

DEPARTMENT OF BENEFIT PAYMENTS
744 P Street, Sacramento, CA 95814
(916) 322-4134



May 11, 1978

ALL-COUNTY LETTER NO. 78-17 (Civil Rights)

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: SECTION 504 SELF-EVALUATION

REFERENCE: ALL COUNTY LETTER 77-33

HEW regulations (45 CFR Part 84) which implement Section 504 of the Rehabilitation Act of 1973, prohibit discrimination based on handicap in all programs and activities receiving or benefiting from HEW financial assistance. These regulations require that recipients of such funds evaluate existing practices and policies to ensure they comply with these non-discrimination requirements. The evaluation covers service delivery and employment practices.

The Department of Benefit Payments and Merit System Services of the State Personnel Board have developed a self-evaluation instrument that meets the regulation requirements. Suggestions from the County Welfare Directors Association and the County Personnel Administrators Association of California have also been incorporated into the self-evaluation.

The HEW regulations require that self-evaluations be conducted with the assistance of interested persons, including handicapped persons or organizations representing handicapped persons. The regulations further require that for at least three years following the completion of the self-evaluation, each recipient shall maintain on file and make available for public inspection a list of the interested persons consulted, a description of areas examined and problems identified, and a description of any modifications made and of any remedial steps taken.

Part A of the self-evaluation covers the federal regulation section which impact welfare operations. Part B is a self-evaluation checklist divided into two sections; Program Accessibility and Employment Practices. These sections should be completed by welfare departments according to the following Merit System Services designations.

Approved Local Merit System

Interagency Merit System

Sections to complete: 1. Program Accessibility

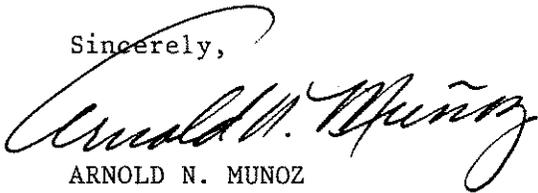
1. Program Accessibility
2. Employment Practices

A separate self-evaluation checklist covering employment practices in approved local merit systems counties will be mailed to County Personnel offices for completion. Welfare directors in these counties will be provided an informational copy.

The self-evaluation is to be completed and a copy submitted to the Department of Benefit Payments by August 1, 1978. Technical assistance in various forms is available from the Civil Rights Branch and Merit System Services in completing the self-evaluations.

Please address all questions regarding the letter to: Al Martinez, Acting Branch Chief, Civil Rights Branch, at (916) 322-4134 or Walter Vaughn, Manager, Merit System Services at (916) 445-0604.

Sincerely,



ARNOLD N. MUNOZ
Deputy Director

Attachments

cc: CWDA

Self-Evaluation Guidelines

Part A

Legal Authority

Regulations implementing Section 504 of the Federal Rehabilitation Act of 1973 became effective on June 3, 1977 (CFR 45.84). In general, the regulations provide that a recipient of federal financial assistance from the Department of Health, Education and Welfare (HEW), shall not discriminate on the basis of handicap against handicapped persons in any of its programs or activities. The State Department of Benefit Payments (SDBP), County Welfare Departments (CWDs) and Merit System Services (MSS) of the State Personnel Board are recipients under the definition and thus covered by the regulations.

These federal regulations also require that recipients of HEW funds prepare a self-evaluation of their programs and activities, and maintain them for a period of three years.

Division 21-115.5 of the Manual of Policies and Procedures also requires that a self-evaluation be completed.

Purpose

The purpose of this federally required self-evaluation is to provide uniform understanding of the Section 504 regulations as they apply to the County Welfare Departments (CWD). It is also designed to ensure that all policies, practices, and procedures adhered to by the CWD are evaluated at the operational level. If it is determined that any policies, practices, or procedures are inconsistent with these guidelines, the inconsistencies must be corrected.

The Self-Evaluation process shall include:

- A. An evaluation of current policies and practices, with the assistance of interested persons, including handicapped persons or their representatives;
- B. The modification, after consultation with interested persons, including handicapped persons or their representatives, of any policies or practices that are inconsistent with these guidelines.
- C. The initiation, after consultation with interested persons, including handicapped persons or their representatives, of appropriate steps to eliminate the effects of any past discrimination that may have resulted from present policies or practices.

Scope and Method for Self-Evaluation

- A. Scope
 1. Program Accessibility Section
 2. Employment Practices Section

B. Method

The following steps shall be taken with respect to each of the sections listed above.

1. Indicate on the Self-Evaluation Checklist whether a possible problem has been identified.
2. For possible problems identified prepare a narrative response which describes in full any practices, policies, or procedures that appear to be inconsistent with these guidelines, the specific actions to be taken to correct any inconsistencies and a target date for completing the activity.
3. Please use the following format: Identified Problem Area, Corrective Action Steps and Target Dates and attach additional sheets if necessary.

The following nine items are from the federal regulations which when coupled with the Self-Evaluation Checklist (Part B) address the regulation requirements which impact CWD operations.

I. DEFINITIONS

A. Handicapped Person

"Handicapped person" means any person who has a physical or mental impairment which substantially limits one or more major life activities, one who has a record of such an impairment, or one who is regarded as having such an impairment.

1. "Physical or mental impairment" means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine.

The term also means any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness; and specific learning disabilities, such as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

The term includes diseases and conditions such as orthopedic, visual, speech, and hearing impairments; cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; diabetes; mental retardation; emotional illness; and drug addiction and alcoholism.

2. "Major life activities" means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
3. "Has a record of such an impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities. Persons with mental or emotional illness, heart disease, or cancer, or persons who have been misclassified as being mentally retarded fall into this category.
4. "Is regarded as having an impairment" means has a physical or mental impairment that does not substantially limit major life activities, but is treated by a recipient as limiting such activities; has a physical or mental impairment that substantially limits major life activities as a result of the attitudes of others toward such impairment; or has none of the impairments listed, but is treated as having such an impairment, such as persons with a limp or persons with disfiguring scars.

B. Qualified Handicapped Person

With respect to employment, a qualified handicapped person is one who, with reasonable accommodation, can perform the essential functions of the position in question.

C. Facility

"Facility" means all or any portion of buildings, structures, equipment, roads, walks, parking lots, or other real or personal property or interest in such property.

II. DISCRIMINATORY ACTIONS PROHIBITED

- A. In providing any aid, benefit, or service, the SDBP and the CWD may not directly or through contractual licensing or other arrangements take any discriminatory action on the basis of handicap to:
1. Deny a handicapped person the opportunity to participate in or benefit from any aid, benefits, or services, that are not equal to those afforded to others.
 2. Afford any handicapped person an opportunity to participate in or benefit from any aid, benefits, or services that are not equal to those afforded to others.
 3. Provide a handicapped person with any aid, benefits, or services, that are not as effective as those provided to others. To be "equally effective" an aid, benefit, or service need not produce an identical result or level of achievement for handicapped and nonhandicapped persons. However, the recipient must afford handicapped persons with an equal opportunity to obtain the same result or level of achievement in the most integrated setting appropriate to the person's needs.
 4. Provide any different or separate aid, benefits, or services to handicapped persons or to any class of handicapped persons unless such action is necessary to provide handicapped persons with aid, benefits, or services that are as effective as those provided to others. Handicapped persons shall not be denied the opportunity to participate in a recipient's programs or activities that are not separate or different, if they can qualify for such programs or activities.
 5. Aid or perpetuate discrimination against a handicapped person by providing any significant assistance to any agency, organization, or person that discriminates on the basis of handicap against beneficiaries of the recipient's programs.
 6. Deny a handicapped person the opportunity to participate as a member of planning or advisory boards.
 7. Otherwise limit a handicapped person in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others.

- B. In determining the site or location of a facility, the recipient may not make selections that have the following effect:
 - 1. Excluding handicapped persons from, denying them the benefits of, or otherwise subjecting them to discrimination under any program or activity it operates.
 - 2. Defeating or substantially impairing the accomplishment of the objectives of the recipient's programs or activities with respect to handicapped persons.
- C. Aid, benefit, or service provided under a program or activity receiving or benefiting from federal financial assistance includes any aid, benefit, or service provided in or through a facility that has been constructed, expanded, altered, leased, or rented, or otherwise acquired, in whole or in part, with federal financial assistance.
- D. The exclusion of nonhandicapped persons from the benefits of a program limited by federal statute or executive order to handicapped persons, or the exclusion of a specific class of handicapped persons from a program limited by federal statute or executive order to a different class of handicapped persons, is not prohibited.

III. VOLUNTARY ACTION

An agency may take voluntary steps to overcome the effects of conditions that resulted in limited participation by handicapped persons in their programs or activities.

IV. SELF-EVALUATION

- A. By August 1, 1978, each agency shall carefully evaluate current policies and practices, with the assistance of interested persons, including handicapped persons or organizations representing handicapped persons, to determine their compliance with these guidelines. Where such policies or practices are inconsistent with these guidelines, modifications should be made, so the policies or practices will conform to the requirements of these guidelines, and the effects of discrimination, if any, will be remedied.
- B. For at least three years following completion of the evaluation, each agency shall maintain on file and make available for public inspection a list of the interested persons consulted, a description of areas examined and problems identified, and a description of any modifications made and of any remedial steps taken.
- C. Procedures to be followed by recipients in conducting and completing the self-evaluation are contained in these guidelines.

V. DESIGNATION OF RESPONSIBLE EMPLOYEE

Each agency shall designate at least one employee to coordinate compliance with these guidelines including investigation of grievances and handling of inquiries.

VI. GRIEVANCE PROCEDURES

Agencies must ensure that there are effective procedures to handle complaints of discrimination based on handicap.

VII. PUBLICATION REQUIREMENTS

A. Content of Publication

The implementing regulations to Section 504 of the Federal Rehabilitation Act of 1973 requires that participants, beneficiaries, applicants, and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipient, be informed that the recipient does not discriminate on the basis of handicap in violation of Section 504. Initial and continuing steps should be taken to notify these individuals and organizations of the recipient's compliance with Section 504. This is an example of a compliance statement:

It is the policy of the _____ County Welfare Department not to discriminate on the basis of handicap in admission or access to, or treatment of or employment in, the programs and activities which it operates. For additional information contact: _____

A compliance statement shall be used and distributed on documents where appropriate.

The individual named in the compliance statement should be the person designated by the agency to coordinate compliance with these guidelines.

B. Frequency of Publication

1. The compliance statement also should be included on a continuing basis in publications containing general information that are made available to participants, beneficiaries, applicants, or employees, either by including appropriate inserts in existing materials and publications, or by revising and re-printing the materials and publications.

C. Medium of Publication

Methods used for initial and continuing notification may include the posting of notices, publication in newspapers and magazines, placement of notices in official publications, use of the radio and TV media and distribution of memoranda or other written communications.

VIII. AUXILIARY AIDS

An agency shall provide appropriate auxiliary aids to persons with impaired sensory, manual, or speaking skills, where necessary to afford such persons an equal opportunity to benefit from services.

Part B

Self-Evaluation Checklist

To be completed and a copy submitted to the Department of Benefit Payments by August 1, 1978.

PROGRAM ACCESSIBILITY SECTION

A. General

No handicapped person shall be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any of the recipient's programs or activities because the recipient's facilities are inaccessible to, or unuseable by, handicapped persons.

In evaluating whether a program or activity is accessible as defined in these guidelines, an agency must examine the public assistance and social services programs and activities they administer to ensure that persons are not denied participation because of their physical or mental handicap. The following questions may help you determine if your programs and activities are accessible.

1. Are any benefits delivered in a manner that limits or has the effect of limiting the participation of handicapped persons?
2. Are benefits, aids or services made available to handicapped persons on an equivalent basis? (possibly not "identical", but the same degree of opportunity and effectiveness)
3. Are there problems in the physical layout of facilities that need to be corrected before services can be provided?
4. Is there a policy or is a policy being developed to make home visits or provide services at an alternative accessible site where transportation to the site is unavailable or where the facility is inaccessible?
5. Is the fact that services/benefits are delivered without discrimination on the basis of handicap described in notices pending reprinting and replacing existing supplies of published materials?
6. Are all handicapped persons, including those with impaired sensory, manual or speaking skills, given effective notice of services/benefits and changes in services/benefits?
7. Are resources available to effectively communicate with persons with impaired sensory speaking or reading skills?
8. Are services available and publicized to handicapped groups in the community?
9. Are auxiliary aids provided for persons with impaired sensory, manual or speaking skills?
10. Is a variety of media, such as radio spots, brailled messages, tactile devices on cards or envelopes to inform persons with impaired vision or hearing of services/benefits and changes to services/benefits used?
11. Do alcoholics/drug abusers receive benefits equivalent to benefits received by other recipients?

B. Existing Facilities

Each program or activity shall be operated so that, when viewed in its entirety, it is readily accessible to handicapped persons. This does not mean that each facility, or every part of each facility must be accessible to and useable by handicapped persons. Accessibility may be achieved through means such as:

1. Reassignment of services to accessible facilities
2. Home visits
3. Delivery of public assistance or social services at alternate accessible sites.

C. Alteration of Existing Facilities

Structural changes in existing facilities are not required where other methods (Paragraph B) are effective in achieving program accessibility (CFR 84.22).

NOTE: In selecting methods to achieve program accessibility priority should be given to those methods that offer programs and activities to handicapped persons in the most integrated setting appropriate.

ACCESSIBILITY OF PROGRAMS AND ACTIVITIES

Is this a possible problem area? Yes No

Identified Problem Area(s)

Corrective Action Steps

Target Dates for Completion

D. Transition Plans

In the event that structural changes to a recipient's facility are necessary to achieve program accessibility a transition plan will be required. This plan shall set forth the steps necessary to complete such changes and shall be developed with the assistance of interested persons, including handicapped persons and organizations representing handicapped persons. The transition plan, shall at a minimum:

1. Identify physical obstacles in facilities that limit accessibility;
2. Describe in detail methods that will be used to make facilities accessible;
3. Specify the schedule for taking the steps necessary to achieve full program accessibility, with steps that will be taken during each year of the transition period identified clearly;
4. Indicate the person responsible for implementation of the plan.

Structural changes shall be in conformance with "American National Standard Specifications for Making Buildings and Facilities Accessible to, and Useable by, the Physically Handicapped" published by the American National Standards Institute, Inc. (ANSI A117.1)

A copy of the transition plan shall be made available for public inspection. Structural changes identified in the transition plan shall be accomplished as expeditiously as possible but no later than June 2, 1980.

Are any structural changes necessary to achieve program accessibility?

Yes

No

If yes, a transition plan is required to be attached to this self-evaluation sheet and submitted to the Department of Benefit Payments by August 1, 1978.

E. New Construction and Alterations

Facilities, or parts of facilities, constructed by, on behalf of, or for the use of recipients shall be designed and constructed so that the facilities, and parts thereof, are readily accessible to and useable by handicapped persons. New construction should be planned in accordance with the American National Standards Institute standards (A117.1) and applicable federal and state laws.

Facilities, or parts of facilities, which are altered by, on behalf of, or for the use of a recipient in a manner that affects, or could affect, useability by handicapped persons should, to the maximum extent possible, be altered in such manner that the altered portion of the facility is readily accessible to and useable by handicapped persons. (This requirement is in compliance with the technical requirements of the State of California Administrative Code and the Office of the State Architect. The State Administrative Code includes all technical requirements of Section 504 and additional standards.)

An example would be if an agency was building additional restroom facilities. The new facilities would be required to be accessible to and useable by handicapped persons. However if an agency was putting on a new roof these requirements would not apply since a new roof does not affect the usability of a building by a handicapped person.

NEW CONSTRUCTION AND ALTERATIONS

Is this a possible problem area: Yes No

_____ _____

Identified Problem Area(s)

Corrective Action Steps

Target Dates for Completion

EMPLOYMENT PRACTICES SECTION

I. General Provisions

504 regulations prohibit discrimination against a qualified disabled person in any aspect of employment. Agencies are required to take positive steps to ensure that aspects of their employment program do not contain discriminatory barriers to the employment of qualified disabled persons. The regulations also prohibit the use of selection devices which screen out disabled persons unless the device is job related and alternative job-related tests that do not screen out disabled persons are not available. Employers are also precluded from conducting preemployment medical exams or inquiry into an applicant's disability unless remedial action is being taken to eliminate the effects of prior discrimination or the medical exam is a condition of employment and all entering employees are subject to the medical exam.

The following actions by agencies are required by regulations.

- A. Agencies must evaluate and modify any policies and practices determined inconsistent with the requirements and take remedial steps to eliminate the effects of the prior policies and practices.
- B. Designate at least one person to coordinate efforts to comply with these regulations.
- C. Establish grievance procedures which provide for the effective resolution of alleged violations of these regulations.
- D. Develop an agency policy statement and notify employees, applicants, employee groups and professional organizations that the agency does not discriminate against disabled persons.
- E. Make reasonable accommodations to the known physical or mental limitations of an otherwise qualified disabled applicant or employee.
- F. Provide equitable access to employment information, procedures, and test sites to disabled persons.
- G. Administer tests to ensure that they reflect the applicant's ability to perform the job rather than the applicant's disability.

II. Merit System Services Responsibilities

Staff of Merit System Services will be responsible for assessing and modifying Interagency Merit System (a) written and oral examinations, (b) test sites, (c) Local Agency Personnel Standards, (d) internal MSS policies and procedures, (e) class specifications, (f) recruitment policies and procedures, and (g) appeal process.

MSS will also provide additional guidance to agencies in implementing portions of the disabled programs pertaining to reasonable accommodations, work force assessment and remedial actions.

504 SELF-ASSESSMENT CHECKLIST

I. Employment

- A. Are decisions regarding the employment, denial of employment, promotion of persons based upon job-related requirements?
- B. Have rules, policies, or other provisions been adopted and disseminated excluding the inappropriate consideration of handicap in terminations, demotions, or transfers?

Identified Problem Area(s)

Corrective Action Steps

Target Dates for Completion

II. Compensation, Benefits, Sick Leave, Leaves of Absence

- A. Does the agency compensate handicapped and nonhandicapped persons on the basis of equal pay for equal work?
- B. Does the agency contribute equally toward the benefits of handicapped persons and nonhandicapped persons?

- C. Are fringe benefits equally available to and provided to handicapped and nonhandicapped persons?

Identified Problem Area(s)

Corrective Action Steps

Target Dates for Completion

III. Conditions of Employment

- A. Are conditions of employment such as medical exams, standards, licenses, and medical withholds from certification, based upon documented job-related criteria.
- B. Has the agency developed a policy and implemented provisions to allow reasonable accommodations in job assignments, work schedules and working conditions to employ qualified handicapped persons?

Identified Problem Area(s)

Corrective Action Steps

Target Dates for Completion

IV. Appeals and Grievances

- A. Is the agency's current system for resolving employee appeals, grievances and complaints effective in resolving complaints based on handicap?
- B. Have instructions been distributed to employees and supervisors advising them of the agency's system for resolving complaints based upon handicap?

Identified Problem Area(s)

Corrective Action Steps

Target Dates for Completion

V. Training

- A. Does the agency provide equal training for handicapped and non-handicapped persons?
- B. Are handicapped employees advised of the training opportunities available and the methods for participating in training programs?

Identified Problem Area(s)

Corrective Action Steps

Target Dates for Completion

SELF-EVALUATION CHECK LIST

1. List interested groups or persons contacted to assist with this Self-Evaluation.

2. If this evaluation was prepared by a self-evaluation team or task force, check here _____. If not, who prepared the response?

3. Agency coordinator for compliance with Section 504 Regulations _____

I have reviewed the Self-Evaluation Check List, the responses indicated above, and the narrative responses to each item marked "possible problem".

Signature of County Welfare Director

Please return by August 1, 1978 to : Department of Benefit Payments
Civil Rights Branch M.S. 14-51
744 P Street
Sacramento, CA 95814