

H B

3 2 4

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. SCS CSHB 324 (STA)

Revision Date: April 15, 1992
Title: An Act relating to state procurement preferences
for persons with
Sponsor: Ellis
Requestor: _____

Department Affected: Administration
BRU: General Services
Component: Purchasing

COMPONENT SERIAL NO.

| | | | |
|---|---|--|--|
| 6 | 0 | | |
|---|---|--|--|

Expenditures/Revenues: (Thousands of Dollars)

| OPERATING | FY 93 | FY 94 | FY 95 | FY 96 | FY 97 | FY 98 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | 0 | 0 | 0 | 0 | 0 | 0 |
| TRAVEL | 0 | 0 | 0 | 0 | 0 | 0 |
| CONTRACTUAL | 0 | 0 | 0 | 0 | 0 | 0 |
| SUPPLIES | 0 | 0 | 0 | 0 | 0 | 0 |
| EQUIPMENT | 0 | 0 | 0 | 0 | 0 | 0 |
| LAND & STRUCTURES | 0 | 0 | 0 | 0 | 0 | 0 |
| GRANTS, CLAIMS | 0 | 0 | 0 | 0 | 0 | 0 |
| MISCELLANEOUS | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL OPERATING | 0 | 0 | 0 | 0 | 0 | 0 |

| | | | | | | |
|---------|---|---|---|---|---|---|
| CAPITAL | 0 | 0 | 0 | 0 | 0 | 0 |
|---------|---|---|---|---|---|---|

| | | | | | | |
|----------------------|---|---|---|---|---|---|
| REVENUE FUND SOURCE: | 0 | 0 | 0 | 0 | 0 | 0 |
|----------------------|---|---|---|---|---|---|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|--------------------|---|---|---|---|---|---|
| GENERAL FUND | 0 | 0 | 0 | 0 | 0 | 0 |
| FEDERAL FUNDS | 0 | 0 | 0 | 0 | 0 | 0 |
| OTHER FUND SOURCE: | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 0 | 0 | 0 | 0 | 0 | 0 |

POSITIONS:

| | | | | | | |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| PART-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| TEMPORARY | 0 | 0 | 0 | 0 | 0 | 0 |

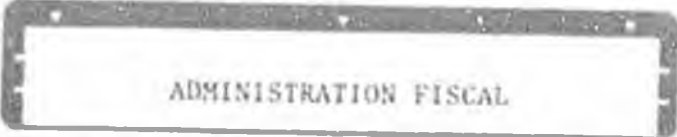
Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary)
See attached.

Prepared by: Anne McCord, Director *Anne McCord* Phone: 465-2250
Division: General Services Date: April 15, 1992

Approved by Commissioner: Nancy Bear Usara *Nancy Bear Usara* Date: 4/17/92
Agency: Administration

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, CMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).



Analysis:

The fiscal impact of this bill to agency expenditures depends upon the number of bidders who would qualify for the preference and the instances when they bid on a State solicitation.

Since the 1988 adoption of AS 36.30.170 there have been no bids awarded to employment programs as a result of the existing 10 percent preference over nonresident bidders.

The likelihood of fiscal impact to all agency expenditures from section 3 (e) and (f) (10 percent preference for bidders with a disability or bidders employing the disabled) may be greater since there may be more bidders qualifying. It is not possible to determine the potential cost impact to agency expenditures.

This bill will have a negligible fiscal impact to the division's purchasing activities.

3111 C STREET, SUITE 455
ANCHORAGE, ALASKA 99503
(907) 561-7620

WHILE IN SESSION
P.O. BOX V
JUNEAU, ALASKA 99811
(907) 465-3704

ALASKA STATE HOUSE



CHAIR
RULES COMMITTEE

JUDICIARY

SPECIAL COMMITTEE ON INTERNATIONAL
TRADE & TOURISM

LEGISLATIVE COUNCIL

REPRESENTATIVE JOHNNY ELLIS

SPONSOR STATEMENT

CSHB 324 Business Incentives for Hiring People with Disabilities

The purpose of this bill is to promote active business involvement between the State of Alaska and people experiencing a disability. CSHB 324 amends Alaska's procurement statutes (AS 36.30) to make **three** changes in favor of people with disabilities. The changes apply to the process of bidding on state contracts to provide services such as printing and janitorial services.

1. Increase the current procurement preference for employment programs (nonprofits that train people with disabilities for work) from 10 percent to 15 percent.
2. Creates a 10 percent preference for a business that employs more than 50 percent of its workforce with people who experience a disability.
3. Creates a 10 percent preference for a business that is owned by a person with a disability.

REASONS TO SUPPORT CSHB 324

1. Improves quality of life for people who experience disabilities. — Having a job increases a person's independence and ability for self-support.
2. Saves the State money. — State grant dollars to employment programs to provide residential support are decreased and sometimes eliminated, due to the fact that people are working, earning wages, and living on their own.

Over the last three years, ASETS in Anchorage has served 20 people on wait lists who experience development disabilities. Assuming an average annual service cost of \$8,000 to \$10,000 per person, they have saved the state Division of Mental Health and Developmental Disabilities at least \$320,000

3. People with Disabilities are not being hired — An ISER Report shows that over 3,500 Alaskans who experience disabilities are waiting for jobs or job training. There is only one for-profit business owned by a person with a disability in Alaska and zero for-profit businesses that employ people with disabilities as their main workforce.

SPONSOR STATEMENT

The CS unanimously passed the House March 30 and the Senate State Affairs Committee April 8. The CS changes the definition of a person with a disability so that the definition is more work-related. It narrows the definition of a business owned by a person with a disability to make sure that the business is a sole proprietorship. And it prevents a business owner who experiences a disability, who hires more than 50 percent of his or her workforce with people who experience a disability, from qualifying for two procurement preferences in this bill (page 2, sections e and f).

The Department of Administration has submitted a zero fiscal note.

The Americans with Disabilities Act (ADA) of 1990 took effect on Jan. 26, 1992. This mandates the elimination of discrimination against persons with disabilities — a right many Alaskans have been fighting to achieve for years. The purpose of CSHB 324 is to give an added incentive for businesses to hire people with disabilities.

It is time to get rid of the perceptions and attitudes that keep businesses from hiring people with disabilities. People who want to work should have the opportunity to contribute to the workforce. Having a job increases a person's independence and ability for self support and decreases reliance on public funds.

CSHB 324 IS SUPPORTED BY:

Access Alaska
Supportive Service Enterprises
Alaska State Department of Education, Division of Vocational Rehabilitation
Lifequest Comprehensive Mental Health Services
Kodiak Area Native Association
Alaska Specialized Education and Training Services
Work Force Development Agency
REACH Employment Program
Frontier Training Center
Fairbanks Resource Agency

Thank you for your consideration of CSHB 324.

STATE COMMITTEE REPORT

gmk

DATE: 4/1/92

FURTHER: Judiciary
Finance

DATE TURNED INTO OFFICE: 4/9/92

State Affairs Committee considered CS FOR HOUSE BILL NO. 324 (FINANCE)

"An Act relating to state procurement preferences for persons with a disability, for persons who hire persons with a disability, and for employment programs for persons with a disability; and providing for an effective date."

and a majority of the committee recommends it be replaced with

and recommends:

replace with SCS CS HB-324 (SA)
or adopt previous CS ()
 attaches amendment(s) and do pass

same title
 new title
 technical title change (HB only)

adopts Letter of Intent

further referral to the _____

- do pass
- do not pass
- no recommendation
- individual recommendations

P H & F

NEW FISCAL NOTES: Dept/Date

zero fiscal notes _____

fiscal notes _____

appropriation--no fiscal note

PREVIOUS FISCAL NOTES: Dept/Date

zero fiscal notes (A) DDA 2/24/92
applies to SCS

fiscal notes _____

DO PASS:

John Dence *Dence*

Richard *Rich*

Pat *Pat*

OTHER RECOMMENDATIONS:

Paul Gruber *No Rec*

Mark Taylor *Do Pass*

Signature and Recommendation

STATE OF ALASKA

DEPARTMENT OF EDUCATION

DIVISION OF VOCATIONAL REHABILITATION

WALTER J. HICKEL, GOVERNOR

CENTRAL OFFICE
901 WEST 10TH STREET, SUITE 200
JUNEAU, ALASKA 99811-1894
PHONE: (907) 465-2814
FAX: (907) 465-2856
TTD: (907) 465-2440

March 10, 1992

Representative Johnny Ellis
Alaska State Legislature
Juneau, Alaska 99801

Re: House Bill No. 324
Certification of People With Disabilities

Dear Representative Ellis,

At your request I present the following recommendations for the three qualified bidder areas covered by HB 324.

1. Employment Programs For Persons With Disabilities:

It is recommended that the current system for certifying employment programs remain unchanged.

This system, within the Division of Vocational Rehabilitation, certifies qualified employment programs throughout the state. These employment programs are developed to employ people who meet the definition of severely disabled.

The division updates the employment program list on an ongoing basis and supplies a copy to General Services and Supply.

2. Determining Which Persons With A Disability Are Eligible:

It is recommended that, in order for a person to qualify as a "person with a disability" they must present medical evidence to the Division of Vocational Rehabilitation to substantiate their claim. The Division of Vocational Rehabilitation considers that evidence in determining whether or not they can be certified.

The definition contained in the Bill (Sec. 3(g)(1) and (2) is very appropriate and adequate.

Certifying a person with a disability for this

section will require medical documentation. Generally a person who meets this definition will have extensive medical records available that can be presented to the division for use in certification. The cost of medical records would be the responsibility of the person seeking certification.

It is recommended that an individual who has a rating of at least 50% disabled by the Veterans Administration be automatically considered severely disabled and, therefore, eligible for certification by the division.

3. Determining Which Programs Are Eligible For Participation Under The Law:

It is recommended that, in order for a program to be eligible for participation that program must be either:

- a) employ certified individuals in a sheltered environment such as a workshop, enclave or small work crew, or
- b) have at least one-half of their employees certified as severely disabled by the Division of Vocational Rehabilitation.

This section would require the same documentation as outlined in the section above.

We hope that this bill will provide employment opportunities for persons with disabilities who would not otherwise have equal access to state contracts.

Historically most programs of this type employ persons with disabilities in a controlled settings with individual supervision of each employee.

Statistically, the division places a very small number of clients into self-employment. I personally don't foresee this bill opening the flood gates for the majority of business owners to receive an advantage in bidding.

Sincerely,


Stan Ridgeway
Deputy Director

WALTER J. HICKEL, GOVL

DEPARTMENT OF EDUCATION

DIVISION OF VOCATIONAL REHABILITATION

CENTRAL OFFICE
P.O. BOX F
JUNEAU, ALASKA 99811-0581
PHONE: (907) 465-2814
FAX: (907) 465-2856
TTD: (907) 465-2440

February 5, 1992

Representative Johnny Ellis
Alaska State Legislature
Room 204, Capitol
P.O. Box V
Juneau, Alaska, 99811

Re: House Bill No. 324

Dear Representative Ellis:

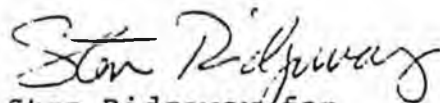
Thank you for asking the division to respond to your bill allowing preference for qualified work programs and Alaskan business owners who are, or employ, people with disabilities.

Over the last several years there has been a shift in philosophy related to work programs which are owned by or employ persons with disabilities. The shift is away from what have been traditionally known as "sheltered workshops" to community based placements. Because of this shift your bill, as written, would provide incentives for sheltered workshops, supported employment programs and businesses which are either owned by or provide employment to persons with disabilities.

The division endorses H.B. 324 which allows bidder preference for a wide range of employment options for Alaskans with disabilities.

As you know, the Division of Vocational Rehabilitation has the responsibility of identifying qualified employment programs throughout the state. We offer our assistance to the Chief Procurement Officer to further identify bidders who meet the definition as outlined in this bill.

Sincerely,



Stan Ridgeway for
Keith J. Anderson, Director
Division of Vocational Rehabilitation

**Kodiak
Area
Native
Association**



REC'D FEB 10 1992

402 Center Avenue
Kodiak, Alaska 99615
Phone (907) 486-5725

January 31, 1992

The Honorable Johnny Ellis, Representative
Alaska State House
P.O. Box 5
Juneau, AK 99811

Reference: House Bill 324, State Procurement Practices

Dear Representative Ellis,

Thank you very much for your letter of January 22, 1992, outlining the provisions of the above-named House Bill, and providing me with a copy of that proposed act. I'd like to thank you for your interest in this very significant Alaska resource, that of workers with disabilities.

I would like to indicate my agency's support for this bill. I think bills such as this are particularly important during times of economic depression, to give people with disabilities that additional competitive edge which they may need.

Again, thank you very much for your concern and this bill.

Sincerely,

KODIAK AREA NATIVE ASSOCIATION
KELLY SIMEONOFF, JR., PRESIDENT

Joe Kelley, CRC
Vocational Rehabilitation
Administrator

JK:kdc

cc: Rita Stevens
Vice President, KANA



Frontier Training Center

P.O. Box 2110

Soldotna, Ak. 99669

(907) 262-6331

March 25, 1991

Representative Johnny Ellis
State Capitol
Juneau, Ak.
99801-1182

Dear Sir,

I fully support your legislative efforts in working towards passage of CSHB 324. Frontier Training Center is an employment center for persons with Developmental Disabilities. The abilities for disabled people to attain vocational placement in the community would be greatly enhanced by the passage of this bill.

Employment Centers work on integrating the disabled into the community with meaningful employment opportunities. This often means having supports such as Vocational Trainers, transportation to and from the work sites where no public transportation exists, Job Coaches and other supports. These are costs that other businesses do not have to factor into a competitive bid. These additional costs sometimes result in not receiving competitive contract awards. CSHB 324 would help to rectify these cost differentials and empower Employment Centers to provide employment opportunities.

CSHB 324 could provide additional deferral of those overhead costs necessary to provide vocational work opportunities to persons with disabilities. Any additional costs in providing these supports is more than offset by making a person with disabilities into tax paying citizens in their community of meaningful tie.

Employment Centers can provide a competitive product at the same time that they ensure that these special members of society are allowed to vocationally integrate into their communities. Your bill would allow for greater access into the community by providing individualized economic opportunities.

Cordially yours,

Rick A. Roeske
Vocational Program Director



A United Way Agency



P.O. Box 34197 • Juneau, Alaska 99803 • Phone: (907) 789-7673 • FAX: (907) 789-1326

Representative Johnny Ellis
ATTN: Diana Rhodes (Rm. 204)
State Capital Building
Juneau, AK. 99801-1182

March 25, 1992

RE: Support for HB-324

Dear Rep. Ellis and House Rules Committee et.al.:

On behalf of REACH, Inc., I would like to offer support for passage of HB-324 as introduced by Rep. Ellis. This bill holds promise and opportunity for employment programs and disabled workers state-wide. The particulars of HB-324 would allow employment programs to potentially expand their state contract base which will lead to increased employment for disabled persons.

Further, such increases in state contracts could ultimately result in decreased state grant subsidies to employment programs. Disabled business owners, disabled contractors and service providers would benefit from passage of this bill as well.

I urge strong consideration and passage of HB-324. Please feel free to contact me anytime during business hours at (907) 789-7673 should have questions or desire further comment regarding this issue.

With Regards,

A handwritten signature in cursive script that reads "Rod Moline".

Rod Moline
Executive Director



ASETS*

*Alaska Specialized Education and Training Services, Inc.
A Non-profit Alaskan Corporation

2330 Nichols Street
Anchorage, AK 99508-3495
(907) 279-8617

Karen Ward, Ed.D.
Executive Director

3/24/92

Representative Johnny Ellis
State Capitol, Room 204
Juneau, Alaska 99801-1182

Dear Representative Ellis:

This letter is to express our support of HB324 (State procurement preferences for people with a disability). This bill will benefit Employment Programs such as ASETS and encourage the private sector to hire people with disabilities. It also provides an incentive for Title I of the Americans with Disabilities Act.

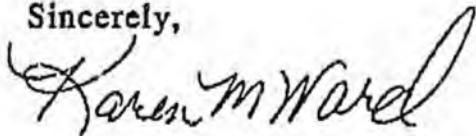
The private sector is under the false perception that state funded employment programs are unfair competition. It is important to note that state grants from Health and Social Service are not used to subsidize commercial operations. These grants are used to provide additional staff and resources to train and support people with developmental and psychiatric disabilities in employment. In other words, grants pay for the extraordinary training expenses associated with the population. All expenses related to the production of goods and services which create jobs for persons with disabilities served through our programs are solely supported by income generated through contracts. In other words, all equipment, wages (including production supervisors), transportation, raw materials, expendable supplies, and administrative overhead are paid from the contract. If expensive equipment is needed, we go to the bank and take out a loan

The importance of HB324 is that it will benefit people with disabilities. First, it means wages. ASETS has several labor contracts with the state and federal government as well as the private sector. Over the last 6 years we have expanded our services through contract labor with the state and federal government. The collective wages earned by the consumers in our program has increased from \$174,502 (1986) to \$596,933 (1991). These dollars are spent in

Alaska! If one assumes that every dollar spent in Alaska has an economic impact of 7 times, the economic impact of our program last year was \$4,178,531. Secondly, Employment Programs manage labor (commercial) contracts like any other business person. That is, we try to be efficient enough to have income exceed expenses. This excess is then used to support our program. Over the last 3 years we have served 20 individuals who experience developmental disabilities who were on state service waiting lists. Assuming an average annual service cost of \$8,000 - \$10,000 per person, we have saved the state Division of Mental Health and Developmental Disabilities at least \$320,000.

We look forward to HB324 becoming law. Please feel free to contact me should you have further questions.

Sincerely,

A handwritten signature in cursive script that reads "Karen M. Ward". The signature is written in dark ink and is positioned below the word "Sincerely,".

Karen Ward, Ed.D.
Executive Director

Supportive Service Enterprises

A Division of the Lodge, Inc.

DR

April 17, 1992

Rep. Johnny Ellis
State Capitol
Juneau, AK 99801-1182

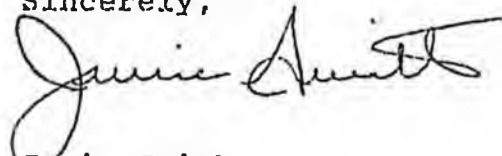
Dear Rep. Ellis,

We are writing to you to voice our support for your bill, HB 324. As individuals who have worked in the field of rehabilitation for many years, we know it is essential that the government who controls funds for the disabled take a positive lead in ensuring that funds and supporting efforts are spent on those projects where the most good can be done.

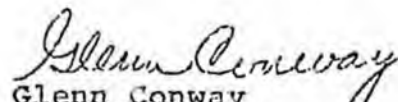
In our opinion, bill HB 324 is a project which we think will benefit not only the disabled, but all Alaskans.

If there is any further support for this bill which we can provide, please do not hesitate to call us.

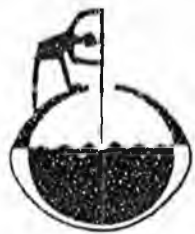
Sincerely,



Jamie Smith
Program Director



Glenn Conway
Executive Director



ISER RESEARCH SUMMARY

Institute of Social and Economic Research, University of Alaska Anchorage

April 1991, R.S. No. 47

What Do Alaskans with Disabilities Need?

More than 20,000 Alaskans—4 percent of the state population—are disabled and live outside institutions. Most of them are getting medical care, but many lack special equipment, information, and other help they need.

These are among the findings of a recent ISER survey of more than 4,300 Alaska households. It is the first survey of its kind in the nation to determine how many disabled persons live on their own and what they need to continue living independently. ISER did the survey for the Division of Vocational Rehabilitation in the Alaska Department of Education, which will use the results to improve services for disabled Alaskans.

What Disabilities Do Alaskans Have?

Most disabled Alaskans have more than one disability. The estimated 22,220 disabled Alaskans living outside institutions report about 61,000 disabilities.

Inability to walk or difficulty walking is the most common disability, followed by arthritis; deafness or hearing loss; learning disabilities; blindness or vision loss; and circulatory or respiratory problems. A variety of other disabilities are less common. (Table 1.)

What Services Do Disabled Alaskans Need?

Figure 1 shows how many disabled Alaskans need specific services, and how many of them are getting what they need.

All disabled Alaskans need medical care, and 85 percent are receiving it—but that leaves 3,400 who aren't.

Most disabled persons also need information on their disabilities and help in getting benefits and in making their problems known. About 70 percent are receiving those services—which means several thousand are not.

Table 1. Most Common Disabilities

| | |
|-------------------------------------|-----|
| Impaired Mobility | 19% |
| Arthritis | 12% |
| Deafness or Hearing Loss | 12% |
| Learning Disability | 10% |
| Blindness or Vision Loss | 9% |
| Circulatory or Respiratory Disorder | 8% |
| Others | 30% |

| | |
|--|--------|
| Estimated Number of Alaskans with One or More Disabilities | 22,220 |
|--|--------|

| | |
|---------------------------|------|
| Average Number per Person | 2.75 |
|---------------------------|------|

Many disabled Alaskans also need information on special equipment or the loan of equipment, as well as newsletters to tell them about available services. Fewer than half of those who need equipment information or loans are getting what they need, and only 20 percent are receiving newsletters.

Large numbers of disabled Alaskans also need job training, centralized information and counseling about their disabilities, and support groups. Most (70 percent) are getting job training and counseling, but fewer than half get centralized information and only 20 percent belong to support groups.

What Special Equipment Do Disabled Alaskans Need?

Figure 2 shows kinds of special equipment or information about available technology disabled Alaskans need.

Disabled Alaskans most commonly need devices to help them hear, see, or speak better (either in person or over the telephone); wheelchairs, walkers, and other devices to improve mobility; and building modifications for their homes or offices.

This Research Summary is based on An Assessment of the Needs of Alaska Residents Who Are Disabled, by Virgene Hanna and Jack Kruse. The full report is available from ISER at a cost of 10 cents per page. This publication is printed on recycled paper.

Easing the disabled into the workplace

By DEBORAH A. SAKAMOTO

Mary Hanes, 36, job coach for the disabled. Hanes' career with Alaska Specialized Education Training Services — a non-profit business that trains disabled people for the workplace — started seven years ago when she substituted for a cafeteria worker at ASETS.

The organization's supervisor liked the way she worked with the disabled and offered her a permanent position training both mentally and physically handicapped people to work for various employers in the community.

But before Hanes can train a worker, she has to learn the task at hand herself.

"My supervisor finds an available job and then we try to match it with a worker. A job coach is then selected to train for that job before a worker is trained. I've learned many a job. I'm a jack-of-all-trades. One of the first sites I had was out at the airport learning how to sweep carpets.

"I've learned how to pull carts and work the dishwashers at Humana Hospital. . . . We have a contract at the commissary out on base to learn how to stock. I also did janitorial work at the old federal building. They have nine miles of carpet that we had to vacuum every night. That is where a worker dropped a lot of weight.

"We have workers in a veterinary clinic cleaning cages and moving animals and another who works at Alaska Silk Pies. We also have people at Alaska Cleaners.

"We are trying to branch out to other jobs that offer more versatility. We don't want to give them only 'grungy jobs' that no one else wants. We want them to take pride in what they do.

"It gives the disabled a more fulfilling life and is a learning experience for the community. Getting the disabled into the workplace is better than keeping them in sheltered workshops, out of sight.

"In my department . . . there are six job coaches, each with about six to eight people on their case load.

"I have no official education for this job. I think it helps coming from a large family because you're used to getting along with all different kinds of people. I have nine brothers and sisters. I'm right in the middle.

"The most important trait one must have for this job is the ability to get along with people. It's amazing the amount of patience I've learned since I've had this job. You try and put yourself in their position and realize you have to keep trying different ways to get them to understand (the required task). Each trainee functions at a different level. You have to put yourself in their shoes and try to get the point across to them.

"I'm working with (a disabled person) right now. The (invoicing) machine we are working on is very frustrating. It's frustrating to me, but I can't let him see that. I have to be able to ask him if he's frustrated, to see if he can acknowledge that, and then encourage him to take a break.



BOB HALLINEN / Anchorage Daily News

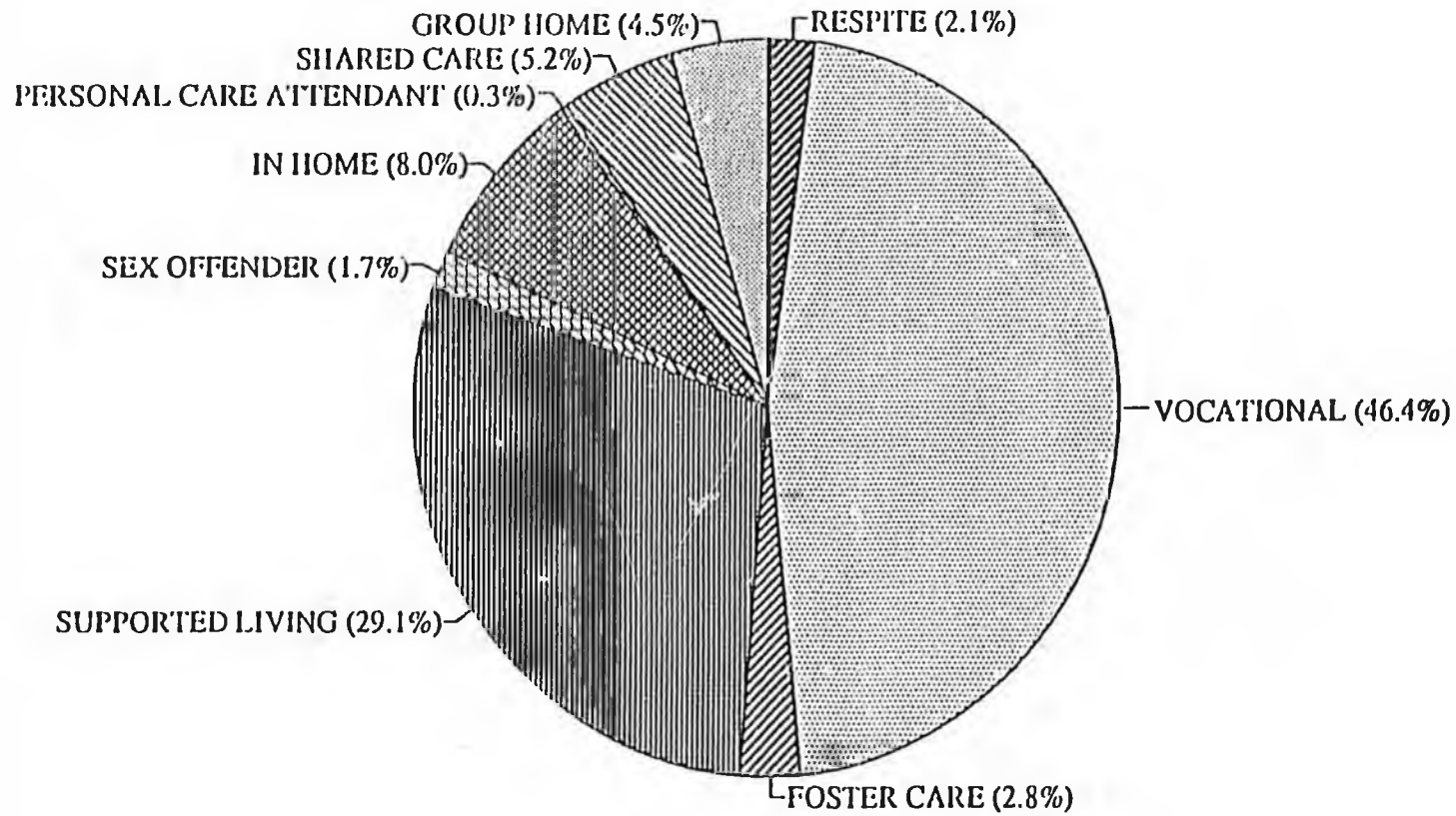
"I also have to make sure to tell him that it is OK to be frustrated. He may not even know that it is frustration he's feeling.

"With proper training, (mentally and physically disabled people) function wonderfully. If I ever have my own business, I would hire disabled people because they are loyal — they

will always be there. They love performing for themselves and getting the feedback that they are doing a wonderful job." ■

— Deborah Sakamoto is a Daily News editorial assistant.

DEVELOPMENTAL DISABILITIES APPLICANT SERVICE REQUESTS



ASETS*

*Alaska Specialized Education and Training Services, Inc.

Volume 8, Number 2

Winter Issue 1991

ADA and EMPLOYMENT

The Americans With Disabilities Act of 1990, PL 101-336, more commonly known as ADA, mandates the elimination of discrimination against persons with disabilities. It provides statutory deadlines for accomplishing this in the areas of Employment, Public Accommodations, Transportation, State and Local Government Operations, and Telecommunications.

Date of implementation of ADA in the area of employment is broken out into two categories of employers. For those employers who have had twenty-five or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, the implementation date is ~~July 26~~ 1992. For those employers who have had between fifteen and twenty-four employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, the implementation date is July 26, 1994.

Employers may not discriminate against an individual with a disability in hiring or promotion if that person is otherwise qualified for the job. Employers can ask about one's ability to perform a job, but cannot inquire if someone has a disability or subject a person to tests that tend to screen out people with disabilities. Employers will need to provide "reasonable accommodations" to individuals with disabilities; the law does further state that employers do not need to provide accommodations that impose an "undue hardship" on business operations.

At what point do "reasonable accommodations" become an "undue hardship" on business operations? Reasonable accommodation may include:

- (A) making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and
- (B) job restructuring, part-time or modified work schedules,

reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

Undue hardship means an action requiring significant difficulty or expense, when considered in light of the factors set forth in subparagraph (B). In considering whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include:

- (i) the nature and cost of the accommodation needed under this Act;
- (ii) the overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; the number of persons employed at such a facility; the effect on expenses and resources, or the impact otherwise of such accommodation upon the operation of the facility;
- (iii) the overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees; the number, type and location of its facilities; and
- (iv) the type of operation or operations of a covered entity, including the composition, structure, and functions of the workplace of such entity; the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the covered entity;

For more information on ADA and its impact on your business, contact either the Division of Vocational Rehabilitation at 274-9100, Access Alaska at 248-4777, or Advocacy Services of Alaska at 344-1002.

Jan. 26