



SELF EVALUATION SUMMARY

This document is a summary of the evaluation done by the City of Shawnee to determine which current practices, policies, and services do not meet the requirements of the Americans with Disabilities Act. The information in this self evaluation includes all areas required by regulation 35.105.

1. LIST OF INTERESTED PERSONS CONSULTED:

- Marvin Rainey, City Attorney
- Advertised for input in Journal Herald and Johnson County Sun on 10/07/92
- Public Notice 01/23/93 requested comments from "affected and/or, interested residents"
- Sharon Joseph & Kevin Siek, Disability Consultants
- Ron Worley (ADA assistant coordinator City of Lenexa)
- MARC Committee on the Americans with Disabilities Act, Tom Kaleko, Chairperson MARC Personnel Officers Committee
- Eric Ardner Assistant City Attorney

2. DESCRIPTION OF AREAS EXAMINED:

Area Examined

- Employment practices & policies, including testing, application forms, physical agility tests, collection of EEO information, interview techniques and inquiries on applicant disabilities, personnel policies on drug abuse, job descriptions, and record retention of medical and worker's compensation records.
- Public advertisements, notices, and publication formats.
- Accessibility of existing Public facilities with regard to the UFAS requirements.
- Services provided by the City for the public.
- Accessibility of Parks & facilities.
- The City's policy on reasonable accommodation.
- Inspection of existing public sidewalks to determine if curb ramps are provided at intersections.
- Purchasing, contracts & bid procedures.
- Sensitivity training for employees and supervisors.
- Grievance procedures on service, accessibility, and employment.
- The exterior signage of City buildings.

Problems Identified

- Bids & contract assertion lists and procedures must be modified to ensure that the city is not participating in a contractual or other relationship which subjects individuals to discrimination because of a disability
- The exterior signage of all City public facilities needs upgrading to give clear direction on accessible entrance locations.

- The City Hall, Civic Centre, Public Safety Center, Old Shawnee Town, and Fire Station #3 do not fully comply with UFAS accessibility criteria. Costs for structural alterations must be evaluated by department heads, and a determination made if alternate methods to achieve accessibility may be provided by employees providing additional personal assistance to individuals with disabilities seeking public services.
- Employees need further training in ADA requirements, alternate methods of providing accessibility, and sensitivity.
- Notices of public hearings, invitations to bid, and other publications must be available in accessible formats. Alternate methods of providing information to the public must be established.
- Job descriptions need to be rewritten to fully describe all physical and mental requirements of the position.
- Most City parks need sidewalks and curb ramps installed.
- Special assistive devices are needed in the council chamber, and other places of public assembly.
- Curb ramps need to be installed in public sidewalks at various locations throughout the city.

3. DESCRIPTION OF MODIFICATIONS MADE:

- Job postings & advertisement include provision for special assistance.
- Signage has been added at City Hall & Civic Centre accessible entrances.
- Application for CDBG was made for curb ramp replacement funding.
- Insulation was added on hot water pipes and drains in accessible restrooms.
- City and Police Department job application forms have been revised.
- Worker's Compensation injury review by doctors are now based on detailed job descriptions based on job analysis of physical and mental job requirements.
- Some job descriptions have been re-written.
- Provisions have been made to provide special aides to individuals with disabilities in all City buildings.
- Adopted Policy Statement on Americans with Disabilities Act, including provision of reasonable accommodating and grievance procedure.
- Job testing relocated to accessible locations.
- Community room rental relocated to accessible location.

CITY OF SHAWNEE

AMERICANS WITH DISABILITIES ACT

SELF-EVALUATION

INTRODUCTION:

The Americans with Disabilities Act of 1990 became law on January 26, 1992. The Act is basically divided into three titles:

- I Employment
- II Public Services
- III Public Accommodations

One of the Act's requirements is that entities complete a self-evaluation within one year after the effective date of the Act, or by January 26, 1993.

Section 35.105, Self Evaluation, describes this requirement as follows:

Section 35.105

(a) A public entity shall, within one year of the effective date of this part, evaluate its current services, policies, and practices, and the effects thereof, that do not or may not meet the requirements of this part and, to the extent modification of any such services, policies and practices is required, the public entity shall proceed to make the necessary modifications.

(b) A public entity shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments.

(c) A public entity that employs 50 or more persons shall, for at least three years following completion of the self-evaluation, maintain on file and make available for public inspection:

1. A list of the interested persons consulted;
2. A description of areas examined and any problems identified; and
3. A description of any modifications made.

(d) If a public entity has already complied with the self-evaluation requirement of a regulation implementing section 504 of the Rehabilitation Act of 1973, then the requirements of this section shall apply only to those policies and practices that were not included in the previous self-evaluation.

This document shall therefore attempt to document the City of Shawnee's efforts to comply with the Americans with Disabilities Act, including the self-evaluation requirement.

TITLE 1

In 1992, the City also completed a 2-year process of reviewing and revising the City's personnel manual. The Personnel Manual states that "It is the policy of the City of Shawnee to provide equal employment opportunity for all qualified employees and applicants for employment without regard to race, religion, color, sex, age, national origin, physical disability, mental disability, or familial status in any term, condition or privilege of employment in regard to appointment, promotion, transfer, layoff, dismissal, discipline and other related conditions of employment.

The Personnel Manual also states that "No person in the classified service, or seeking admission thereto, shall be appointed, promoted, advanced, demoted, or removed for any reason other than qualification, merit, and fitness for the service or lack thereof."

The Personnel Manual defines "reclassification" as "upward or downward movement in position classification when it is shown that the duties, responsibilities of and/or pay requirements for the position have changed." The manual further states that "Pay ranges shall be related directly to the position within the Classification and Pay Plan. The determination will take into consideration the relative difficulty and the responsibility of work to be performed, the recruiting experience of the City, the availability of employees in particular occupational categories, prevailing rates of pay for similar employment in private and other public jurisdictions in the area, employee turnover, as well as the financial policies and economic considerations of the City."

The City maintains a reemployment list for "those persons having been released from the classified service without prejudice and not of their own volition, but because of a reduction in working force in a department"; persons who have become permanently disabled under the provisions of the Americans with Disabilities Act and have been released from the classified service, and who have requested reassignment to another position for which they are qualified", and "those persons who have resigned or been released from the classified service because of City and departmental 'employment of relatives' policies.'

2. SECTION 102(b)(1)

HAS THE CITY OF SHAWNEE REVIEWED ITS EMPLOYMENT PRACTICES TO MAKE SURE THAT THEY DO NOT LIMIT, SEGREGATE OR CLASSIFY JOB APPLICANTS OR EMPLOYEES IN WAYS THAT ADVERSELY AFFECT THE OPPORTUNITIES OR STATUS OF THE APPLICANT OR EMPLOYEE BECAUSE OF THE DISABILITY? HAS THE CITY REVIEWED ITS INTERVIEW QUESTIONS AND TECHNIQUES TO DETERMINE WHETHER THEY ARE NONDISCRIMINATORY?

In order to gather information for EEO statistical reporting purposes, the City solicits information from job applicants on a voluntary basis by asking them to complete a 1/2 page Personnel Research Questionnaire. The following questions are included:

- Are you physically or mentally handicapped? ___ Yes ___ No
___ Special disabled veteran - disability rated at 30% or more
___ Disabled veteran

Information from these responses and other EEO categories are then entered into the computer on the ABRATRAK software program used to track job applicants. Forms are kept separate from employment applications during the hiring process and applicants do not identify themselves by name on this form. After the information is entered into the computer, the forms are discarded.

TITLE 1

PS-26, Americans with Disabilities Act, gives the following guidelines for the interview process: "During the course of an application or testing process or employment interview,

1. No applicant shall be asked whether he/she is disabled or about the nature or severity of the disability.

NOTE: Applicants may be asked about their ability to perform job related functions, as long as the 3 questions are not phrased in terms of a disability. An applicant may also be asked to describe or demonstrate how, with or without a reasonable accommodation, he/she will perform job related functions.

Examples of acceptable questions would include the following:

- This job requires that you be able to lift 50 pound boxes. Can you do that?
- An important part of this job is word processing. We use WordPerfect. Do you know WordPerfect?
- The job requires all employees to be at work at 8:00 a.m. Is there any reason that you would be unable to do this?

NOTE: For information on the provision of employee training, see answer to Title I, question 20.

The City has also reviewed the structured questions asked by interview boards to ensure that they are nondiscriminatory in nature to individuals with disabilities.

3. SECTION 102(b)(2)

HAS THE CITY OF SHAWNEE REVIEWED ITS EMPLOYMENT PRACTICES TO MAKE SURE THAT THE CITY IS NOT PARTICIPATING IN A CONTRACTUAL OR OTHER ARRANGEMENT OR RELATIONSHIP THAT SUBJECTS A QUALIFIED APPLICANT OR EMPLOYEE WITH A DISABILITY TO DISCRIMINATION (I.E., RELATIONSHIPS WITH EMPLOYMENT OR REFERRAL AGENCIES, LABOR UNIONS, OR ORGANIZATIONS THAT PROVIDE FRINGE BENEFITS, TRAINING OR APPRENTICESHIP PROGRAMS?)

The City is in the process of contacting temporary employment agencies used by the City, Oak Park Health Services (employee physicals), Shawnee Mission EAP (provider of employee assistance program), Mission Assessment (psychological examinations for designated positions), and organizations which provide training to employees to ascertain that they would not discriminate against applicants or employees with disabilities. The City does not have any apprenticeship programs or labor unions.

4. SECTION 102(b)(3)

HAS THE CITY OF SHAWNEE REVIEWED ITS EMPLOYMENT PRACTICES TO MAKE SURE THAT IT IS NOT USING ADMINISTRATIVE STANDARDS, CRITERIA OR METHODS THAT DISCRIMINATE ON THE BASIS OF DISABILITY OR THAT PERPETUATE THE DISCRIMINATION OF OTHERS SUBJECT TO COMMON ADMINISTRATIVE CONTROL?

TITLE 1

Last spring, job description task analysis questionnaires were developed to determine physical requirements and essential job functions. These questionnaires were distributed to all regular full-time City employees in May, 1992. To allow adequate time for employees to properly complete the questionnaire, a due date of 6/12/92 was established for return to Department Heads. Department Heads were given an additional 3 weeks to review the employee responses, before submitting the completed questionnaires to the ADA Coordinator on July 1, 1992.

The questionnaires solicited responses from employees concerning specific aspects of physical effort required for job performance (i.e., walking, standing, sitting, pushing, kneeling, lifting grasping etc.), the frequency of that physical performance (constant, very frequent, frequent, occasional, rare, or not applicable) as well as the critical nature or importance of that physical effort of performance of the job. On positions which involved multiple employees occupying the same position (i.e, Police Officer, Firefighter), an average response matrix was created on these dimensions.

The City is currently reviewing and revising all job descriptions to more adequately describe the duties, responsibilities, knowledge, skills and abilities required for each position, including physical and strength requirements, environmental conditions to which an employee would be exposed and equipment which must be utilized.

If a job applicant or employee cannot perform all of the essential job functions, the City then looks at whether or not that individual would be able to do so with a reasonable accommodation. (NOTE: For information of provision of reasonable accommodation, see answers to Title I, questions 6, 7, and 8.)

During the past several years, the City has also reviewed its employment practices to ensure that standards are not being imposed which are unnecessary for job performance and may eliminate or exclude people with certain characteristics. As a result, the height/weight charts for the Police Officer position were eliminated and an emphasis placed on the ability to complete a revised physical agility course which is more job related.

5. SECTION 102(b)(2)

HAS THE CITY OF SHAWNEE REVIEWED ITS MEDICAL, HOSPITAL, ACCIDENT, LIFE INSURANCE AND RETIREMENT FRINGE BENEFITS TO ENSURE THAT THEY GIVE NONDISCRIMINATORY TREATMENT TO PEOPLE WITH DISABILITIES?

The City reviews its medical and hospital health insurance coverage on an annual basis to determine which types of coverage will be offered to employees during the next coverage year. Currently, the City offers 3 HMO's, which do not have a pre-existing condition clause in their agreements. The City contributes a fixed amount towards the cost of insurance premiums and employees make up the difference. Employees are free to choose among any of the plans offered.

The City also provides life insurance to regular full-time employees and the employee also contributes towards the cost of the life insurance premium. Employees do not have to "qualify" for the coverage; the only information which is collected on the employees is identifying information and beneficiary information.

The City participates in two retirement programs - Kansas Police & Fire (KP&F) and Kansas Public Employees Retirement System (KPERS). The provisions of both are controlled by employees.

TITLE 1

The policy then states that “Reasonable accommodation MAY INCLUDE:

1. making existing entrances, workstations and facilities used by employees readily accessible to and usable by an individual with a disability;
2. restructuring a job by reassigning to other employees those marginal functions of the job which the individual with a disability is unable to perform;
3. modifying work schedules for individuals with mobility impairments who depend on public transportation to get to and from work;
4. allowing additional unpaid leave days to enable an employee to obtain necessary medical treatment,
5. acquiring or modifying equipment such as a talking calculator, telephone headset or mechanical page turner,
6. permitting an individual with a disability the opportunity to provide and utilize equipment that the employer is not required to provide as a reasonable accommodation,
7. providing qualified readers or interpreters and/or Braille materials,
8. modifying or moving the locations of examinations, training or other programs, and
9. reassigning a current employee to a vacant position for which the individual is qualified if the person becomes disabled and is unable to do the original job.”

The policy also lists those things which are considered to be beyond the scope and definition of “reasonable accommodation”: “Reasonable accommodation DOES NOT INCLUDE:

1. any obligation to find a position for an applicant who is not qualified for the position sought,
2. any requirement for the City to lower quality or quantity standards,
3. any requirement for the City to reallocate essential job functions or
4. any obligation for the City to provide personal use items such as glasses or hearing aids.”

The procedure section of this statement explains the process by which a job applicant would request a reasonable accommodation. The policy statement says that “Job applicants requiring a reasonable accommodation to perform essential job functions must complete an Accommodation Request form.” The Accommodation Request form asks the job applicant or employee to describe the job tasks and duties for which he/she is requesting accommodation or the physical barriers which prevent the applicant from carrying out job duties. The form also asks this person to describe in his/her own words the limitation caused by the condition for which he/she is requesting accommodation(s) and to describe the accommodation requested. After a conditional job offer is extended, job applicants must undergo a physical examination at the City’s expense, at which time a Medical Information form must be completed by the physician. The Medical Information Form asks the physician to describe the disability and what physical or psychological functions are affected, describing the extent of any limitations/restrictions which are caused by this individual’s disability; including any limitations/restrictions on employment or performance of job duties, and state whether the disability is temporary or permanent.

Current employees who become disabled must go through a similar process, completing an Accommodation Request Form and submitting a Medical Information form, indicating restrictions on duties which may be performed. The employee’s Department Head will provide an initial written response on a Response to Request for Accommodation form within twenty - one calendar days of the receipt of the request. If the request is approved, the response shall include a description of what was or will be provided and the implementation date. Thirty (30) calendar days after the planned date for implementation of the accommodation, the Personnel Analyst will initiate a follow - up to ensure that the accommodation is working. If the request is denied, the response will explain why the accommodation request was denied.

TITLE 1

Kansas state statute.

6. SECTION 102(b)(4)

HAS THE CITY OF SHAWNEE REVIEWED ITS EMPLOYMENT PRACTICES TO MAKE SURE THAT THE CITY IS GIVING NON-DISCRIMINATORY TREATMENT TO APPLICANTS AND EMPLOYEES WHO HAVE A FRIEND, ASSOCIATE OR FAMILY MEMBER WITH A DISABILITY?

The background and purpose section of City of Shawnee Policy Statement PS-26, Americans with Disabilities Act, informs employees of this requirement, stating “The law further prohibits employers from discriminating against a qualified applicant or employee because he/she is known to associate with an individual with a disability.”

The City of Shawnee’s Code of Conduct states that “No employee shall harass or treat differently any employee, officer, or citizen because of his/her sex, ethnicity, race, religious affiliation, or handicap.” Violations of the Code of Conduct may constitute cause for disciplinary action, up to and including termination.

The City’s sick leave policy allows employees to use sick leave for the illness of a member of the immediate family.

The City is also in the process of providing sensitivity training as well as training on the provisions of the Americans with Disabilities Act to employees to help eliminate any preconceived notions which employees may have concerning individuals with disabilities.

7. SECTION 102(b)(5)(A)

DOES THE CITY OF SHAWNEE HAVE A POLICY CONCERNING “REASONABLE ACCOMMODATION?”

Yes. The background and purpose section of City of Shawnee Policy Statement PS-26, Americans with Disabilities Act, describes the reasonable accommodation requirement, stating that The ADA requires an employer to assess a qualified disabled individual’s ability to perform the essential functions of the specific job held or desired. Where an individual’s functional limitation impedes such job performance, an employer must take steps to reasonably accommodate the particular impediment, unless to do so would cause an undue hardship. An employer need not adopt the accommodation requested by an individual where a low cost and equally effective alternative accommodation is available. Accommodations usually involve adjustments to the way a job is customarily performed or to the work environment itself. Existing facilities (i.e., kitchen, employee lounges, break rooms, fitness rooms, and locker rooms) used by employees must also be readily accessible to and usable by persons with disabilities. The duty to accommodate applies only to the known physical or mental limitations of the applicant or employee at the time that the individual seeking accommodation informs the employer of his/her disability and need for accommodation.”

This policy defines a “reasonable accommodation” as “any modification or adjustment to the job or the work environment that will enable a qualified applicant or employee with a disability to perform essential job functions or have the same rights and privileges in employment as nondisabled.

TITLE 1

If a current employee cannot be accommodated in his/her current position, “the City will attempt to reassign the employee to any available, budgeted, vacant and already existing position for which he/she is qualified. The City will first attempt to reassign the individual to an equivalent position in terms of pay and status if such a position is vacant. If such a position is not available, the City will attempt to reassign the employee to a position in a lower salary range at a salary within the pay range for such lower graded position.”

The policy further states that “If there is no budgeted, vacant and already existing position for which the employee is qualified, the employee will be placed on a preferential callback list should such position be come available with in a reasonable period of time (6 months from the date of determination).”

8. SECTION 102(b)(5)(A)

HAS THE CITY OF SHAWNEE DETERMINED THE PROCESS BY WHICH IT WILL DECIDE AT WHICH POINT “REASONABLE ACCOMMODATION CAUSES AN “UNDUE HARDSHIP”?

City of Shawnee Policy Statement PS-26, Americans with Disabilities Act states that “In compliance with federal and state law, the City of Shawnee is committed to providing a reasonable accommodation to all qualified employees and job applicants who require such an accommodation to perform the essential functions of the job unless doing so would result in an undue hardship. Employment opportunities shall not be denied to anyone due to the need to provide a reasonable accommodation. The employment provisions of this policy shall apply to recruitment, selection, placement, training, promotion, assignment, and reassignment.

The policy defines “undue hardship” as “a significant difficulty, expense, disruption or fundamental alteration in operations when considered in light of the following factors: 1) nature and cost of the accommodation, 2) overall financial resources of the City, number of employees, and effect of the facility, 3) impact on operations.”

The initial determination of whether a proposed accommodation would cause an undue hardship is made by the Department Head to which the position for which an applicant/employee is requesting an accommodation is assigned. The policy states that any recommendations for an expenditure of funds greater than \$500 must go before the City Council for approval, while expenditures of \$500 or less may be approved by the City Manager.

9. SECTION 102(b)(5)(B)

DOES THE CITY OF SHAWNEE HAVE A PROCEDURE TO DOCUMENT DECISIONS NOT TO HIRE OR PROMOTE BECAUSE OF “UNDUE HARDSHIP”?

All Request for Accommodation forms are kept on file for job applicants requesting a reasonable accommodation; however, this form is completed prior to the extension of a conditional job offer. Therefore, in some cases an applicant may complete a Request for Accommodation form before a determination is made that this individual is the most qualified applicant for the job and thus the a determination is never made as to whether or not the proposed accommodation would cause undue hardship.

TITLE 1

As previously noted in the response to Title 1, question 6, if a request by a current employee for an accommodation is denied, the Department Head will indicate why the accommodation request was denied on the Response to Request for Accommodation form.

10. SECTION 102(b)(6)

HAS THE CITY OF SHAWNEE REVIEWED JOB REQUIREMENTS, JOB DESCRIPTIONS, EMPLOYMENT TESTS OR OTHER SELECTION CRITERIA TO BE SURE THAT NO CRITERIA DISCRIMINATE AGAINST AN INDIVIDUAL WITH A DISABILITY UNLESS SUCH CRITERIA ARE JOB-RELATED AND CONSISTENT WITH BUSINESS NECESSITY?

As the result of its review process, the City revised the physical agility course for the Police Department and Fire Department to better test strength and skill areas actually required for job performance.

NOTE: For information on revised job descriptions, see answer to Title 1, question 4.

11. SECTION 102(b)(7)

ARE THE CITY OF SHAWNEE'S HIRING PROCEDURES (APPLYING, TESTING AND INTERVIEWING FOR A JOB) CARRIED OUT IN WHEELCHAIR ACCESSIBLE LOCATIONS AND ACCESSIBLE FORMATS, SUCH AS A READER/BRILLE/AUDIO CASSETTE FOR VISION-IMPAIRED PEOPLE, WRITTEN MATERIALS/SIGN LANGUAGE INTERPRETERS FOR HEARING IMPAIRED PEOPLE AND PERSONAL ASSISTANCE FOR PEOPLE WITH MANUAL IMPAIRMENTS?

Applicants for any City position beneath the level of Department Head must complete a City of Shawnee Employment Application form; however, there is some flexibility in the manner in which this can be accomplished. The City will mail blank applications to applicants requesting the same and applicants may mail in the completed application, as long as the mailed application is postmarked on or prior to the closing date. Applications may be obtained from the Receptionist in the front lobby or at the City Clerk's Department counter. A small lobby area as well as a table are available for applicants to complete the application form.

The City has also evaluated its testing sites and as a result of somewhat limited access, tests previously administered at the Fire Department are now given at the Civic Centre. Testing accommodation can be provided if requested 48 hours in advance. Examinations purchased from external organizations and agencies are also available in an audio cassette format. Staff is available to provide personal assistance, if needed.

12. SECTION 102(b)(7)

HAS THE CITY OF SHAWNEE MADE SURE THAT EMPLOYMENT TESTS ARE SELECTED AND ADMINISTERED IN A WAY TO ENSURE THAT TEST RESULTS ACCURATELY REFLECT THE SKILLS OR APTITUDE NECESSARY TO PERFORM THE JOB RATHER THAN REFLECT THE IMPAIRED SENSORY, MANUAL, OR SPEAKING SKILLS OF THE APPLICANT OR EMPLOYEE, UNLESS THE SENSORY, SPEAKING, OR MANUAL ABILITY IS NECESSARY TO PERFORM CRITICAL ELEMENT(S) OF THE JOB?

Tests are administered in a standardized format unless an applicant requests a reasonable accommodation in the testing procedure. As noted in the answer to Title 1, question 4, the City has conducted job task analyses on each position to better identify essential job functions. A review of tests currently administered indicates that tests are job relevant and do test for knowledge and abilities needed in those positions for which tests are administered.

TITLE 1

13. SECTION 102(c)

HAS THE CITY OF SHAWNEE MADE SURE THAT ITS EMPLOYMENT APPLICATION FORMS DO NOT CONTAIN QUESTIONS AS TO WHETHER AN APPLICANT IS AN INDIVIDUAL WITH A DISABILITY? HAVE ALL QUESTIONS PERTAINING TO PRIOR WORKER'S COMPENSATION CLAIMS ALSO BEEN ELIMINATED?

Yes. Both the City Employment Application form and the Police Department long application addendum have been reviewed and modified. Two questions were removed from the City Employment Application form:

1. Do you have any handicaps or health conditions, physical or mental, which may interfere with your ability to perform the job for which you have applied?
2. Have you ever drawn a disability pension or received worker's compensation?

The Police Department addendum application was modified to eliminate the following questions:

1. Height
2. Weight
3. Have you any physical handicap, disease, or disability?
4. Is there any reason you would not pass a physical exam?
5. Have you had a major illness (heart disease, nervous breakdown, etc.) in the past?
6. Have you ever been or are you currently under the care of a psychiatrist?
7. Are you presently receiving medical care?
8. Has an operation currently been recommended to you?
9. Do you have any knowledge or information, in addition to that specifically called for in the preceding questions, which is, or which may be relevant, directly or indirectly, in connection with an investigation or your eligibility or fitness, for the positions for which you are applying including but not limited to, knowledge or information concerning your...physical or medical condition?
10. Have you ever been refused life insurance?
11. Have you ever drawn a disability pension or received worker's compensation?

14. SECTION 102(c)

IF THE CITY OF SHAWNEE CONDITIONS AN OFFER OF EMPLOYMENT UPON THE JOB APPLICANT'S SATISFACTORY COMPLETION OF A MEDICAL EXAMINATION, SO THE CITY'S PROCEDURES PROHIBIT INQUIRIES AS TO THE NATURE AND SEVERITY OF DISABILITY EXCEPT AS THEY ARE JOB RELATED? DO THE CITY'S PROCEDURES PROHIBIT REVOKING A CONDITIONAL JOB OFFER BASED UPON THE RESULTS OF A MEDICAL CONDITION THAT WOULD PREVENT THE PERSON FROM PREFORMING THE ESSENTIAL FUNCTIONS OF THE JOB WITH OR WITHOUT REASONABLE ACCOMMODATION?

City of Shawnee Policy Statement PS-26, Americans with Disabilities Act, states "No applicant shall be required to take a medical examination before a job is offered. NOTE: After a job offer is made and prior to the commencement of job duties, the applicant may be required to take a medical examination with the job offer conditioned on the results of the medical examination. If the medical examination reveals the existence of a disability, the City will not withdraw the offer unless it can demonstrate that no reasonable accommodation is possible to allow the individual to perform the essential job functions."

As already noted in the answer to Title 1, question 2, the policy also states that "During the course of an application or testing process or employment interview, 1) No applicant shall be asked whether he/she is disabled or about the nature or severity of the disability."

TITLE 1

15. SECTION 104

HAS THE CITY OF SHAWNEE REVIEWED ITS PERSONNEL POLICIES AND PRACTICES TO BE SURE THAT AN APPLICANT OR EMPLOYEE WHO IS A RECOVERING ALCOHOL OR DRUG ABUSER (NOT CURRENTLY USING ALCOHOL OR DRUGS) IS INCLUDED?

During the hiring process, the City of Shawnee does not ask any job applicant whether or not he/she is a recovering alcohol or drug abuser; therefore, the City would not have access to this information. The City does require a pre-employment drug screen for initial hire or promotion to the positions of Firefighter, Police Officer, Dispatcher, Laborer, Laborer/Truck Driver, Equipment Operator, Foreman, Parks Technician I, II, and III, and Street or Traffic Sign Supervisor, so the City would have knowledge in these situations if an individual is currently using drugs.

City of Shawnee Policy Statement PS-23, Substance Abuse Policy, states that "Employees who participate in a program for treating alcoholism or drug addiction may do so without jeopardizing their employment with the City, provided they stop all involvement with alcohol or drugs. Participation in such programs may not prevent disciplinary actions for incidents that have already occurred. Should rehabilitation be necessary, normal City benefits, such as sick leave, group medical plans, and the Employee Assistance Program are available to help in the rehabilitation process."

16. SECTION 105

HAS THE CITY OF SHAWNEE POSTED EQUAL EMPLOYMENT OPPORTUNITY NOTICES IN AN ACCESSIBLE FORMAT (I.E. IN LARGE PRINT, BRAILLE, AND AUDIO CASSETTE)?

Yes, the City's equal employment opportunity notice is available on audio cassette.

17.

HAS THE CITY OF SHAWNEE MADE SURE THAT SOCIAL AND RECREATIONAL ACTIVITIES ARE ACCESSIBLE TO ALL EMPLOYEES AND THEIR RELATIVES AND ASSOCIATES?

The City Employee Picnic and Employee Christmas Party have been held at both Old Shawnee Town (Town Hall and East Swimming Pool) and the Civic Centre (including West Swimming Pool).

NOTE: Refer to City of Shawnee Building Accessibility Review for information on accessibility of these locations.

18.

DOES THE CITY OF SHAWNEE HAVE A POLICY ON HOW TO HANDLE CONTAGIOUS DISEASES?

Yes, the City has several policies on handling of contagious diseases. The Fire Department has a policy on contagious disease entitled Inspection Control. All Fire Department employees dispatched to or arriving on the scene of an accident wear rubber gloves, which are stored in the vehicles. All non-clerical Fire Department employees are offered the opportunity to be voluntarily vaccinated against Hepatitis B at no cost to the employee. Employees must sign a form giving consent to receive the hepatavax immunizations. Any employees who chooses not to vaccinated must sign a Refusal Statement, stating that they do not want the vaccine. In addition, all non-clerical Fire Department employees must view a film on Hepatitis B. The vaccination must be checked periodically, since the vaccine doesn't take on some people.

TITLE 1

The Police Department also has a policy on contagious diseases, #2 - 7, Communicable Diseases.

The Safety Committee has discussed including Public Works.

Once each year, City employees are offered the opportunity and encouraged to become certified in CPR or to renew their certifications. During this training instructors emphasize that if anyone ever administers CPR, they should try to separate their mouth from the victim's mouth, with a handkerchief or shirt sleeve if nothing else is available.

19.
HAS THE CITY OF SHAWNEE REVIEWED ALL POLICIES CONCERNING THE RETENTION AND USE OF MEDICAL INFORMATION TO ENSURE THAT MEDICAL RECORDS ARE MAINTAINED IN SEPARATE MEDICAL FILES AND ARE TREATED AS CONFIDENTIAL EXCEPT AS AUTHORIZED BY THE AMERICANS WITH DISABILITIES ACT?

Yes. Worker's compensation and medical information is kept in a separate location from personnel files. The City of Shawnee Personnel Manual states that The City will only collect and maintain that information about employees which is required by law or necessary for legitimate purposes. Employee expectations of confidentiality with regards to personal information maintained by the City will be respected. Each personnel file will be divided into four (4) separate sections to ensure that potentially irrelevant and/or prejudicial information is not inadvertently released. The sections are as follows: 1) General/Administrative Section 2) Performance/Advancement Section 3) Medical Section. Worker's compensation claims, State of Kansas Form 88's, preemployment physicals, preemployment screens 4) Closed Section."

The Personnel Manual also discusses release of information retained on employees: "An employee's personnel file will be released to individuals with the City only on a need-to-know basis. All those within to review all or part of an employee's personnel file must follow the sign-out procedures indicating what is being reviewed, when and why." The Personnel Manual further states that "The Personnel Division will verify the following information without a written request from the employee for both current and former employees: (a) Employment dates; (b) Job title; (c) Hourly rate of pay; (d) Current employment status or eligibility for rehire. No other employment information will be disseminated unless an 'Authorization For Release of Employment Information' is completed."

The prohibition against commingling of medical and other employee records is also incorporated into City of Shawnee Policy Statement PS-26, Americans with Disabilities Act: "No medical records or information concerning the disability will be commingled with other personnel records. NOTE: All such records shall be considered confidential and maintained in separate medical files in the office of the Personnel Analyst."

TITLE 1

20. **HAS THE CITY OF SHAWNEE CONDUCTED TRAINING ON THE AMERICANS WITH DISABILITIES ACT FOR ALL SUPERVISORS AND MEMBERS OF MANAGEMENT?**

The City has provided training at the Department Head level on sensitivity issues and how to interview individuals with disabilities. Videotapes viewed include: Nobody's Burning Wheelchairs (by the National Easter Seal Society) and Close Encounters of the Disabling Kind (by Mainstream Incorporated). Department Heads have also been provided written materials on the provisions of the Act itself. The City Clerk/Human Resource Director made a short presentation at the Department Head's staff meeting on the ADA.

All members of the City Clerk's Department have received written information on the Act since they have substantial public contact. Each of these individuals also has a copy of the public notice.

Plans are to provide further training to supervisors.

SUMMARY: Title 1 prohibits covered employers from discriminating against a "qualified individual with a disability in any term, condition, or privilege of employment."

1. SECTION 102(a) **HAS THE CITY OF SHAWNEE REVIEWED ITS EMPLOYMENT POLICIES (RECRUITING, HIRING, UPGRADING, PROMOTION, AWARD OF TENURE, DEMOTION, TRANSFER, LAYOFF, TERMINATION, RIGHT OF RETURN FROM LAYOFF, AND REHIRING) TO BE SURE THE CITY AND ITS EMPLOYEES ARE (GIVING NONDISCRIMINATORY TREATMENT TO APPLICANTS AND EMPLOYEES WITH DISABILITIES?)**

City of Shawnee Policy Statement PS-26, Americans with Disabilities Act, reflects this requirement in the background and purpose section, stating, "When employment concerns are involved, the ADA prohibits discrimination in recruiting, advertising, compensation, training, and conditions of employment, including layoff, leave and fringe benefits."

In 1992, the City modified its recruiting procedures in several ways. All job advertisements placed in the newspaper now indicate "EEO/ADA", whereas previously the designation "EEO" was used. For the past 2 - 3 years the City has had a Job Opportunity Line, on a dedicated telephone extension. Last year, the recording on the job line was altered as were the Job Opportunity postings to include the following statement: "If reasonable accommodation is necessary to apply or further information is needed, contact Vicki Isenhour, Personnel Analyst, Shawnee City Hall, 11110 Johnson Drive, Shawnee, KS 66203 (913) 631-2500, Monday - Friday, 8AM - 6PM." This same statement is included for those positions which require a testing procedure.

City of Shawnee Policy Statement PS-26, Americans With Disabilities Act, states that "A job applicant with a disability needing an accommodation in the examination or interview process shall request such accommodation from the Personnel Analyst no later than forty-eight (48) hours prior to the exam or interview."

TITLE 1

To eliminate duplication of response, references are provided below to other aspects of Shawnee's employment policy review process:

1. For information on voluntary EEO information collected and interview questions, see answer to Title 1, question 2.
2. For information on review of job requirements and determination of essential job functions, see answer to Title 1, questions 4 and 9.
3. For information on provision of reasonable accommodation, see answers to Title 1, questions 6, 7, and 8.
4. For information on hiring procedures, see answer to Title 1, question 10.
5. For information on employment testing, see answer to Title 1, question 11.
6. For information on changes in employment application forms, see answer to Title 1 question 12.
7. For information on job offers conditioned on medical examinations, see answer to Title 1 question 13.
8. For information on the provision of employee training see answer to Title 1, question 20.

ELIMINATION OF PHYSICAL OBSTACLES

All City parking lots will be provided with accessible parking spaces which complies with location, size and number of the Americans with Disabilities Accessibility Guidelines (ADAAG). Accessible routes from those parking spaces will be provided to all facilities. City parks shall provide accessible routes to all playground and sports facilities and to other facilities.

At least one main entrance door to the City Hall, Public Safety Center, Civic Centre, Old Town Hall, Parks and Recreation Building, Public Works Building and Fire station Number 3 shall be made to conform with all applicable ADAAG requirements.

Toilet facilities will be made accessible in the Public Safety Center.

Accessible routes shall be provided throughout the Old Shawnee complex which links Old Town Hall with the northern section of the complex.

Existing public sidewalks shall be provided with curb cuts throughout the city at all intersections and crosswalks.

Signage will be provided at all inaccessible entrances which direct users to accessible entrances and to locations where information is available at the City Hall, Civic Centre, Public Safety Center, Fire Station Number 3, Public Works Building, and the Parks and Recreation Building.

INTRODUCTION

This plan sets forth the steps which are necessary to make structural changes to all City facilities to ensure accessibility to activities, programs and functions. The plan identifies those obstacles that limit accessibility to programs and functions, and describes in detail the methods that will be used to make facilities accessible. The plan also includes the specific schedule to achieve compliance with regulation 35.150 Existing facilities of the Americans with Disabilities Act (ADA) on a yearly basis. This plan gives priority to changes which provide services to all citizens in the most integrated settings possible. The official responsible for the implementation of this plan is the Chief Codes Administrator of the City of Shawnee.

CITY OF SHAWNEE KANSAS

TRANSITION PLAN

FOR CHANGES TO CITY FACILITIES TO ACHIEVE PROGRAM ACCESSIBILITY AS REQUIRED BY
THE AMERICANS WITH DISABILITIES ACT

CITY OF SHAWNEE BUILDINGS

1. City Hall 11110 Johnson Drive Shawnee, KS 66203 631-2500
2. Old Shawnee Town 11408 W. 57 St. Shawnee, KS 66203 268-6663
3. Public Safety Center 6501 Quivira Shawnee, KS 66216 631-1080
4. Fire Station #2 19210 Midland Drive Shawnee, KS 66218
5. Fire Station #3 6805 Hedge Lane Terr. Shawnee, KS 66226
6. Parks and Rec. Building 12321 Johnson Dr. Shawnee, KS 66216
7. Civic Centre 13817 Johnson Drive Shawnee, KS 66216 631-5200
8. Public Works Building 5826 Rosehill Shawnee, KS 66216 631-3741

CITY OF SHAWNEE PARKS

1. **Caenen Community Park** (1 acre) Johnson Drive at Caenen Street, Includes: tot picnic and picnic area.
2. **Douglas Highland Park** (1 acre) Switzer Lane and 63rd Terrace Includes: children's play area and swing set
3. **Flint Recreation Area** (1.5 acres) Johnson Drive and King St., Includes: 4 lighted tennis courts and tot lot with swing set and sand box
4. **Gum Springs Park** (14 acres) 65th and Jaycee Drive, Includes: 3 softball and 1 baseball field, a soccer field, jogging trail, and tot lot
5. **Herman Laird Park** (5 acres) Cody and Johnson Drive, Includes: 1 baseball field, a soccer field, one picnic area with overhead and grill, two lighted tennis courts, and a tot lot
6. **Jaycee Park** (.5 acre) 69th and Quivira, Includes: tot lot and play area
7. **KCP&L Park** (9.3 acres) 51st and Long Drive, Includes: open space for general recreation
8. **Listowel Park** (8 acres) 71st and Quivira, Includes: 1 baseball/softball field, 4 lighted tennis courts and a tot lot
9. **Old Shawnee Town** (2.5 acres) 57th Street and Cody (Closed Mondays), Includes: a replica of a pioneer town with buildings from the original town of Shawnee, a Trading Post and a Town Hall for social events
10. **Shawnee Pools** (2 locations) 57th and Cody, Johnson Drive and Pflumm For information about pool passes and fees call: 631-2500
11. **Soetaert Park** 61st and Pflumm
12. **Swarner Park** (30 acres) 63rd and Lackman, Includes: 2 tot lots, 5 soccer field, 1 softball field, a 1-km trail, and two picnic shelter areas
13. **Veterans' Tribute** Pflumm and Johnson Drive. Monument to military veterans who have served the United States of America
14. **West Flanders Park** (9 acres) 55th Street and Nieman, Includes: one half-mile fitness trail and a tot lot.

METHOD AND TIMETABLE

July 1992 through December 1992:

Complete "self-evaluation" of City policies, services, practices, and properties to comply with ADA regulation 35.105.

Install signage at all City buildings and facilities.

Inventory sidewalks which need curb ramps and identify location and quantity. Prepare estimate of costs. Prepare schedule of completion, giving priority for sidewalks next to governmental buildings and public transportation facilities, then to businesses, then to employers. Prepare application for Community Development Block Grant funding for sidewalk changes.

January 1993 through December 1993:

Review services provided in each City facility and propose revision of location, practices, etc. to assure conformance to ADA.

Make all modifications to facility entrances, accessible routes and toilet facilities which are within budgetary constraints.

Prepare application for Community Development Block Grant funding for sidewalk changes.

Prepare Specifications and plans for revisions to parking lot layouts to accommodate adequate accessible parking, curb ramps and routes.

Re-stripe parking lots.

Add correct parking signage.

Make all remaining modifications to facility entrances, accessible routes and toilet facilities which are within budgetary constraints.

Prepare 1994 Budgets for costs to be incurred for required structural modifications, including sidewalk curb ramp replacements.

January 1994 through December 1993:

Complete sidewalk curb ramp retrofit.

Complete all remaining structural modifications.