

**ICED Special Report on
State Agency Accessibility
To People with Disabilities**

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State Agency Accessibility to People with Disabilities

This report summarizes in outline form a special meeting of the State Interagency Committee on Employees with Disabilities (ICED) held in September 2010 to examine the issue of the accessibility of state facilities to people with disabilities, specifically in the areas of physical accessibility and compliance with parking requirements. The issues of the physical accessibility of state-leased office space and parking for people with disabilities have been raised at the Committee level numerous times following complaints from employees with disabilities and questions from state agencies about legal requirements.

ICED began its examination of these issues with an educational program on accessible parking requirements for employees and agencies around the state, which was presented by William Bogdan, of the Secretary of State's office. It was subsequently determined that unresolved problems on both of these issues remain, and a decision was made to hold a special meeting to address these matters.

The two questions that framed ICED's discussion are as follows:

- 1) Is the State determining the accessibility of leased office space prior to contracting with landlords, and if so, what standards are being used to determine accessibility compliance, and
- 2) What requirements do state agencies have in regards to parking for employees with disabilities?

To answer these questions, ICED invited officials from the state agencies involved in these issues to attend a Special Meeting devoted to the topics: the Department of Central Management Services, which is responsible for state leases; the Secretary of State's Office, which is responsible for the Illinois Vehicle Code, the Capital Development Board, which wrote and interprets the Illinois Accessibility Code, and the Attorney General's Office, which enforces the Illinois Environmental Barriers Act.

The officials in question attended the meeting and cooperated in examination of the issues at hand. Their presentations are outlined in this report. Two conclusions were drawn from their remarks. First, there was a misunderstanding of the applicable standards for accessibility of state leased space. The agreement that arose out of the meeting is that in the future, state leased facilities must meet the accessibility requirements for new buildings.

Second, the Illinois Environmental Barriers Act is not definitive on the issue of whether state agencies can assign accessible parking spaces to employees with disabilities,

when they only have the minimum number of required spaces under the law. ICED decided to request an opinion from the Attorney General's office on this issue.

Presentation Summaries

Note: Douglas I. Gamble, Accessibility Specialist and Chief interpreter of the Illinois Accessibility Code, of the Capital Development Board, attended the Special ICED meeting to provide technical assistance as needed. He did not present prepared remarks.

I. Department of Central Management Services

Name, Agency, and Program Area/Responsibility

Ronald E. Wheeler II

State Architect

CMS/Bureau of Property Management

Compliance area and overview of requirements

The standards for state agency accessibility at CMS managed facilities, owned and leased, include the Illinois Accessibility Code, the Environmental Barriers Act, the Americans with Disabilities Act Accessibility Guidelines (technical standards) and title II of the ADA (to ensure programs, services and activities when viewed statewide are accessible).

Compliance Problems

Problems with establishing accessibility at leased facilities typically requires a review of the site and building features to determine which features will need to be altered to conform to the applicable technical standards of the Illinois Accessibility Code. The most common alterations include: parking spaces and signage, ramp slopes and cross slopes, thresholds and door opening forces, toilet stalls and mounting heights of controls. Where elevators are included in the accessible path for vertical transportation, controls and cab size are the most common issues to be resolved. When agencies respond to reasonable accommodations for employees, they should remember to itemize the specific accessibility features they are requested to be made for leased facilities as such improvements need to be included in the original lease or by an

amendment to a lease. Such improvements could take several months to define and complete contractual documents to achieve, and are typically paid for by the agency as additional rent or as a lump sum.

Your Role in Resolving Compliance Problems

My role is to serve as a subject matter expert in defining applicable technical standards of accessibility. I can serve as an additional contact to Susan Allen, Doug Gamble and Vickie Simpson should progress toward a more accessible environment at a specific location not occur in a timely manner.

ICED's Role in Resolving Compliance Problems

ICED can facilitate a uniform response process with input from CMS, the AG and CDB in terms of the application of standards and practices utilized through the State. In addition, coordination of agencies that own or lease property should be included in establishing a uniform response process.

II. Attorney General's Office

Name, Agency, and Program Area/Responsibility

Nicki Bazer, Vickie Simpson, Attorney General, enforcement of laws through the receipt of complaints.

Compliance area and overview of requirements

The Attorney General's Office enforces all of the provisions of the Environmental Barriers Act, as well as pursues enforcement of the ADA and other federal and state anti-discrimination laws. The EBA and its enforcing code, the Illinois Accessibility Code, contain provisions for, among other things, the number of accessible spots that must be contained in each parking lot that provides parking for employees or visitors or both. The ADA and the Illinois Human Rights Act require that employers make reasonable accommodations for employees with disabilities. An appropriate reasonable accommodation may be an assigned accessible parking spot. Employers, therefore, have to deal with the intersection of these laws.

Compliance Problems

The Attorney General's Office has seen a number of complaints regarding parking at state buildings now that many buildings are being consolidated. Some of the complaints we have seen focus on the tension between assigning parking spaces by seniority and assigning spaces to those who need accessible spots. Also, we have

been asked by agencies whether accessible spots can be assigned to employees. Finally, we have received a small number of complaints that the accessible spots were not constructed properly (i.e. on too great of a slope).

Your Role in Resolving Compliance Problems

The Attorney General's Office investigates the complaints that we receive and advises the agencies involved as to what violations, if any, exist in their parking lots. We are available to assist ICED and CMS with enforcing the provisions of the IAC.

ICED's Role in Resolving Compliance Problems

ICED can provide a centralized point of contact for all employees to submit complaints regarding parking or other architectural barriers at state buildings and ICED can then work with CMS and the state agencies involved to resolve the complaints on a case-by-case basis.

III. Secretary of State's Office

Name, Agency, and Program Area/Responsibility

Illinois Secretary of State -- Jesse White

Bill Bogdan, Disability Liaison
Vehicle Services/Special Plates Division
41 West 162nd Street
South Holland, IL 60473

708-210-2843
Fax: 708-210-3544
wbogdan@ilsos.net

The Illinois Secretary of State's Office is responsible for the issuance of disability license plates, disabled veteran license plates, and parking placards under the Parking Program for Persons with Disabilities. For more information on the program, please visit our website at www.cyberdriveillinois.com.

Compliance area and overview of requirements

The Illinois Secretary of State's Office conducts law enforcement training on the provisions of the Parking Program for Persons with Disabilities, and will investigate complaints pertaining to fraud and abuse of parking placards and disability license

plates. Persons can file a complaint pertaining to abuse of the Parking Program for Persons with Disabilities by accessing this link:

<https://www.ilsos.gov/ContactFormsWeb/disabilitiescomplaintform.html>

Compliance Problems

Compliance issues with the enforcement of the provisions of the Parking Program for Persons with Disabilities stem to limited resources by police departments statewide. In addition, law enforcement personnel must witness abuse of a parking placard or disability license plates in order to issue a citation for violations of the Parking Program for Persons with Disabilities.

Your Role in Resolving Compliance Problems

The Illinois Secretary of State's Office investigates all complaints pertaining to the Parking Program for Persons with Disabilities we receive and will take appropriate action to resolve each complaint.

ICED's Role in Resolving Compliance Problems

ICED's role in assisting the Illinois Secretary of State's Office with compliance problems would be to help facilitate educational workshops and forums to state employees on the provisions of the Parking Program for Persons with Disabilities.

Conclusion

The problems of inaccessible office space and parking places for state employees with disabilities have existed since the passage of the Americans with Disabilities Act in 1990 and before. They pose a problem for employees with disabilities in obtaining and maintaining employment. By bringing together officials that can address these issues, ICED is highlighting the problems and beginning a discussion to resolve them.

ICED expresses its appreciation to the individuals and agencies involved in a discussion of these issues.