave S. Suite B
Huron, SD 57350
(605) 353-6710 Voice/FAX 605-626-2977 TTY
1-800-406-2649 Toll-Free

Opportunities for Independent Living Branch Office

312 9th Avenue SE Ste C
Watertown, SD 57201
(605) 882-5249 Voice/FAX 605-626-2977 TTY
1-800-406-2649 Toll-Free

Prairie Freedom Center for Independent Living

4107 S Carnegie Circle
Sioux Falls, SD 57106
(605) 362-3550 Voice/TTY
(605) 362-3555 FAX
1-800-947-3770 Toll-Free
E-Mail: ccrisp@prcil.org Web: www.pfcil.org

Prairie Freedom Center for Independent Living of Yankton
413 W 15th Street, Ste. 107
Yankton, SD 57078
(605) 668-2940 Voice/TTY
(605) 668-3060 FAX

Prairie Freedom Center for Independent Living Branch Office
417 N Main Street, Ste. 116
Mitchell, SD 57301
(605) 995-8141 Voice
(605) 995-3206 FAX

Prairie Freedom Center for Independent Living Branch Office
411 SE 10th Street, Ste. 102
Madison, SD 57042
(605) 256-5070 Voice
(605) 256-5071 FAX

Native American Advocacy Project Tateya – Topa Ho

302 East 2nd Street
P.O. Box 527
Winner, SD 57580
(605) 842-3977 Voice/TTY
1-800-303-3975 Toll-Free 605-842-3983 Fax

Western Resources for dis-Abled Independence

405 E Omaha Street, Ste. D
Rapid City, SD 57701
(605) 394-1930 Voice/TTY
(605) 394-1933 FAX
1-888-434-4943 Toll-Free

Western Resources for dis-Abled Independence
455 S Pierre Street
Pierre, SD 57501
(605) 773-4540 Voice/FAX/TTY

Western Resources for dis-Abled Independence Satellite Office
1041 Main Street
Spearfish, SD 57783
(605) 722-8534 Voice/FAX
888-434-4943 Toll-Free

DISABILITY ORGANIZATIONS

SD Council of Mental Health Centers, Inc.

PO Box 532
Pierre, SD 57501-0532
(605) 224-0123 Voice/FAX

South Dakota CARES, Inc.

Corporate Office
1351 N Harrison Avenue
Pierre, SD 57501
(605) 224-5879 Voice
1-800-592-1852 Toll-Free 605-224-1033 Fax
www.southdakotacares.org

Brookings South Dakota CARES, Inc.

507 Main Avenue
Brookings, SD 57006
(605) 556-0067 Voice
(605) 692-6548 FAX

Rapid City South Dakota CARES, Inc.

2800 Jackson Blvd. Ste 401
Rapid City, SD 57701
(605) 348-6459 Voice/FAX

Sioux Falls South Dakota CARES, Inc.

3500 S Phillips Avenue, Ste. 127
Sioux Falls, SD 57105-6864
(605) 339-6969 Voice
(605) 977-0640 FAX

Watertown South Dakota CARES, Inc.
420 4th Street NE
Watertown, SD 57201
(605) 753- 5450 Voice

NAMI South Dakota

P.O. Box 88808
Sioux Falls, SD 57109-8808
(605) 271-1871 Voice/FAX
1-800-551-2531 Help Line/Toll-Free

National Federation of the Blind of South Dakota

903 Fulton Street
Rapid City, SD 57701
(605) 791-3939 Voice

North Central Chapter Paralyzed Veterans of America

209 N Garfield Avenue
Sioux Falls, SD 57104
(605) 336-0494 Voice
(605) 332-8656 FAX
1-800-505-4782 Toll-Free

www.ncpva.org

South Dakota Association of Community Based Services

209 ½ East Sioux Avenue
P.O. Box 1256
Pierre, SD 57501
(605) 224-0752 Voice

sdacbs@midconetwork.com

South Dakota Association of the Blind

P.O. Box 1622
Sioux Falls, SD 57101-1622
(605) 332-6059

www.sdab.club.officelive.com

South Dakota Coalition of Citizens with Disabilities

221 S Central Avenue

Pierre, SD 57501

(605) 945-2207 Voice/TTY

(605) 945-2422 FAX

1-800-210-0143 Voice/TTY/Toll-Free

www.sd-ccd.org

South Dakota Parent Connection

3701 West 49th Street, Ste. 102

Sioux Falls, SD 57106

(605) 361-3171 Voice

(605) 361-2928 FAX

1-800-640-4553 Voice/TTY/Toll-Free

www.sdparent.org

South Dakota Parent Connection

150 Knollwod Drive

Rapid City, SD 57701

605-348-0305 Voice

800-440-1810 Toll-Free 605-348-2770 Fax

Brain Injury Alliance of South Dakota

P.O. Box 39

Pierre, SD 57501

(605)-945-2207 Voice/TDD

www.braininjurysd.com

South Dakota Association of the Deaf

102 N Krohn Place

Sioux Falls, SD 57103

SDAD Recreation Center (605) 362-2805 Voice/TDD

(605) 367-5760 (refers messages)

www.sdad.org

Learning Disabilities Association of South Dakota

P.O. Box 9760

Rapid City, SD 57709

(605) 787-7848

1-888-388-5553 Toll-Free

dthom@rapidnet.com

www.lida-sd.org

Handicapped Advocacy Program of Yankton, Inc. (HAPY)

908 Peninah Street

Yankton, SD 57078

(605) 665-2233

Huron Advocacy Program

340 Ohio Avenue SW

Huron, SD 57350

(605) 352-0011

huronadvocacyprogram@yahoo.com

Brookings Committee for People with Disabilities

311 3rd Avenue

P.O. Box 270

Brookings, SD 57006-0270

(605) 692-6281 Voice

(605) 692-6907 FAX

Rapid City Mayor's Committee on Disability

Attn: Tom Collings

300 6th Street

Rapid City, SD 57701

Mitchell Advisory Council for People with Disabilities

P.O. Box 82

Mitchell, SD 57301-0082

(605) 995-8141

South Dakota's Business Leadership Network

Michael J. Frost, Director

Sioux Falls Business Leadership Network
2601 S Minnesota Avenue, Ste. 105 #267

Sioux Falls, SD 57105

Phone: (605) 582-8543

E-mail: sf-bln@alliancecom.net

Center for Disabilities

Sanford School of Medicine - USD

1400 W 22nd Street

Sioux Falls, SD 57105

(605) 357-1439

1-800-658-3080 Voice/TTY/Toll-Free

www.usd.edu/cd

Center for Disabilities assists individuals with disabilities, their families, professionals, educators, and the public in their quest for information and resources.

The Center for Disabilities' "**Resource Guide for People with Disabilities**" provides enough information to identify agencies and organizations to contact for more detailed information and assistance. This resource can be downloaded by accessing Center for Disabilities website under the "on-line publications" at www.usd.edu/cd or requested to be mailed by calling 1-800-658-3080 (Voice/TTY/Toll-Free).

POST-SECONDARY OFFICES OF DISABILITY SERVICES

Students with disabilities are encouraged to contact the Disabilities Services Coordinator at Student Support Services (SSS) for assistance with accommodations, filing of certified documentation regarding the disability, or other disability issues and concerns. SSS provides a supportive and informative environment for all persons with disabilities and actively seeks solutions to disability issues and concerns.

Augustana College

Student Academic Support Services
2001 S Summit Avenue
Sioux Falls, SD 57197
(605) 274-5503 Voice

Dakota Wesleyan University

Disability Services Coordinator
1200 W. University Avenue
Mitchell, SD 57301-4398
(605) 995-2904 Voice
1-800-333-8506 Toll-Free

Killian Community College

Disability Services Coordinator
300 E 6th Street
Sioux Falls, SD 57103
(605) 221-3100 Voice
1-800-888-1147 Toll-Free

Mount Marty College

Enrollment Management Office
1105 W 8th Street
Yankton, SD 57078
(605) 668-1598 Voice
1-800-658-4552 Toll-Free

Mount Marty College, Watertown Campus

Disability Services Coordinator
P.O. Box 1385
1225 Arrow Avenue
Watertown, SD 57201-6385
(605) 886-6777 Voice

National American University

Disability Services Coordinator
321 Kansas City Street
Rapid City, SD 57701

(605) 394-4827 Voice
1-800-843-8892 Toll-Free

National American University, Sioux Falls Campus
Disability Services Coordinator
2801 S Kiwanis Avenue, Ste. 100
Sioux Falls, SD 57105
(605) 336-4600 Voice
1-800-388-5430 Toll-Free

Presentation College
Disability Services Coordinator
1500 N Main Street
Aberdeen, SD 57401
(605) 229-8438 Voice
1-800-437-6060 Toll-Free

University of Sioux Falls
Disability Services Coordinator
1101 W 22nd Street
Sioux Falls, SD 57105
(605) 331-6740 Voice
1-800-888-1047 Toll-Free

Black Hills State University
Disability Services Coordinator
1200 University Street, Unit 9078
Spearfish, SD 57799-9078
(605) 642-6099 Voice
(605) 642-6391 FAX
1-800-255-2478 Toll-Free

Dakota State University
ADA Academic Coordinator
820 N Washington Avenue
Madison, SD 57042
(605) 256-5121 Voice

Northern State University
Director of Disability Services
1200 S Jay Street, NSU Box 853
Aberdeen, SD 57401
(605) 626-2371 Voice
1-800-678-5330 Toll-Free

SD School of Mines & Technology
Counseling & Student ADA Services
501 E St. Joseph Street
Rapid City, SD 57701
(605) 394-2416 Voice
1-800-544-8162 Toll-Free

South Dakota State University
Office of Disability Services
Box 2201, Administration 102
Brookings, SD 57007
(605) 688-4504 Voice
(605) 688-4987 FAX
(605) 688-4394 Voice/TTY

University of South Dakota
Disability Services
Services Center Building
414 E Clark Street
Vermillion, SD 57069
(605) 677-6389
(605) 677-3172 FAX

Oglala Lakota College
Disability Services Coordinator
P.O. Box 490
Kyle, SD 57752-0490
(605) 455-6000

Sinte Gleska University

Disability Services Coordinator
P.O. Box 105
Mission, SD 57555
(605) 856-8100

Sisseton-Wahpeton Community College

Disability Services Coordinator
Old Agency, Box 689
Sisseton, SD 57262
(605) 698-3966 Voice

Lake Area Technical Institute

Disability Services Coordinator
230 11th Street NE, P.O. Box 730
Watertown, SD 57201-2869
(605) 882-5284, Ext. 216 Voice
(605) 882-6299 FAX

Mitchell Technical Institute

Disability Services Coordinator
821 N Capital Street.
Mitchell, SD 57301-2002
(605) 995-3097 Voice
(605) 996-3299 FAX

Southeast Technical Institute

Disability Services Coordinator
2301 N Career Avenue
Sioux Falls, SD 57107-1302
(605) 367-4450 Voice
(605) 367-8305 FAX

Western Dakota Technical Institute

Disability Services Coordinator
800 Mickelson Drive
Rapid City, SD 57703-4018
(605) 394-4034 Voice

(605) 394-1789 FAX

PROTECTION AND ADVOCACY SERVICES

South Dakota Advocacy Services

221 S. Central Avenue

Pierre, SD 57501

(605) 224-8294 Voice

(605) 224-5125 FAX

1-800-658-4782 Voice/TTY/Toll-Free

Federal law provides that each state have a system for protecting the rights of persons with disabilities.

South Dakota Advocacy Services is an independent, private, non-profit, tax-exempt organization designated by the Governor to assist in providing protection and advocacy services to eligible South Dakotans.

Persons with disabilities, as well as parents, relatives, guardians, friends, teachers, attorneys, professionals, or others concerned with the rights of persons with disabilities, are invited to contact South Dakota Advocacy Services with their questions by contacting their main office (noted above).

TRIBAL VOCATIONAL REHABILITATION PROGRAMS

(Native American 121 Programs)

Standing Rock Sioux Tribe VR Program

PO Box 109

McLaughlin SD 57642-0109

(605) 823-4222

Oglala Sioux Tribe VR Program

PO Box 1985

Pine Ridge, SD 57770-1985

(605) 867-2798

Kyle Branch Office

(605) 455-1017 or 455-1022

Cheyenne River Sioux Tribe VR Program

PO Box 506

Eagle Butte SD 57625-0506

(605) 964-4400

WORK INCENTIVES PLANNING AND ASSISTANCE PROGRAM
(Formerly the Benefits Planning, Assistance, And Outreach Program)

A Community Work Incentives Coordinator (CWIC) can help you analyze benefits and determine how they may be affected by employment, as well as available work incentives to support employment. A CWIC can also help you identify employment-related education, training, placement services, personal support services, and consumer advocacy, as needed.

Black Hills Special Services Cooperative

221 South Central Avenue

Pierre, SD 57501

(605) 224-5336

800-224-5336

(605) 224-8320 FAX

**Federal
Government
&
National
Resources**

FEDERAL GOVERNMENT AGENCIES

Clearinghouse on Disability Information

Office of Special Education & Rehabilitative Services

550 12th Street SW, Room 5133

Washington, DC 20202-2550

(202) 245-7307 Voice

(202) 205-5637 Voice/TDD

www.ed.gov/about/offices/list/osers

Clearinghouse on Disability Information develops and maintains a statewide information and referral system that provides information and referral for all disability-related services, programs, assistance, and resources, as well as generic services and assistance that individuals having disabilities and their families may need. The purpose of this information and referral system is to ease the complexity of systems that individuals having disabilities and their families must identify and navigate in order to secure the assistance needed by providing both information on where to find the service and an understanding of the processes required to access the service.

Office of Disability Employment Policy (ODEP)

U.S. Department of Labor

200 Constitution Avenue NW

Washington DC 20210

1-866-633-7365 Toll-Free

1-877-889-5627 Toll-Free/TTY

(202) 693-7888 FAX

www.dol.gov/odep

Formerly known as the President's Committee on Employment of People with Disabilities, ODEP is a federal agency created in FY2001 within the Department of Labor. ODEPs' mission is to provide leadership to increase employment opportunities for adults and youth with disabilities. ODEP works to increase opportunities by expanding access to training, education, employment supports, assistive technology, integrated

employment, entrepreneurial development and small business opportunities. ODEP also builds partnerships with employers and state and local agencies to increase awareness of the benefits of hiring people with disabilities, and to facilitate the use of effective strategies.

Job Accommodation Network (JAN)

P.O. Box 6080

Morgantown, WV 26506-6080

1-800-526-7234 Voice/TTY/Toll-Free

www.jan.wvu.edu

JAN is a toll-free consulting service of the U. S. Department of Labor's Office of Disability Employment Policy. JAN provides information on workplace accommodations and on the employment provisions of the Americans with Disabilities Act (ADA). Service is available via a toll-free number: 1-800-ADA-WORK (1-800-232-9675) or 1-800-526-7234. In addition, a Searchable Online Accommodation Resource (SOAR) is available on JAN's Website.

US Business Leadership Network (BLN)

Ms. Katherine McCary, President

C/O SunTrust Bank

919 East Main Street

Richmond VA 23219

(804) 343-9571

katherine.mccary@suntrust.com

BLN is a national program led by employers in concert with state Governor's Committee's and/or other community agencies that engages the leadership and participation of companies throughout the United States to hire qualified job candidates with disabilities. This program offers employers access to an overlooked domestic pool of applicants with disabilities, pertinent disability employment information, a network of companies sharing information on specific disability employment issues, the opportunity to provide training and work experience for job seekers with disabilities, recognition for the best disability employment practices and access to a largely untapped market for their goods and services.

U.S. Department of Transportation (DOT)

Office of the Secretary
Departmental Office of Civil Rights
S-30, Room 10215
400 Seventh Street, SW
Washington, DC 20590
(202) 366-4648 Voice
(202) 366-5273 TTY

Federal Highway Administration
HCR-1, Room 4132
Office of Civil Rights
400 Seventh St., SW
Washington, DC 20590
(202) 366-0693 Voice
(202) 366-5751 TTY

Federal Aviation Administration
ACR-4, Room 1030
Office of Civil Rights
800 Independence Ave., SW
Washington, DC 20591
(202) 267-3258 Voice
(202) 267-9730 TTY

Federal Transit Administration
TCR-1, Room 9102
Office of Civil Rights
400 7th St., SW
Washington, DC 20590
1-888-446-4511 Voice/Toll-Free
ada.assistance@fta.dot.gov

DOT provides these contacts for ADA information or complaints. They enforce ADA provisions that require nondiscrimination in public (Title II) and private (Title III) mass transportation systems and services.

U.S. Access Board

1331 F Street NW, Suite 1000
Washington, DC 20004-1111
1-800-872-2253 Voice/Toll-Free
1-800-993-2822 TTY/Toll-Free
www.access-board.gov

This federal agency developed the ADA Accessibility Guidelines (ADAAG) which were adopted by DOJ and DOT as enforceable standards called the ADA Standards for Accessible Design. The Access Board provides technical assistance on the ADAAG regarding the removal of architectural, transportation, communication and attitudinal barriers that affect persons with disabilities.

U.S. Equal Employment Opportunity Commission (EEOC)

P.O. Box 7033
Lawrence, KS 66044
1-800-669-4000 Voice/Toll-Free
1-800-669-6820 TTY/Toll-Free
info@ask.eeoc.gov (include state/zip code for proper routing)

EEOC offers technical assistance on ADA provisions applying to employment; also provides information on how to file ADA complaints regarding employment.

Office of Federal Contract Compliance (OFCCP)

U.S. Department of Labor
200 Constitution Avenue N.W.
Washington, DC 20210
1-866-487-2365 Voice/Toll-Free
1-877-889-5627 TTY/Toll-Free
www.dol.gov/esa/ofccp

OFCCP is charged with monitoring and enforcing the compliance of federal contractors with those contractors' equal employment opportunity obligations, including Section 503 of the Rehabilitation Act.

**National Institute on Disability and Rehabilitation Research
(NIDRR)**

U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202-2572
(202) 245-7640 Voice/TTY

NIDRR provides leadership and support for a comprehensive program of research related to the rehabilitation of individuals with disabilities. All of their programmatic efforts are aimed at improving the lives of individuals with disabilities from birth through adulthood.

National Council On Disability (NCD)

1331 F Street NW, Ste. 850
Washington, DC 20004
(202) 272-2004 Voice
(202) 272-2074 TTY
(202) 272-2022 FAX
www.ncd.gov

NCD is an independent Federal agency whose 15 members are appointed by the President and confirmed by the Senate. The Council addresses, analyzes and makes recommendations on issues of public policy affecting persons with disabilities.

U.S Department of Justice (DOJ)

950 Pennsylvania Avenue NW
Civil Rights Division
Disability Rights Section-NYAV
Washington DC 20530
1-800-514-0301 Voice/Toll-Free
1-800-514-0383 TTY/Toll-Free

DOJ enforces ADA provisions prohibiting discrimination on the basis of disability in state and local government services (Title II) and public accommodations and commercial facilities (Title III). DOJ provides technical assistance to individuals, organizations and companies with

rights and responsibilities under the law and provides a variety of publications free to the public.

Federal Communications Commission (FCC)

445 12th Street SW

Washington, DC 20554

1-888-225-5322 Voice/Toll-Free

1-888-835-5322 TTY/Toll-Free

1-866-418-0232 FAX

www.fcc.gov

FCC enforces ADA telecommunications provisions (Title IV), which requires companies offering telephone services to the general public to provide telephone relay services to individuals who use text telephone or similar devices.

NATIONAL INFORMATION CENTERS AND RESOURCES

Abledata

8630 Fenton Street

Suite 930

Silver Spring MD 20910

1-800-227-0216 Toll-Free

www.abledata.com

Provides information on over 18,000 commercially available products useful to individuals with disabilities.

AbleNet

1-800-322-0956 Toll-Free

www.ablenetinc.com

AbleNet disseminates information on technological devices and support services for children and adults with severe disabilities. AbleNet also offers practical products and creative solutions for teaching children with disabilities.

**Rehabilitation Engineering & Assistive Technology
Society of North America**

(703) 524-6686

(703) 524-6639 TTY

www.resna.org

RESNA is an interdisciplinary association of people with a common interest in technology and disability. Their purpose is to improve the potential of people with disabilities to achieve their goals through the use of technology.

Independent Living Research Utilization Project

2323 South Shepherd, Ste. 1000

Houston TX 77019

(713) 520-0232 Voice/TTY

(713) 520-5785 FAX

www.ilru.org

Architectural Accessibility

Center for Universal Design

North Carolina State University College of Design

Campus Box 8613

Raleigh, NC 27695-8613

1-800-647-6777

www.design.ncsu.edu

Accessible Playgrounds

Boundless Playgrounds, Inc.

45 Wintonbury Avenue

Bloomfield, CT 06002

(860) 243-8315

(860) 243-5854 FAX

National Association of Home Builders Research Center

Directory of Accessible Building Products

400 Prince George's Blvd.

Upper Marlboro, MD 20774

1-800-638-8556 Toll-Free

www.nahbrc.org

National Organization on Disability

910 16th Street NW, Ste. 600

Washington, SD 20006

(202) 293-5960 Voice

(202) 293-5968 TDD

(202) 293-7999 FAX

www.nod.org

Bazelon Center for Mental Health Law

1101 15th Street NW, Ste. 1212

Washington, DC 20005-5002

202-467-5730 Voice

202-223-0409 FAX

<http://www.bazelon.org>

**National Dissemination Center for Children with Disabilities
(Formerly NICHCY)**

P.O. Box 1492

Washington, DC 20013-1492

(800) 695-0285 Voice/TDD/Toll-Free

(202) 884-8441 FAX

www.nichcy.org

Disability Rights Education and Defense Fund

2212 Sixth Street

Berkeley CA 94710

(510) 644-2555 Voice/TTY

(510) 841-8645 FAX

www.dredf.org

Society for Human Resource Management

1800 Duke Street

Alexandria, VA 22314

1-800 283-7476 Toll-Free

(703) 548-6999 TTY/TDD

(703) 535-6490 FAX

U.S. Chamber of Commerce

Publications Fulfillment
1615 H St. NW
Washington, DC 20062-2000
1-800-638-6582 Toll-Free

Council of Better Business Bureaus' Foundation

4200 Wilson Boulevard, Ste. 800
Arlington, VA 22203-1838
(703) 276-0100 Voice
(703) 525-8277 FAX

The Council of Better Business Bureaus' Foundation promotes business and consumer education programs, through publications, training and technical assistance, especially small and medium-sized businesses and to Better Business Bureaus. Activities have focused on materials and training designed to assist businesses in complying with Title III of the Americans with Disabilities Act (ADA).

National Disability Rights Network

(formerly National Association of Protection & Advocacy Systems)
900 2nd Street NE, Ste. 211
Washington, DC 20002
(202) 408-9514 Voice
(202) 408-9520 FAX
(202) 408-9521 TTY
www.napas.org

National Disability Rights Network is a voluntary national membership association of protection & advocacy systems and client assistance programs, which assumes leadership in promoting and strengthening the role and performance of its members in providing quality legally based advocacy services.

National Restaurant Association

1200 17th Street, N.W.

Washington, DC 20036
(202) 331-5900 Voice
(202) 331-2429 FAX
1-800-424-5156 Toll-Free
www.restaurant.org

The National Restaurant Association has worked with the National Center for Access Unlimited to produce a 40-page booklet explaining ADA and its application in a restaurant setting; and produce a short videotape illustrating the importance of meeting accessibility standards and setting positive attitudes among staff.

Easter Seals Project ACTION

700 13th Street NW, Ste. 200
Washington, DC 20005
(202) 347-3066 Voice
(202) 737-7914 FAX
(202) 347-7385 TDD
1-800-659-6428 Toll-Free
www.projectaction.org

The mission of Easter Seals Project ACTION is to act as a national model for cooperation between the disability and transit communities with the goal of improving access to transportation for persons with disabilities nationwide through training, technical assistance, development of usable solutions and technology, and dissemination of materials.

National Association of the Deaf (NAD)

814 Thayer Avenue
Silver Spring, MD 20910-4500
(301) 587-1788 Voice
(301) 587-1789 TTY
(301) 587-1791 FAX
NADinfo@nad.org or www.nad.org

The mission of the NAD is to promote, protect, and preserve the rights and quality of life of deaf and hard of hearing individuals in the United States of America.

ADA

Questions

And

Answers

Americans with Disabilities Act Questions and Answers

Excerpt from U.S. Equal Employment Opportunity Commission/U.S.
Department of Justice/Civil Rights Division Website
(<http://www.ada.gov/>)

Barriers to employment, transportation, public accommodations, public services, and telecommunications have imposed staggering economic and social costs on American society and have undermined our well-intentioned efforts to educate, rehabilitate, and employ individuals with disabilities. By breaking down these barriers, the Americans with Disabilities Act (ADA) will enable society to benefit from the skills and talents of individuals with disabilities, will allow us all to gain from their increased purchasing power and ability to use it, and will lead to fuller, more productive lives for all Americans.

The Americans with Disabilities Act gives civil rights protections to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, State and local government services, and telecommunications.

Fair, swift, and effective enforcement of this landmark civil rights legislation is a high priority of the Federal Government. This booklet is designed to provide answers to some of the most often asked questions about the ADA.

Employment

Q. What employers are covered by Title I of the ADA, and when is the coverage effective? The Title I employment provisions apply to private employers, State and local governments, employment agencies, and labor unions. Employers with 25 or more employees were covered as of July 26, 1992. Employers with 15 or more employees were covered two years later, beginning July 26, 1994.

Q. What practices and activities are covered by the employment nondiscrimination requirements? The ADA prohibits discrimination in all employment practices, including job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions, and privileges of employment. It applies to recruitment, advertising, tenure, layoff, leave, fringe benefits, and all other employment-related activities.

Q. Who is protected from employment discrimination? Employment discrimination is prohibited against "qualified individuals with disabilities." This includes applicants for employment and employees. An individual is considered to have a "disability" if s/he has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. Persons discriminated against because they have a known association or relationship with an individual with a disability also are protected.

The first part of the definition makes clear that the ADA applies to persons who have impairments and that these must substantially limit major life activities such as seeing, hearing, speaking, walking, breathing, performing manual tasks, learning, caring for oneself, and working. An individual with epilepsy, paralysis, HIV infection, AIDS, a substantial hearing or visual impairment, mental retardation, or a specific learning disability is covered, but an individual with a minor, nonchronic condition of short duration, such as a sprain, broken limb, or the flu, generally would not be covered.

The second part of the definition protecting individuals with a record of a disability would cover, for example, a person who has recovered from cancer or mental illness.

The third part of the definition protects individuals who are regarded as having a substantially limiting impairment, even though they may not have such an impairment. For example, this provision would protect a qualified individual with a severe facial disfigurement from being denied employment because an employer feared the "negative reactions" of customers or co-workers.

Q. Who is a "qualified individual with a disability?" A qualified individual with a disability is a person who meets legitimate skill, experience, education, or other requirements of an employment position that s/he holds or seeks, and who can perform the essential functions of the position with or without reasonable accommodation. Requiring the ability to perform "essential" functions assures that an individual with a disability will not be considered unqualified simply because of inability to perform marginal or incidental job functions. If the individual is qualified to perform essential job functions except for limitations caused by a disability, the employer must consider whether the individual could perform these functions with a reasonable accommodation. If a written job description has been prepared in advance of advertising or interviewing applicants for a job, this will be considered as evidence, although not conclusive evidence, of the essential functions of the job.

Q. Does an employer have to give preference to a qualified applicant with a disability over other applicants? No. An employer is free to select the most qualified applicant available and to make decisions based on reasons unrelated to a disability. For example, suppose two persons apply for a job as a typist and an essential function of the job is to type 75 words per minute accurately. One applicant, an individual with a disability, who is provided with a reasonable accommodation for a typing test, types 50 words per minute; the other applicant who has no disability accurately types 75 words per minute. The employer can hire the applicant with the higher typing speed, if typing speed is needed for successful performance of the job.

Q. What limitations does the ADA impose on medical examinations and inquiries about disability? An employer may not ask or require a job applicant to take a medical examination before making a job offer. It cannot make any pre-employment inquiry about a disability or the nature or severity of a disability. An employer may, however, ask questions about the ability to perform specific job functions and may, with certain limitations, ask an individual with a disability to describe or demonstrate how s/he would perform these functions.

An employer may condition a job offer on the satisfactory result of a post-offer medical examination or medical inquiry if this is required of all

entering employees in the same job category. A post-offer examination or inquiry does not have to be job-related and consistent with business necessity.

However, if an individual is not hired because a post-offer medical examination or inquiry reveals a disability, the reason(s) for not hiring must be job-related and consistent with business necessity. The employer also must show that no reasonable accommodation was available that would enable the individual to perform the essential job functions, or that accommodation would impose an undue hardship. A post-offer medical examination may disqualify an individual if the employer can demonstrate that the individual would pose a "direct threat" in the workplace (i.e., a significant risk of substantial harm to the health or safety of the individual or others) that cannot be eliminated or reduced below the direct threat level through reasonable accommodation. Such a disqualification is job-related and consistent with business necessity. A post-offer medical examination may not disqualify an individual with a disability who is currently able to perform essential job functions because of speculation that the disability may cause a risk of future injury.

After a person starts work, a medical examination or inquiry of an employee must be job-related and consistent with business necessity. Employers may conduct employee medical examinations where there is evidence of a job performance or safety problem, examinations required by other Federal laws, examinations to determine current fitness to perform a particular job, and voluntary examinations that are part of employee health programs.

Information from all medical examinations and inquiries must be kept apart from general personnel files as a separate, confidential medical record, available only under limited conditions.

Tests for illegal use of drugs are not medical examinations under the ADA and are not subject to the restrictions of such examinations.

Q. Does the ADA require employers to develop written job descriptions? No. The ADA does not require employers to develop or maintain job descriptions. However, a written job description that is

prepared before advertising or interviewing applicants for a job will be considered as evidence along with other relevant factors. If an employer uses job descriptions, they should be reviewed to make sure they accurately reflect the actual functions of a job. A job description will be most helpful if it focuses on the results or outcome of a job function, not solely on the way it customarily is performed. A reasonable accommodation may enable a person with a disability to accomplish a job function in a manner that is different from the way an employee who is not disabled may accomplish the same function.

Q. What is "reasonable accommodation?" Reasonable accommodation is any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions. Reasonable accommodation also includes adjustments to assure that a qualified individual with a disability has rights and privileges in employment equal to those of employees without disabilities.

Q. What are some of the accommodations applicants and employees may need? Examples of reasonable accommodation include making existing facilities used by employees readily accessible to and usable by an individual with a disability; restructuring a job; modifying work schedules; acquiring or modifying equipment; providing qualified readers or interpreters; or appropriately modifying examinations, training, or other programs. Reasonable accommodation also may include reassigning a current employee to a vacant position for which the individual is qualified, if the person is unable to do the original job because of a disability even with an accommodation. However, there is no obligation to find a position for an applicant who is not qualified for the position sought. Employers are not required to lower quality or quantity standards as an accommodation; nor are they obligated to provide personal use items such as glasses or hearing aids.

The decision as to the appropriate accommodation must be based on the particular facts of each case. In selecting the particular type of reasonable accommodation to provide, the principal test is that of effectiveness, i.e., whether the accommodation will provide an opportunity for a person with a disability to achieve the same level of

performance and to enjoy benefits equal to those of an average, similarly situated person without a disability. However, the accommodation does not have to ensure equal results or provide exactly the same benefits.

Q. When is an employer required to make a reasonable accommodation? An employer is only required to accommodate a "known" disability of a qualified applicant or employee. The requirement generally will be triggered by a request from an individual with a disability, who frequently will be able to suggest an appropriate accommodation. Accommodations must be made on an individual basis, because the nature and extent of a disabling condition and the requirements of a job will vary in each case. If the individual does not request an accommodation, the employer is not obligated to provide one except where an individual's known disability impairs his/her ability to know of, or effectively communicate a need for, an accommodation that is obvious to the employer. If a person with a disability requests, but cannot suggest, an appropriate accommodation, the employer and the individual should work together to identify one. There are also many public and private resources that can provide assistance without cost.

Q. What are the limitations on the obligation to make a reasonable accommodation? The individual with a disability requiring the accommodation must be otherwise qualified, and the disability must be known to the employer. In addition, an employer is not required to make an accommodation if it would impose an "undue hardship" on the operation of the employer's business. "Undue hardship" is defined as an "action requiring significant difficulty or expense" when considered in light of a number of factors. These factors include the nature and cost of the accommodation in relation to the size, resources, nature, and structure of the employer's operation. Undue hardship is determined on a case-by-case basis. Where the facility making the accommodation is part of a larger entity, the structure and overall resources of the larger organization would be considered, as well as the financial and administrative relationship of the facility to the larger organization. In general, a larger employer with greater resources would be expected to make accommodations requiring greater effort or expense than would be required of a smaller employer with fewer resources.

If a particular accommodation would be an undue hardship, the employer must try to identify another accommodation that will not pose such a hardship. Also, if the cost of an accommodation would impose an undue hardship on the employer, the individual with a disability should be given the option of paying that portion of the cost which would constitute an undue hardship or providing the accommodation.

Q. Must an employer modify existing facilities to make them accessible? The employer's obligation under title I is to provide access for an *individual* applicant to participate in the job application process, and for an *individual* employee with a disability to perform the essential functions of his/her job, including access to a building, to the work site, to needed equipment, and to all facilities used by employees. For example, if an employee lounge is located in a place inaccessible to an employee using a wheelchair, the lounge might be modified or relocated, or comparable facilities might be provided in a location that would enable the individual to take a break with co-workers. The employer must provide such access unless it would cause an undue hardship.

Under title I, an employer is not required to make its existing facilities accessible until a particular applicant or employee with a particular disability needs an accommodation, and then the modifications should meet that individual's work needs. However, employers should consider initiating changes that will provide general accessibility, particularly for job applicants, since it is likely that people with disabilities will be applying for jobs. The employer does not have to make changes to provide access in places or facilities that will not be used by that individual for employment-related activities or benefits.

Q. Can an employer be required to modify, adjust, or make other reasonable accommodations in the way a test is given to a qualified applicant or employee with a disability? Yes. Accommodations may be needed to assure that tests or examinations measure the actual ability of an individual to perform job functions rather than reflect limitations caused by the disability. Tests should be given to people who have sensory, speaking, or manual impairments in a format that does not require the use of the impaired skill, unless it is a job-related skill that the test is designed to measure.

Q. Can an employer maintain existing production/performance standards for an employee with a disability? An employer can hold employees with disabilities to the same standards of production/performance as other similarly situated employees without disabilities for performing essential job functions, with or without reasonable accommodation. An employer also can hold employees with disabilities to the same standards of production/performance as other employees regarding marginal functions unless the disability affects the person's ability to perform those marginal functions. If the ability to perform marginal functions is affected by the disability, the employer must provide some type of reasonable accommodation such as job restructuring but may not exclude an individual with a disability who is satisfactorily performing a jobs' essential functions.

Q. Can an employer establish specific attendance and leave policies? An employer can establish attendance and leave policies that are uniformly applied to all employees, regardless of disability, but may not refuse leave needed by an employee with a disability if other employees get such leave. An employer also may be required to make adjustments in leave policy as a reasonable accommodation. The employer is not obligated to provide additional paid leave, but accommodations may include leave flexibility and unpaid leave.

A uniformly applied leave policy does not violate the ADA because it has a more severe effect on an individual because of his/her disability. However, if an individual with a disability requests a modification of such a policy as a reasonable accommodation, an employer may be required to provide it, unless it would impose an undue hardship.

Q. Can an employer consider health and safety when deciding whether to hire an applicant or retain an employee with a disability? Yes. The ADA permits employers to establish qualification standards that will exclude individuals who pose a direct threat -- i.e., a significant risk of substantial harm -- to the health or safety of the individual or of others, if that risk cannot be eliminated or reduced below the level of a direct threat by reasonable accommodation. However, an employer may not simply assume that a threat exists; the employer must establish through objective, medically supportable methods that there is significant risk that

substantial harm could occur in the workplace. By requiring employers to make individualized judgments based on reliable medical or other objective evidence rather than on generalizations, ignorance, fear, patronizing attitudes, or stereotypes, the ADA recognizes the need to balance the interests of people with disabilities against the legitimate interests of employers in maintaining a safe workplace.

Q. Are applicants or employees who are currently illegally using drugs covered by the ADA? No. Individuals who currently engage in the illegal use of drugs are specifically excluded from the definition of a "qualified individual with a disability" protected by the ADA when the employer takes action on the basis of their drug use.

Q. Is testing for the illegal use of drugs permissible under the ADA? Yes. A test for the illegal use of drugs is not considered a medical examination under the ADA; therefore, employers may conduct such testing of applicants or employees and make employment decisions based on the results. The ADA does not encourage, prohibit, or authorize drug tests.

If the results of a drug test reveal the presence of a lawfully prescribed drug or other medical information, such information must be treated as a confidential medical record.

Q. Are alcoholics covered by the ADA? Yes. While a current illegal user of drugs is not protected by the ADA if an employer acts on the basis of such use, a person who currently uses alcohol is not automatically denied protection. An alcoholic is a person with a disability and is protected by the ADA if s/he is qualified to perform the essential functions of the job. An employer may be required to provide an accommodation to an alcoholic. However, an employer can discipline, discharge or deny employment to an alcoholic whose use of alcohol adversely affects job performance or conduct. An employer also may prohibit the use of alcohol in the workplace and can require that employees not be under the influence of alcohol.

Q. Does the ADA override Federal and State health and safety laws? The ADA does not override health and safety requirements established

under other Federal laws even if a standard adversely affects the employment of an individual with a disability. If a standard is required by another Federal law, an employer must comply with it and does not have to show that the standard is job related and consistent with business necessity. For example, employers must conform to health and safety requirements of the U.S. Occupational Safety and Health Administration. However, an employer still has the obligation under the ADA to consider whether there is a reasonable accommodation, consistent with the standards of other Federal laws, that will prevent exclusion of qualified individuals with disabilities who can perform jobs without violating the standards of those laws. If an employer can comply with both the ADA and another Federal law, then the employer must do so.

The ADA does not override State or local laws designed to protect public health and safety, except where such laws conflict with the ADA requirements. If there is a State or local law that would exclude an individual with a disability from a particular job or profession because of a health or safety risk, the employer still must assess whether a particular individual would pose a "direct threat" to health or safety under the ADA standard. If such a "direct threat" exists, the employer must consider whether it could be eliminated or reduced below the level of a "direct threat" by reasonable accommodation. An employer cannot rely on a State or local law that conflicts with ADA requirements as a defense to a charge of discrimination.

Q. What is discrimination based on "relationship or association" under the ADA? The ADA prohibits discrimination based on relationship or association in order to protect individuals from actions based on unfounded assumptions that their relationship to a person with a disability would affect their job performance, and from actions caused by bias or misinformation concerning certain disabilities. For example, this provision would protect a person whose spouse has a disability from being denied employment because of an employer's unfounded assumption that the applicant would use excessive leave to care for the spouse. It also would protect an individual who does volunteer work for people with AIDS from a discriminatory employment action motivated by that relationship or association.

Q. How are the employment provisions enforced? The employment provisions of the ADA are enforced under the same procedures now applicable to race, color, sex, national origin, and religious discrimination under title VII of the Civil Rights Act of 1964, as amended, and the Civil Rights Act of 1991. Complaints regarding actions that occurred on or after July 26, 1992, may be filed with the Equal Employment Opportunity Commission or designated State human rights agencies. Available remedies will include hiring, reinstatement, promotion, back pay, front pay, restored benefits, reasonable accommodation, attorneys' fees, expert witness fees, and court costs. Compensatory and punitive damages also may be available in cases of intentional discrimination or where an employer fails to make a good faith effort to provide a reasonable accommodation.

Q. What financial assistance is available to employers to help them make reasonable accommodations and comply with the ADA? A special tax credit is available to help smaller employers make accommodations required by the ADA. An eligible small business may take a tax credit of up to \$5,000 per year for accommodations made to comply with the ADA. The credit is available for one-half the cost of "eligible access expenditures" that are more than \$250 but less than \$10,250.

A full tax deduction, up to \$15,000 per year, also is available to any business for expenses of removing qualified architectural or transportation barriers. Expenses covered include costs of removing barriers created by steps, narrow doors, inaccessible parking spaces, restroom facilities, and transportation vehicles. Additional information discussing the tax credits and deductions is contained in the Department of Justice's ADA Tax Incentive Packet for Businesses available from the ADA Information Line. Information about the tax credit and tax deduction can also be obtained from a local IRS office, or by contacting the Office of Chief Counsel, Internal Revenue Service.

Q. What are an employer's recordkeeping requirements under the employment provisions of the ADA? An employer must maintain records such as application forms submitted by applicants and other records related to hiring, requests for reasonable accommodation,

promotion, demotion, transfer, lay-off or termination, rates of pay or other terms of compensation, and selection for training or apprenticeship for one year after making the record or taking the action described (whichever occurs later). If a charge of discrimination is filed or an action is brought by EEOC, an employer must save all personnel records related to the charge until final disposition of the charge.

Q. Does the ADA require that an employer post a notice explaining its requirements? The ADA requires that employers post a notice describing the provisions of the ADA. It must be made accessible, as needed, to individuals with disabilities. A poster is available from EEOC summarizing the requirements of the ADA and other Federal legal requirements for nondiscrimination for which EEOC has enforcement responsibility. EEOC also provides guidance on making this information available in accessible formats for people with disabilities.

Q. What resources does the Equal Employment Opportunity Commission have available to help employers and people with disabilities understand and comply with the employment requirements of the ADA? The Equal Employment Opportunity Commission has developed several resources to help employers and people with disabilities understand and comply with the employment provisions of the ADA.

Resources include: A Technical Assistance Manual that provides "how-to" guidance on the employment provisions of the ADA as well as a resource directory to help individuals find specific information.

State and Local Governments

Q. Does the ADA apply to State and local governments? Title II of the ADA prohibits discrimination against qualified individuals with disabilities in all programs, activities, and services of public entities. It applies to all State and local governments, their departments and agencies, and any other instrumentalities or special purpose districts of State or local governments. It clarifies the requirements of section 504 of the Rehabilitation Act of 1973 for public transportation systems that receive Federal financial assistance, and extends coverage to all public

entities that provide public transportation, whether or not they receive Federal financial assistance. It establishes detailed standards for the operation of public transit systems, including commuter and intercity rail (AMTRAK).

Q. When do the requirements for State and local governments become effective? In general, they became effective on January 26, 1992.

Q. How does title II affect participation in a State or local government's programs, activities, and services? A state or local government must eliminate any eligibility criteria for participation in programs, activities, and services that screen out or tend to screen out persons with disabilities, unless it can establish that the requirements are necessary for the provision of the service, program, or activity. The State or local government may, however, adopt legitimate safety requirements necessary for safe operation if they are based on real risks, not on stereotypes or generalizations about individuals with disabilities. Finally, a public entity must reasonably modify its policies, practices, or procedures to avoid discrimination. If the public entity can demonstrate that a particular modification would fundamentally alter the nature of its service, program, or activity, it is not required to make that modification.

Q. Does title II cover a public entity's employment policies and practices? Yes. Title II prohibits all public entities, regardless of the size of their work force, from discriminating in employment against qualified individuals with disabilities. In addition to title II's employment coverage, title I of the ADA and section 504 of the Rehabilitation Act of 1973 prohibit employment discrimination against qualified individuals with disabilities by certain public entities.

Q. What changes must a public entity make to its existing facilities to make them accessible? A public entity must ensure that individuals with disabilities are not excluded from services, programs, and activities because existing buildings are inaccessible. A State or local government's programs, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities. This standard, known as "program accessibility," applies to facilities of a public entity

that existed on January 26, 1992. Public entities do not necessarily have to make each of their existing facilities accessible. They may provide program accessibility by a number of methods including alteration of existing facilities, acquisition or construction of additional facilities, relocation of a service or program to an accessible facility, or provision of services at alternate accessible sites.

Q. When must structural changes be made to attain program accessibility? Structural changes needed for program accessibility must be made as expeditiously as possible, but no later than January 26, 1995. This three-year time period is not a grace period; all alterations must be accomplished as expeditiously as possible. A public entity that employs 50 or more persons must have developed a transition plan by July 26, 1992, setting forth the steps necessary to complete such changes.

Q. What is a self-evaluation? A self-evaluation is a public entity's assessment of its current policies and practices. The self-evaluation identifies and corrects those policies and practices that are inconsistent with title II's requirements. All public entities must complete a self-evaluation by January 26, 1993. A public entity that employs 50 or more employees must retain its self-evaluation for three years. Other public entities are not required to retain their self-evaluations, but are encouraged to do so because these documents evidence a public entity's good faith efforts to comply with title II's requirements.

Q. What does title II require for new construction and alterations? The ADA requires that all new buildings constructed by a State or local government be accessible. In addition, when a State or local government undertakes alterations to a building, it must make the altered portions accessible.

Q. How will a State or local government know that a new building is accessible? A State or local government will be in compliance with the ADA for new construction and alterations if it follows either of two accessibility standards. It can choose either the Uniform Federal Accessibility Standards or the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities, which is the standard

that must be used for public accommodations and commercial facilities under title III of the ADA. If the State or local government chooses the ADA Accessibility Guidelines, it is not entitled to the elevator exemption (which permits certain private buildings under three stories or under 3,000 square feet per floor to be constructed without an elevator).

Q. What requirements apply to a public entity's emergency telephone services, such as 911? State and local agencies that provide emergency telephone services must provide "direct access" to individuals who rely on a TDD or computer modem for telephone communication. Telephone access through a third party or through a relay service does not satisfy the requirement for direct access. Where a public entity provides 911 telephone service, it may not substitute a separate seven-digit telephone line as the sole means for access to 911 services by nonvoice users. A public entity may, however, provide a separate seven-digit line for the exclusive use of nonvoice callers in addition to providing direct access for such calls to its 911 line.

Q. Does title II require that telephone emergency service systems be compatible with all formats used for nonvoice communications? No. At present, telephone emergency services must only be compatible with the Baudot format. Until it can be technically proven that communications in another format can operate in a reliable and compatible manner in a given telephone emergency environment, a public entity would not be required to provide direct access to computer modems using formats other than Baudot.

Q. How will the ADA's requirements for State and local governments be enforced? Private individuals may bring lawsuits to enforce their rights under title II and may receive the same remedies as those provided under section 504 of the Rehabilitation Act of 1973, including reasonable attorney's fees. Individuals may also file complaints with eight designated Federal agencies, including the Department of Justice and the Department of Transportation.

Public Accommodations

Q. What are public accommodations? A public accommodation is a private entity that owns, operates, leases, or leases to, a place of public accommodation. Places of public accommodation include a wide range of entities, such as restaurants, hotels, theaters, doctors' offices, pharmacies, retail stores, museums, libraries, parks, private schools, and day care centers. Private clubs and religious organizations are exempt from the ADA's title III requirements for public accommodations.

Q. Will the ADA have any effect on the eligibility criteria used by public accommodations to determine who may receive services? Yes. If a criterion screens out or tends to screen out individuals with disabilities, it may only be used if necessary for the provision of the services. For instance, it would be a violation for a retail store to have a rule excluding all deaf persons from entering the premises, or for a movie theater to exclude all individuals with cerebral palsy. More subtle forms of discrimination are also prohibited. For example, requiring presentation of a driver's license as the sole acceptable means of identification for purposes of paying by check could constitute discrimination against individuals with vision impairments. This would be true if such individuals are ineligible to receive licenses and the use of an alternative means of identification is feasible.

Q. Does the ADA allow public accommodations to take safety factors into consideration in providing services to individuals with disabilities? The ADA expressly provides that a public accommodation may exclude an individual, if that individual poses a direct threat to the health or safety of others that cannot be mitigated by appropriate modifications in the public accommodation's policies or procedures, or by the provision of auxiliary aids. A public accommodation will be permitted to establish objective safety criteria for the operation of its business; however, any safety standard must be based on objective requirements rather than stereotypes or generalizations about the ability of persons with disabilities to participate in an activity.

Q. Are there any limits on the kinds of modifications in policies, practices, and procedures required by the ADA? Yes. The ADA does

not require modifications that would fundamentally alter the nature of the services provided by the public accommodation. For example, it would not be discriminatory for a physician specialist who treats only burn patients to refer a deaf individual to another physician for treatment of a broken limb or respiratory ailment. To require a physician to accept patients outside of his or her specialty would fundamentally alter the nature of the medical practice.

Q. What kinds of auxiliary aids and services are required by the ADA to ensure effective communication with individuals with hearing or vision impairments? Appropriate auxiliary aids and services may include services and devices such as qualified interpreters, assistive listening devices, notetakers, and written materials for individuals with hearing impairments; and qualified readers, taped texts, and Brailled or large print materials for individuals with vision impairments.

Q. Are there any limitations on the ADA's auxiliary aids requirements? Yes. The ADA does not require the provision of any auxiliary aid that would result in an undue burden or in a fundamental alteration in the nature of the goods or services provided by a public accommodation. However, the public accommodation is not relieved from the duty to furnish an alternative auxiliary aid, if available, that would not result in a fundamental alteration or undue burden. Both of these limitations are derived from existing regulations and caselaw under section 504 of the Rehabilitation Act and are to be determined on a case-by-case basis.

Q. Will restaurants be required to have brailled menus? No, not if waiters or other employees are made available to read the menu to a blind customer.

Q. Will a clothing store be required to have brailled price tags? No, not if sales personnel could provide price information orally upon request.

Q. Will a bookstore be required to maintain a sign language interpreter on its staff in order to communicate with deaf

customers? No, not if employees communicate by pen and notepad when necessary.

Q. Are there any limitations on the ADA's barrier removal requirements for existing facilities? Yes. Barrier removal need be accomplished only when it is "readily achievable" to do so.

Q. What does the term "readily achievable" mean? It means "easily accomplishable and able to be carried out without much difficulty or expense."

Q. What are examples of the types of modifications that would be readily achievable in most cases? Examples include the simple ramping of a few steps, the installation of grab bars where only routine reinforcement of the wall is required, the lowering of telephones, and similar modest adjustments.

Q. Will businesses need to rearrange furniture and display racks? Possibly. For example, restaurants may need to rearrange tables and department stores may need to adjust their layout of racks and shelves in order to permit access to wheelchair users.

Q. Will businesses need to install elevators? Businesses are not required to retrofit their facilities to install elevators unless such installation is readily achievable, which is unlikely in most cases.

Q. When barrier removal is not readily achievable, what kinds of alternative steps are required by the ADA? Alternatives may include such measures as in-store assistance for removing articles from inaccessible shelves, home delivery of groceries, or coming to the door to receive or return dry cleaning.

Q. Must alternative steps be taken without regard to cost? No, only readily achievable alternative steps must be undertaken.

Q. How is "readily achievable" determined in a multisite business? In determining whether an action to make a public accommodation accessible would be "readily achievable," the overall size of the parent

corporation or entity is only one factor to be considered. The ADA also permits consideration of the financial resources of the particular facility or facilities involved and the administrative or fiscal relationship of the facility or facilities to the parent entity.

Q. Who has responsibility for ADA compliance in leased places of public accommodation, the landlord or the tenant? The ADA places the legal obligation to remove barriers or provide auxiliary aids and services on both the landlord and the tenant. The landlord and the tenant may decide by lease who will actually make the changes and provide the aids and services, but both remain legally responsible.

Q. What does the ADA require in new construction? The ADA requires that all new construction of places of public accommodation, as well as of "commercial facilities" such as office buildings, be accessible. Elevators are generally not required in facilities under three stories or with fewer than 3,000 square feet per floor, unless the building is a shopping center or mall; the professional office of a health care provider; a terminal, depot, or other public transit station; or an airport passenger terminal.

Q. Is it expensive to make all newly constructed places of public accommodation and commercial facilities accessible? The cost of incorporating accessibility features in new construction is less than one percent of construction costs. This is a small price in relation to the economic benefits to be derived from full accessibility in the future, such as increased employment and consumer spending and decreased welfare dependency.

Q. Must every feature of a new facility be accessible? No, only a specified number of elements such as parking spaces and drinking fountains must be made accessible in order for a facility to be "readily accessible." Certain nonoccupiable spaces such as elevator pits, elevator penthouses, and piping or equipment catwalks need not be accessible.

Q. What are the ADA requirements for altering facilities? All alterations that could affect the usability of a facility must be made in an

accessible manner to the maximum extent feasible. For example, if during renovations a doorway is being relocated, the new doorway must be wide enough to meet the new construction standard for accessibility. When alterations are made to a primary function area, such as the lobby of a bank or the dining area of a cafeteria, an accessible path of travel to the altered area must also be provided. The bathrooms, telephones, and drinking fountains serving that area must also be made accessible. These additional accessibility alterations are only required to the extent that the added accessibility costs do not exceed 20% of the cost of the original alteration. Elevators are generally not required in facilities under three stories or with fewer than 3,000 square feet per floor, unless the building is a shopping center or mall; the professional office of a health care provider; a terminal, depot, or other public transit station; or an airport passenger terminal.

Q. Does the ADA permit an individual with a disability to sue a business when that individual believes that discrimination is about to occur, or must the individual wait for the discrimination to occur? The ADA public accommodations provisions permit an individual to allege discrimination based on a reasonable belief that discrimination is about to occur. This provision, for example, allows a person who uses a wheelchair to challenge the planned construction of a new place of public accommodation, such as a shopping mall, that would not be accessible to individuals who use wheelchairs. The resolution of such challenges prior to the construction of an inaccessible facility would enable any necessary remedial measures to be incorporated in the building at the planning stage, when such changes would be relatively inexpensive.

Q. How does the ADA affect existing State and local building codes? Existing codes remain in effect. The ADA allows the Attorney General to certify that a State law, local building code, or similar ordinance that establishes accessibility requirements meets or exceeds the minimum accessibility requirements for public accommodations and commercial facilities. Any State or local government may apply for certification of its code or ordinance. The Attorney General can certify a code or ordinance only after prior notice and a public hearing at which

interested people, including individuals with disabilities, are provided an opportunity to testify against the certification.

Q. What is the effect of certification of a State or local code or ordinance? Certification can be advantageous if an entity has constructed or altered a facility according to a certified code or ordinance. If someone later brings an enforcement proceeding against the entity, the certification is considered "rebuttable evidence" that the State law or local ordinance meets or exceeds the minimum requirements of the ADA. In other words, the entity can argue that the construction or alteration met the requirements of the ADA because it was done in compliance with the State or local code that had been certified.

Q. When are the public accommodations provisions effective? In general, they became effective on January 26, 1992.

Q. How will the public accommodations provisions be enforced? Private individuals may bring lawsuits in which they can obtain court orders to stop discrimination. Individuals may also file complaints with the Attorney General, who is authorized to bring lawsuits in cases of general public importance or where a pattern or practice of discrimination is alleged. In these cases, the Attorney General may seek monetary damages and civil penalties. Civil penalties may not exceed \$55,000 for a first violation or \$110,000 for any subsequent violation.

Miscellaneous

Q. Is the Federal government covered by the ADA? The ADA does not cover the executive branch of the Federal government. The executive branch continues to be covered by title V of the Rehabilitation Act of 1973, which prohibits discrimination in services and employment on the basis of handicap and which is a model for the requirements of the ADA. The ADA, however, does cover Congress and other entities in the legislative branch of the Federal government.

Q. Does the ADA cover private apartments and private homes? The ADA does not cover strictly residential private apartments and homes. If,

however, a place of public accommodation, such as a doctor's office or day care center, is located in a private residence, those portions of the residence used for that purpose are subject to the ADA's requirements.

Q. Does the ADA cover air transportation? Discrimination by air carriers in areas other than employment is not covered by the ADA but rather by the Air Carrier Access Act (49 U.S.C. 1374 (c)).

Q. What are the ADA's requirements for public transit buses? The Department of Transportation has issued regulations mandating accessible public transit vehicles and facilities. The regulations include requirements that all new fixed-route, public transit buses be accessible and that supplementary paratransit services be provided for those individuals with disabilities who cannot use fixed-route bus service. For information on how to contact the Department of Transportation, see page 71.

Q. How will the ADA make telecommunications accessible? The ADA requires the establishment of telephone relay services for individuals who use telecommunications devices for deaf persons (TDD's) or similar devices. The Federal Communications Commission has issued regulations specifying standards for the operation of these services.

Q. Are businesses entitled to any tax benefit to help pay for the cost of compliance? As amended in 1990, the Internal Revenue Code allows a deduction of up to \$15,000 per year for expenses associated with the removal of qualified architectural and transportation barriers. The 1990 amendment also permits eligible small businesses to receive a tax credit for certain costs of compliance with the ADA. An eligible small business is one whose gross receipts do not exceed \$1,000,000 or whose workforce does not consist of more than 30 full-time workers. Qualifying businesses may claim a credit of up to 50 percent of eligible access expenditures that exceed \$250 but do not exceed \$10,250. Examples of eligible access expenditures include the necessary and reasonable costs of removing architectural, physical, communications, and transportation barriers; providing readers, interpreters, and other auxiliary aids; and acquiring or modifying equipment or devices.

Products

And

Services

SOUTH DAKOTA RESOURCES

Adaptive Work and Home Environments

Children's Care Hospital & School

Attention: Admissions Coordinator
2501 West 26th Street
Sioux Falls, SD 57105
(605) 782-2300 Voice
1-800-584-9294, Ext. 4379 Toll-Free
www.cchs.org

Children's Care Rapid City

7110 Jordan Drive
Rapid City, SD 57702
605-342-4412 Voice
800-584-9298 Toll-Free
www.cchs.org

Children's Care Rehabilitation Center

1100 West 41st Street
Sioux Falls, SD 57105
605-782-2400 Voice
605-782-2401 Fax
www.cchs.org

DakotaLink

1161 Deadwood Avenue, Ste. 5
Rapid City, SD 57702
(605) 394-6742
1-800-645-0673 Toll-Free/Voice/TTY
www.dakotalink.net

Home Builders Association of the Sioux Empire (HBASE)

HBASE Repair Affair Project

Attention: Troy Gordon

6904 S Lyncrest Place

Sioux Falls, SD 57108

(605) 361-8322 Voice

(605) 361-8329 FAX

www.hbasiouxempire.com

Signage

JD's House of Trophies

601 N Kiwanis

Sioux Falls, SD 57104

(605) 339-2842 Voice

Advance Sign & Engraving, Inc.

George Widman

5400 North 7th Ave

Sioux Falls, SD 57104

(605) 339-4321 Voice

(605) 339-3288 FAX

1-800-427-4320 Toll-Free

www.advance-sign.com

Klein's Office Plus

221 W Capitol Avenue

Pierre, SD 57501

1-800-287-1904 Toll-Free

(605) 224-5555

Lyle Signs Inc.

200 Industrial Park

DeSmet, SD 57231

1-800-248-5953

Pheasantland Industries
Department of Corrections
SD State Penitentiary
1600 North Drive PO Box 5911
Sioux Falls, SD 57117

Traditional prison industries consisted of 12 industries: upholstery, printing, sign, decal, bookbinding, Braille, unit/tactile graphics, license plates, cabinet and custom furniture, garments/screen printing, data entry, wheelchair refurbishing and stocking hat knitting. Prison industry shops are designed to meet standards established by the Occupational Safety and Health Administration. By policy, traditional prison industries can provide work only for governmental agencies, non-profit organizations and employees of the State of South Dakota.

Van Modifications

R & R Mobility Conversions

400 South Marion Road
Sioux Falls, SD 57106
(605) 335-8646 Voice
1-800-765-3458
Email: info@randrmobility.com

www.randrmobility.com

Foreman Charters

1602 North Broadway
Miller, SD 57362
(605) 853-2708 Voice
800-310-2708 Toll-Free
www.foremanchartersandtours.com

Foreman Charters
3421 Hovland Ave
Sioux Falls, SD 57107
605-336-3339 Voice
800-678-6543 Toll-Free
www.foremanchartersandtours.com

Black Hawk Vans

3156 Haines Avenue
Rapid City, SD 57701
(605) 342-2104 Voice
www.blackhawkvans.com

Mobility Sales & Rental

200 East 1st Street
Tea, SD 57064
(605) 498-2200
1-866-803-2200 Toll-Free

ServiceAbilities

510 E Kemp
Watertown, SD 57201
(605) 886-7028
(605) 225-1208

Products for the Visually & Hearing Impaired**CSD Headquarters (Communication Service for the Deaf)**

Deaf and Hard of Hearing Services/Products
102 N Krohn Place
Sioux Falls, SD 57103
(605) 367-5761 TTY
(605) 367-5760 Voice
1-866-273-3323 Toll-Free TTY
1-800-642-6410 Toll-Free Voice
(605) 367-5958 Fax
www.c-s-d.org

South Dakota Association of the Blind Gadgetry Program

1101 N Garfield Avenue
Sioux Falls, SD 57105
(605) 336-9534
1-888-584-7440 Toll-Free

South Dakota News Telephone Reader

Department of Human Services
Hillsview Plaza, 3800 E Hwy 34
Pierre, SD 57501
(605) 773-4644 Voice

www.state.sd.us/dhs/sbvi/sdntr.htm

Relay South Dakota

1-800-877-1113 Voice/TTY or dial **711**

For information on how to obtain specialized telephone equipment in your area, call 1-866-246-5759 (Voice/TTY).

Interpreter Services

CSD of South Dakota (Statewide Interpreter Referral Services)

102 North Krohn Place
Sioux Falls, SD 57103
(605) 362-3507 Voice/TTY
1-888-540-6543 Toll-Free Voice/TTY
E-mail: InterpRequest@c-s-d.org

Interpreter Services, Inc.

25784 Cottonwood Avenue
PO Box 85354
Sioux Falls, SD 57118-5354
(605) 331-7800 Voice
www.interpreterservicesinc.com

Audio Translation

Braille & Talking Book Library

State Library Building
800 Governors Drive
Pierre, SD 57501
(605) 773-3131 Voice
1-800-423-6665 Toll-Free
www.familyconnect.org

Braille Services

Braille & Talking Book Library

State Library Building
800 Governors Drive
Pierre, SD 57501
(605) 773-3131 Voice
1-800-423-6665 Toll-Free
www.familyconnect.org

J & K Gator Bumps-Braille Embossing

903 Fulton Street
Rapid City, SD 57701
(605) 721-3311 Voice

NATIONAL RESOURCES

Adaptive Work and Home Environments

AD AS

Furniture Solutions of Universal Design
2728 South Cole Road
Boise, ID 83709
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www.ad-as.com

FlagHouse

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Hasbrouck Heights, NJ 07604-3116
1-800-793-7900 Toll-Free
www.FlagHouse.com

Signage

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Stony Creek, CT 06405

1-800-521-7000

www.champion-america.com

SETON Identification & Safety Experts

20 Thompson Road

P.O. Box 819

Branford, CT 06405-0819

1-800-571-2596 Toll-Free

www.seton.com

Products for Visually & Hearing Impaired

LS & S, LLC

PO Box 673

Northbrook, IL 60065

1-800-468-4798 Voice/Toll-Free

1-866-317-8533 TTY/Toll-Free

1-877 498-1482 FAX

www.lssproducts.com