

ADA ACCESS IN THE LEGISLATIVE BRANCH

FOR PERSONS WITH DISABILITIES

OFFICE OF COMPLIANCE - ADVANCING
WORKPLACE RIGHTS, SAFETY, HEALTH, AND
ACCESSIBILITY IN THE LEGISLATIVE BRANCH



www.compliance.gov

UNDER THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995 (CAA), LEGISLATIVE BRANCH OFFICES ARE REQUIRED TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT OF 1990 (ADA). IN GENERAL, THIS MEANS THAT EMPLOYMENT DECISIONS MUST BE FREE FROM DISCRIMINATION BASED UPON DISABILITY AS PROVIDED IN TITLE I OF THE ADA AND THAT ACCESS TO PUBLIC SERVICES AND ACCOMMODATIONS MUST BE PROVIDED TO PERSONS WITH DISABILITIES AS PROVIDED IN TITLES II AND III OF THE ADA. THE RIGHT TO ACCESS PUBLIC SERVICES AND ACCOMMODATIONS USUALLY MEANS THAT ACCESS MUST BE PROVIDED TO THE BUILDINGS AND FACILITIES WHERE THESE SERVICES AND ACCOMMODATIONS ARE PROVIDED.

WHO IS COVERED BY AND WHO MUST COMPLY WITH THE ADA ACCESS PROVISIONS?

Under the CAA, the ADA provides protections to anyone who receives public services or accommodations from the following Legislative Branch offices:

THE HOUSE OF REPRESENTATIVES AND THE SENATE (INCLUDING ALL DISTRICT AND STATE OFFICES, COMMITTEES, AND JOINT COMMITTEES)

CONGRESSIONAL BUDGET OFFICE

OFFICE OF THE ARCHITECT OF THE CAPITOL (INCLUDING THE U.S. CAPITOL VISITOR CENTER AND THE U.S. BOTANIC GARDEN)

OFFICE OF THE ATTENDING PHYSICIAN

OFFICE OF COMPLIANCE

OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES

UNITED STATES CAPITOL POLICE

The Government Accountability Office (GAO), the Government Printing Office (GPO) and the Library of Congress (LOC) are also required to comply with the ADA; however, complaints against these offices cannot be filed with the OOC but instead should be directed to the following offices: GAO Reasonable Accommodation Coordinator at (202) 512-3139, the GPO EEO Office at (202) 512-2014 or the LOC ADA Coordinator at (202) 707-0698.

WHAT GUARANTEED “ACCESS” MEANS

While the access provisions of the ADA can sometimes be confusing, understanding a few basic concepts can help. The ADA essentially guarantees access to individuals with disabilities. The ADA principle of access is as follows:

- Access means eligibility. A person with a disability cannot be deemed ineligible for a service or accommodation because of a disability. For example, if an office usually provides a service to constituents, that service cannot be denied to a constituent with a disability because of that disability.
- Access means providing meaningful participation. A person with a communication impairment (such as limited hearing, seeing, or speaking abilities) must be furnished with an auxiliary aid if needed to provide meaningful participation by and interaction with an individual. For example, furnishing constituent services to a deaf person whose principal language is American Sign Language (ASL) will often require that an ASL interpreter be provided to facilitate face-to-face communication.
- Access means physical access. Physical access to an accommodation or a service will often require removal of “structural barriers.” Structural barriers are obstacles that impede access for individuals with disabilities to services and accommodations and can include, for example, manually operated doors that are difficult to open, narrow doorways, stairs without ramps or lifts, sidewalks without curb cuts, and other obstacles to physical access. Whether the ADA requires removal of a structural barrier is often dependent upon whether the barrier is in an existing building or in new construction (including alterations) or whether the service or accommodation can be fully provided without removing the structural barrier.



- In existing buildings, removal of structural barriers is generally required if such removal is “readily achievable” or if it is necessary to provide access to a public service or accommodation. Examples of “readily achievable” include installing ramps, making curb cuts in sidewalks and entrances, and widening doors.
- Newly constructed, facilities must comply with the standards adopted by the Department of Justice based upon guidelines established by the United States Access Board (www.access-board.gov). Alterations to a facility – including remodeling, renovations, rearrangements of structural parts, and changes or rearrangements of walls and full-height partitions – must, to the maximum extent feasible, also comply with these standards. If a newly constructed facility nonetheless contains a structural barrier, removal of the barrier is required.
- Access does not mean that the nature of a service must be changed for a person with a disability. For instance, if an office limits services to constituents residing within a particular voting district, the office need not provide those services to a person with a disability who does not live in the district merely because the individual has a disability.





BIENNIAL INSPECTIONS OF CONGRESSIONAL PROPERTIES

Under section 210(f) of the CAA, at least once each Congress, the General Counsel of the OOC conducts ADA inspections of Legislative Branch facilities and reports the ADA inspection findings to Congress and Legislative Branch offices.

The OOC utilizes a “barrier removal” approach when conducting these inspections. Barriers to access are identified and categorized based upon how severely they limit access. Solutions to these barriers are then proposed together with cost estimates for installing or implementing these solutions. The OOC focuses its biennial ADA inspections on areas of most concern to members of the public, i.e., areas where services and accommodations are frequently provided to the public, areas identified in requests for inspections, and areas undergoing alterations or new construction.

EDUCATION ABOUT COMPLIANCE WITH ADA PUBLIC SERVICES AND ACCOMMODATIONS REQUIREMENTS

The OOC provides training, educational materials, and periodic seminars throughout the year about ADA compliance and best practices. Most educational materials and scheduled events can be found on the OOC website at www.compliance.gov.

Upon request, the OOC will also provide ADA compliance presentations and training to Legislative Branch offices. The OOC can also assist those offices requesting ADA technical assistance by conducting inspections to identify barriers to access and providing solutions for removal of such barriers.

OOO ENFORCEMENT OF ADA ACCESSIBILITY LAWS

Any person (including any member of the public or Legislative Branch employee) can file a request for an ADA Inspection with the General Counsel of the OOC if he or she believes that a person

with a disability is encountering access barriers to public services or accommodations provided by a Legislative Branch office. Requestors can remain anonymous, which means that their identities will not be revealed to anyone outside of the OOC. After a request for inspection is filed, the General Counsel conducts an investigation. If the request is filed by a person with a disability and the investigation reveals that a violation of the ADA may have occurred, the General Counsel has the authority to request mediation and file an administrative complaint with the OOC against the office responsible for correcting the alleged violation. To file a request for inspection, or to learn more, please contact the OOC General Counsel at adaaccess@compliance.gov or (202) 724-9251, or you can visit the OOC website at www.compliance.gov.

If you believe that you have been discriminated against by a Legislative Branch office with respect to an employment decision, you should contact the Office of Compliance at (202) 724-9250 and request counseling. The OOC provides free counseling to applicants and employees regarding their rights.

OTHER CAPITOL HILL RESOURCES FOR PERSONS WITH DISABILITIES

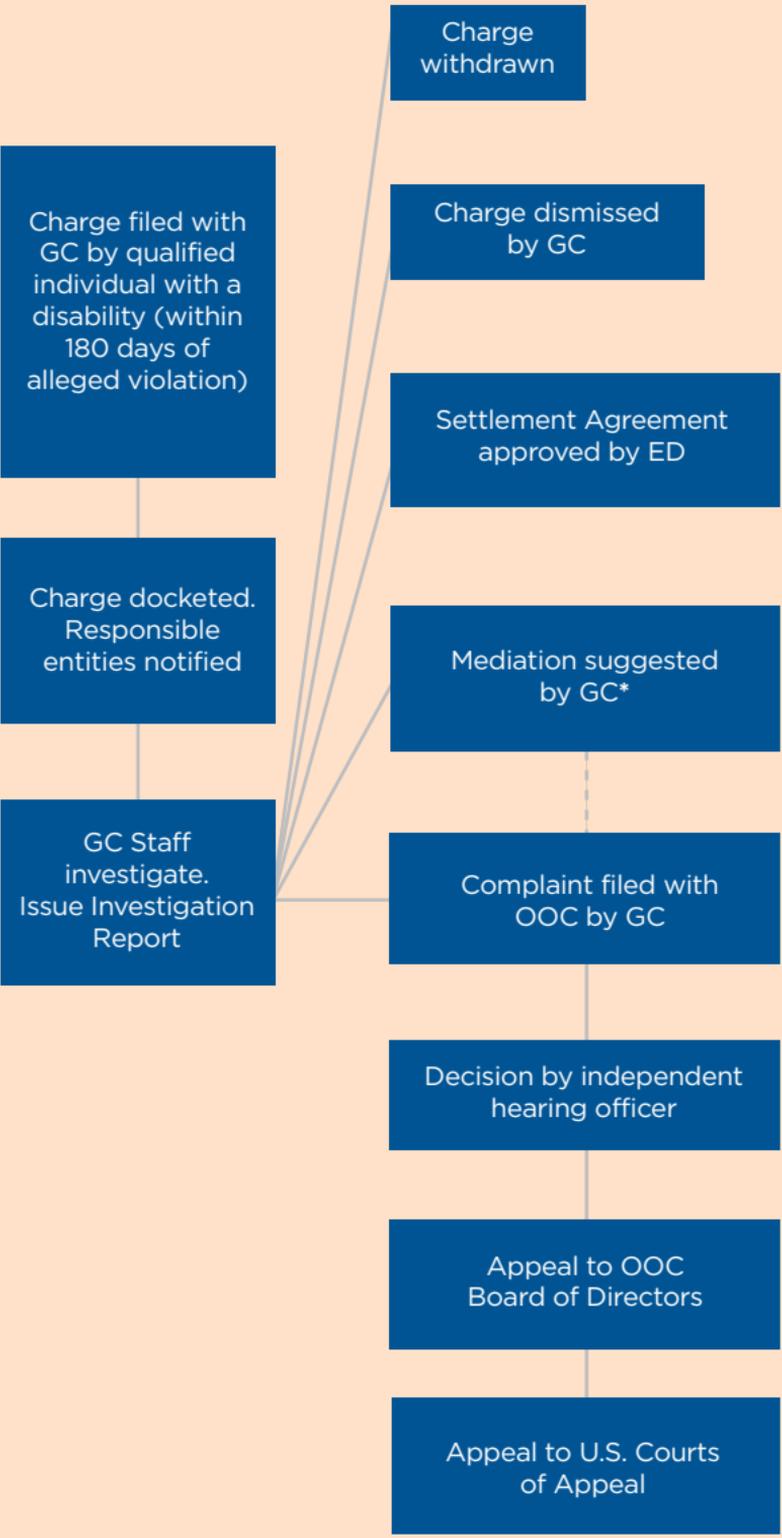
The Office of Congressional Accessibility Services (OCAS) provides a variety of services for individuals with disabilities, both staff and visitors. These services include adaptive tours of the Capitol building, wheelchair loans, and interpreting services for individuals who have hearing impairments. OCAS prepares and distributes several brochures and lends sensory aids to visitors with disabilities. OCAS can assist with questions regarding accessibility issues in the Capitol, the House of Representatives, and the Senate.

Crypt of the Capitol, U.S. Capitol, Washington, DC 20510
T: 202-224-4048 (Voice) 202-224-4049 (tty)
F: 202-228-4679
8:00 a.m. to 4:30 p.m., Monday through Friday

DISPUTE RESOLUTION FOR VIOLATIONS OF ADA ACCESSIBILITY LAWS

Under the CAA, the General Counsel of the OOC inspects facilities in the Legislative Branch for compliance with Titles II and III of the ADA.

Under the CAA, persons with disabilities can also file charges of discrimination under Titles II and III of the ADA with the General Counsel, who will then investigate such charges. If an investigation reveals that a violation occurred, the General Counsel may request mediation to resolve the dispute or may file an administrative complaint with the OOC against the entity responsible for correcting the alleged violation.



***Mediation is optional and not mandatory**

THE OFFICE OF COMPLIANCE (OOC) ADVANCES WORKPLACE RIGHTS, SAFETY, HEALTH, AND ACCESSIBILITY IN THE LEGISLATIVE BRANCH, WHICH INCLUDES CONGRESS AND ITS AGENCIES. ESTABLISHED AS AN INDEPENDENT AGENCY BY THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995 (CAA), THE OOC EDUCATES EMPLOYEES AND EMPLOYING OFFICES ABOUT THEIR RIGHTS AND RESPONSIBILITIES UNDER THE CAA, PROVIDES AN IMPARTIAL DISPUTE RESOLUTION PROCESS, AND INVESTIGATES AND REMEDIES VIOLATIONS OF THE CAA.

OFFICE OF COMPLIANCE

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RECORDED INFORMATION LINE: 202-724-9260

WWW.COMPLIANCE.GOV



This information does not constitute advice or an official ruling of the Office of Compliance or the Board of Directors and is intended for educational purposes only. For further information, please refer to the Congressional Accountability Act (2 U.S.C 1301 et seq.) and the regulations issued by the Board, or you may contact the Office of Compliance.