

**WEST VIRGINIA LEGISLATURE**  
*Performance Evaluation and Research Division*

Building 1, Room W-314  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0610  
(304) 347-4890  
(304) 347-4939 FAX



John Sylvia  
Director

November 19, 2013

The Honorable Herb Snyder  
West Virginia Senate  
Room 217W, Building 1  
State Capitol Complex

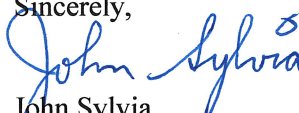
The Honorable Jim Morgan  
West Virginia House of Delegates  
Room 213E, Building 1  
State Capitol Complex

Dear Co-chairs:

The attached letter-report identifies a concern we identified regarding the 16 field office facilities within the Department of Veterans Assistance. There are concerns that some of the field offices are not in compliance with the federal Americans with Disabilities Act (ADA), and/or federal privacy laws. Department officials specifically identified two offices, Beckley and Lewisburg, which may present compliance issues with the ADA and/or federal privacy laws. The Legislative Auditor conducted site visits at six office locations in Beckley, Charleston, Lewisburg, Logan, Huntington, and Princeton, and found that five of the six offices present at least one of the issues above with respect to federal laws and standards. The Beckley and Lewisburg offices were found to have narrow corridors and doorways that do not meet the ADA required measurements. The small size of the Beckley office presents difficulties in accommodating disabled veterans in motorized wheelchairs. Additionally, Beckley, Lewisburg, Logan, Huntington, and Princeton all present privacy issues, as their office facilities do not allow veterans to communicate their confidential health and identification information to staff without being overheard by others. Finally, site visits to the Beckley and Lewisburg offices revealed that these office locations do not have sufficient storage space to securely store the confidential information once it is collected.

Given that a representative sample of the Department's field offices present one or more issues with the ADA and/or federal privacy laws, the Legislative Auditor will visit all 16 field office locations and review the facilities for ADA compliance using the attached checklist. Additionally, PERD staff will analyze each field office to determine whether the field offices are in compliance with relevant privacy laws. The Legislative Auditor will analyze the findings, and report to the Joint Committee on Government Organization and the Joint Committee on Government Operations at a future interim meeting.

Sincerely,

  
John Sylvia

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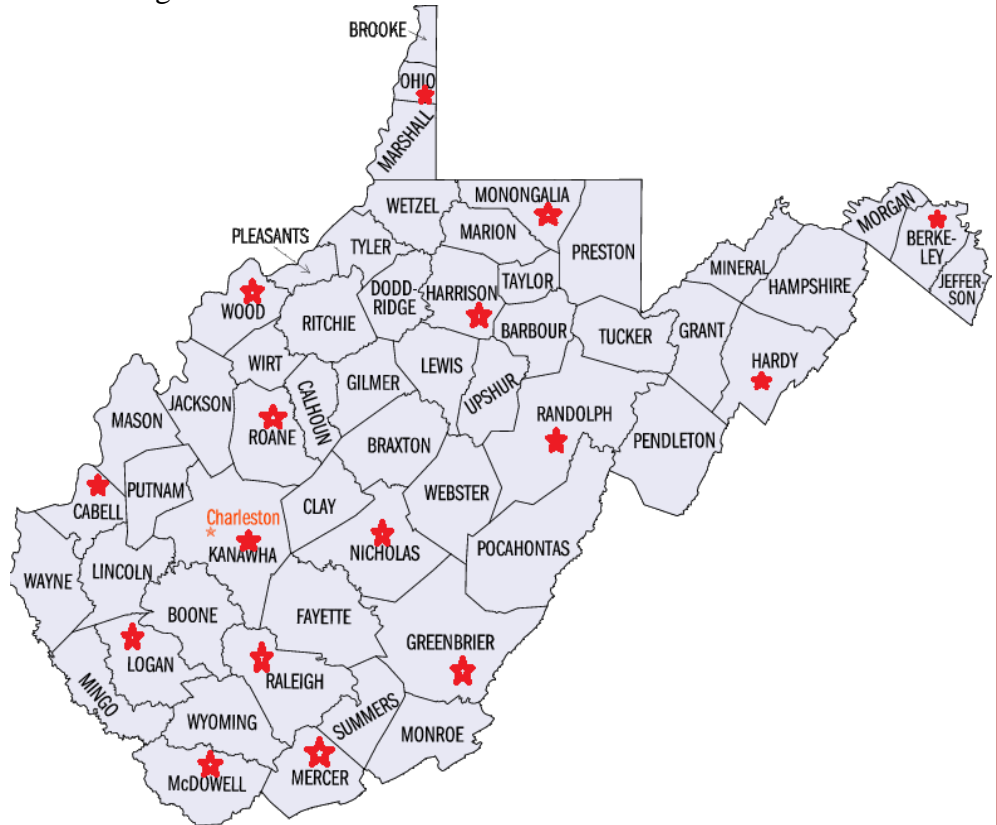
*Joint Committee on Government and Finance*

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## Americans with Disabilities Act (ADA) & Federal Privacy Law Compliance Department of Veterans Assistance November 2013

The West Virginia Department of Veterans Assistance operates 16 field offices throughout the state of West Virginia at the following locations:

- Beckley
- Charleston
- Clarksburg
- Elkins
- Huntington
- Lewisburg
- Logan
- Martinsburg
- Moorefield
- Morgantown
- Parkersburg
- Princeton
- Spencer
- Summersville
- Welch
- Wheeling



Department officials expressed concerns to the Legislative Auditor that some of the facilities may fail to comply with ADA standards, and that some presented potential violations of federal privacy laws. Specifically mentioned were the Department's Beckley and Lewisburg offices.

### Observations From Field Work Reveal Concerns with ADA Compliance and Privacy

The Legislative Auditor's Office visited the field office locations in Beckley, Lewisburg, Princeton, Charleston, Logan, and Huntington to examine a sample of the office spaces amid concerns of their reported deficiencies. The Beckley field office is a two-room facility in downtown Beckley. The Veterans Service Officer Assistant reported having difficulty in getting motorized wheelchairs through the narrow doorways. Additionally, once the wheelchairs make it through the doorway, the workers must remove furniture in the office to allow adequate

maneuvering for the veterans. Furthermore, the facility presents a number of privacy concerns. During the claims process, veterans must divulge confidential identification and detailed medical information. The small office space does not provide an enclosed, private area in which veterans may communicate private health or identification information without being overheard. In order to provide privacy for veterans seeking services, workers will sometimes lock the office front door, forcing other veterans to wait outside in the hallway. It was also found by the Legislative Auditor that storage space for the confidential information collected was lacking at this facility.

The Lewisburg field office is located in the basement of the Greenbrier County Courthouse. Concerns had been expressed to the Legislative Auditor that the hallways and doorways leading to this office may fail to comply with the ADA. After measuring some of these areas, the Legislative Auditor found that some doorways provide less than the required 32 inches of clear space required under the ADA standard. Additionally, the office lacks a completely enclosed, private area for veterans to discuss health issues without being overheard. Storage space was also found to be an issue for files containing personal identification and health information.

The Princeton field office did not appear to present any issues with ADA compliance. However, the office does not provide a completely enclosed, private space for veterans seeking claims assistance and thus gives rise to privacy concerns.

The Charleston field office did not appear to present any issues with ADA compliance. Furthermore, the office facility contains three completely enclosed, private areas in which veterans can communicate personal identification or health information without being overheard.

The Logan field office was examined using the ADA Checklist and did not present any compliance issues with respect to ADA standards. However, the office facility does not provide a completely enclosed, private area for veterans to communicate their personal and health information. The Veterans Service Officer stated that privacy could be considered a concern. He cited examples of situations in which veterans would bring up sensitive topics such as sexual assault. To provide complete privacy, he would ask other veterans to wait in the hallway and clear out the office.

The Huntington field office was also examined for ADA compliance using the ADA checklist and presented no issues with respect to compliance. Like many of the other offices examined, however, the office does not provide a completely enclosed, private area for veterans to communicate their personal and health information.

## **Conclusion**

The Legislative Auditor concludes that each of the Department of Veterans Assistances 16 field offices should be examined for compliance with ADA standards and federal privacy laws. Therefore, the Legislative Auditor will conduct site visits for each location, and evaluate each field office to determine compliance with ADA standards using the ADA Checklist. The Legislative Auditor will analyze all offices to determine whether there are violations of federal privacy laws. Findings will be compiled and reported to the Joint Committee on Government Organization and the Joint Committee on Government Operations at a future interim date.

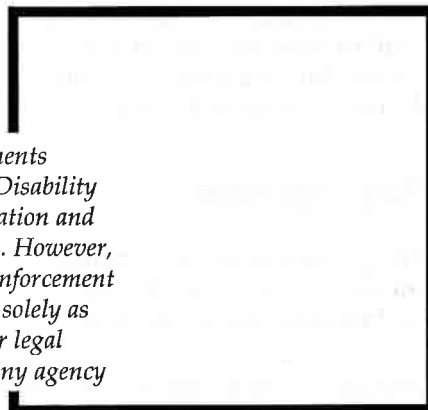
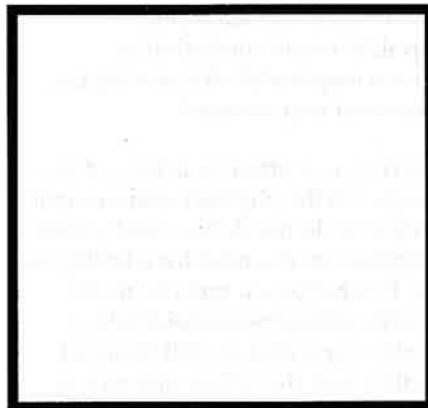
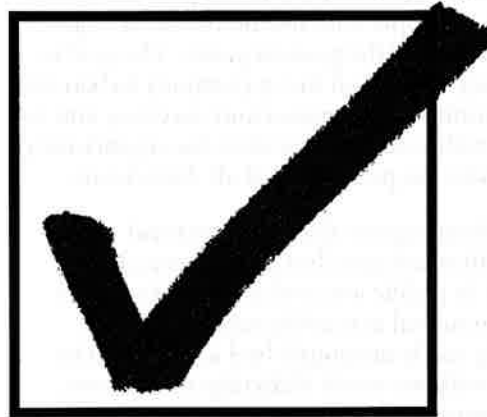
# Checklist for Existing Facilities version 2.1



To obtain additional copies of this checklist, contact your Disability and Business Technical Assistance Center. To be automatically connected to your regional center, call 1-800-949-4ADA. This checklist may be copied as many times as desired by the Disability and Business Technical Assistance Centers for distribution to small businesses but may not be reproduced in whole or in part and sold by any other entity without written permission of Adaptive Environments, the author.

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## The Americans with Disabilities Act Checklist for Readily Achievable Barrier Removal

August 1995

# Checklist for Existing Facilities version 2.1

## Introduction

Title III of the **Americans with Disabilities Act** requires public accommodations to provide goods and services to people with disabilities on an equal basis with the rest of the general public. The goal is to afford every individual the opportunity to benefit from our country's businesses and services, and to afford our businesses and services the opportunity to benefit from the patronage of all Americans.

The regulations require that architectural and communication barriers that are structural must be removed in public areas of **existing facilities** when their removal is **readily achievable**—in other words, easily accomplished and able to be carried out without much difficulty or expense. **Public accommodations** that must meet the barrier removal requirement include a broad range of establishments (both for-profit and nonprofit)—such as hotels, restaurants, theaters, museums, retail stores, private schools, banks, doctors' offices, and other places that serve the public. People who own, lease, lease out, or operate places of public accommodation in existing buildings are responsible for complying with the barrier removal requirement.

The removal of barriers can often be achieved by making simple changes to the physical environment. However, the regulations do not define exactly how much effort and expense are required for a facility to meet its obligation. This judgment must be made on a case-by-case basis, taking into consideration such factors as the size, type, and overall financial resources of the facility, and the nature and cost of the access improvements needed. These factors are described in more detail in the ADA regulations issued by the Department of Justice.

The process of determining what changes are readily achievable is not a one-time effort; access should be re-evaluated annually. Barrier removal that might be difficult to carry out now may be readily achievable later. Tax incentives are available to help absorb costs over several years.

## Purpose of This Checklist

This checklist will help you identify accessibility problems and solutions in existing facilities in order to meet your obligations under the ADA.

The goal of the survey process is to plan how to make an existing facility more usable for people with disabilities. The Department of Justice (DOJ) recommends the development of an Implementation Plan, specifying what improvements you will make to remove barriers and when each solution will be carried out: "...Such a plan...could serve as evidence of a good faith effort to comply...."

## Technical Requirements

This checklist details some of the requirements found in the ADA Standards for Accessible Design (Standards). The ADA Accessibility Guidelines (ADAAG), when adopted by DOJ, became the Standards. The Standards are part of the Department of Justice Title III Regulations, 28 CFR Part 36 (*Nondiscrimination on the basis of disability... Final Rule*). Section 36.304 of this regulation, which covers barrier removal, should be reviewed before this survey is conducted.

However, keep in mind that full compliance with the Standards is required only for new construction and alterations. The requirements are presented here as a guide to help you determine what may be readily achievable barrier removal for existing facilities. The Standards should be followed for all barrier removal unless doing so is not readily achievable. If complying with the Standards is not readily achievable, you may undertake a modification that does not fully comply, as long as it poses no health or safety risk.

In addition to the technical specifications, each item has a scoping provision, which can be found under Section 4.1 in the Standards. This section clarifies when access is required and what the exceptions may be.

Each state has its own regulations regarding accessibility. To ensure compliance with all codes, know your state and local codes and use the more stringent technical requirement for every modification you make; that is, the requirement that provides greater access for individuals with disabilities. The barrier removal requirement for existing facilities is new under the ADA and supersedes less stringent local or state codes.

## What This Checklist is Not

This checklist does not cover all of the requirements of the Standards; therefore, it is **not** for facilities undergoing new construction or alterations. In addition, it does not attempt to illustrate all possible barriers or propose all possible barrier removal solutions. The Standards should be consulted for guidance in situations not covered here.

The Title III regulation covers more than barrier removal, but this checklist does **not** cover Title III's requirements for nondiscriminatory policies and practices and for the provision of auxiliary communication aids and services. The communication features covered are those that are **structural** in nature.

## Priorities

This checklist is based on the four priorities recommended by the Title III regulations for planning readily achievable barrier removal projects:

- Priority 1: Accessible **approach and entrance**
- Priority 2: Access to **goods and services**
- Priority 3: Access to **rest rooms**
- Priority 4: Any **other measures** necessary


*Note that the references to ADAAG throughout the checklist refer to the Standards for Accessible Design.*

## How to Use This Checklist

✓ **Get Organized:** Establish a time frame for completing the survey. Determine how many copies of the checklist you will need to survey the whole facility. Decide who will conduct the survey. It is strongly recommended that you invite two or three additional people, including people with various disabilities and accessibility expertise, to assist in identifying barriers, developing solutions for removing these barriers, and setting priorities for implementing improvements.

✓ **Obtain Floor Plans:** It is very helpful to have the building floor plans with you while you survey. If plans are not available, use graph paper to sketch the layout of all interior and exterior spaces used by your organization. Make notes on the sketch or plan while you are surveying.

✓ **Conduct the Survey:** Bring copies of this checklist, a clipboard, a pencil or pen, and a flexible steel

tape measure. With three people surveying, one person numbers key items on the floor plan to match with the field notes, taken by a second person, while the third takes measurements. **Be sure to record all dimensions!** As a reminder, questions that require a dimension to be measured and recorded are marked with the ruler symbol.  Think about each space from the perspective of people with physical, hearing, visual, and cognitive disabilities, noting areas that need improvement.

✓ **Summarize Barriers and Solutions:** List barriers found and ideas for their removal. Consider the solutions listed beside each question, and add your own ideas. Consult with building contractors and equipment suppliers to estimate the costs for making the proposed modifications.

✓ **Make Decisions and Set Priorities:** Review the summary with decision makers and advisors. Decide which solutions will best eliminate barriers at a reasonable cost. Prioritize the items you decide upon and make a timeline for carrying them out. Where the removal of barriers is not readily achievable, you must consider whether there are **alternative methods** for providing access that *are* readily achievable.

✓ **Maintain Documentation:** Keep your survey, notes, summary, record of work completed, and plans for alternative methods on file.

✓ **Make Changes:** Implement changes as planned. Always refer directly to the Standards and your state and local codes for complete technical requirements before making any access improvement. References to the applicable sections of the Standards are listed at the beginning of each group of questions. If you need help understanding the federal, state, or local requirements, contact your Disability and Business Technical Assistance Center.

✓ **Follow Up:** Review your Implementation Plan each year to re-evaluate whether more improvements have become readily achievable.

To obtain a copy of the Title III regulations and the Standards or other technical information, call the U.S. Dept. of Justice ADA Information Line at (800) 514-0301 Voice, (202) 514-0381 TDD, or (800) 514-0383 TDD. For questions about ADAAG, contact the Architectural and Transportation Barriers Compliance Board at (800) USA-ABLE.

Priority

**1 Accessible Approach/Entrance**

People with disabilities should be able to arrive on the site, approach the building, and enter as freely as everyone else. At least one route of travel should be safe and accessible for everyone, including people with disabilities.

**Route of Travel (ADAAG 4.3, 4.4, 4.5, 4.7)**


Is there a route of travel that does not require the use of stairs?


Yes No

- Add a ramp if the route of travel is interrupted by stairs.
- Add an alternative route on level ground.


Is the route of travel stable, firm and slip-resistant?


- Repair uneven paving.
- Fill small bumps and breaks with beveled patches.
- Replace gravel with hard top.

 Is the route at least 36 inches wide?

  
 width

- Change or move landscaping, furnishings, or other features that narrow the route of travel.
- Widen route.

 Can all objects protruding into the circulation paths be detected by a person with a visual disability using a cane?

  
 distance from wall/  
 height

- Move or remove protruding objects.
- Add a cane-detectable base that extends to the ground.
- Place a cane-detectable object on the ground underneath as a warning barrier.

**In order to be detected** using a cane, an object must be within 27 inches of the ground. Objects hanging or mounted overhead must be higher than 80 inches to provide clear head room. It is not necessary to remove objects that protrude less than 4 inches from the wall.


Do curbs on the route have curb cuts at drives, parking, and drop-offs?

- Install curb cut.
- Add small ramp up to curb.

**Ramps (ADAAG 4.8)**

Are the slopes of ramps no greater than 1:12?

**Slope is given as a ratio of the height to the length.** 1:12 means for every 12 inches along the base of the ramp, the height increases one inch. For a 1:12 maximum slope, **at least** one foot of ramp length is needed for each inch of height.

  
 slope

- Lengthen ramp to decrease slope.
- Relocate ramp.
- If available space is limited, reconfigure ramp to include switchbacks.



**QUESTIONS**


**POSSIBLE SOLUTIONS**


**Ramps, continued**

Do all ramps longer than 6 feet have railings on both sides?


Yes No


Add railings.

 Are railings sturdy, and between 34 and 38 inches high?

  
 height

Adjust height of railing if not between 30 and 38 inches.  
 Secure handrails in fixtures.


 Is the width between railings or curbs at least 36 inches?


  
 width

Relocate the railings.  
 Widen the ramp.


Are ramps non-slip?


Add non-slip surface material.

 Is there a 5-foot-long level landing at every 30-foot horizontal length of ramp, at the top and bottom of ramps and at switchbacks?

  
 length


Remodel or relocate ramp.

 Does the ramp rise no more than 30 inches between landings?


  
 rise

Remodel or relocate ramp.

**Parking and Drop-Off Areas (ADAAG 4.6)**


 Are an adequate number of accessible parking spaces available (8 feet wide for car plus 5-foot access aisle)? For guidance in determining the appropriate number to designate, the table below gives the ADAAG requirements for new construction and alterations (for lots with more than 100 spaces, refer to ADAAG):


Total spaces	Accessible
1 to 25	1 space
26 to 50	2 spaces
51 to 75	3 spaces
76 to 100	4 spaces

  
 number of accessible spaces

Reconfigure a reasonable number of spaces by repainting stripes.

Note widths of existing accessible spaces:

 Are 8-foot-wide spaces, with minimum 8-foot-wide access aisles, and 98 inches of vertical clearance, available for lift-equipped vans?

  
 width/  
 vertical  
 clearance

Reconfigure to provide van-accessible space(s).

**At least one of every 8 accessible spaces must be van-accessible (with a minimum of one van-accessible space in all cases).**

## QUESTIONS

## POSSIBLE SOLUTIONS

### Parking and Drop-Off Areas, continued

Are the access aisles part of the accessible route to the accessible entrance?

Yes No

Are the accessible spaces closest to the accessible entrance?

Are accessible spaces marked with the International Symbol of Accessibility? Are there signs reading "Van Accessible" at van spaces?

Is there an enforcement procedure to ensure that accessible parking is used only by those who need it?

- Add curb ramps.
- Reconstruct sidewalk.
- Reconfigure spaces.
- Add signs, placed so that they are not obstructed by cars.
- Implement a policy to check periodically for violators and report them to the proper authorities.

### Entrance (ADAAG 4.13, 4.14, 4.5)


If there are stairs at the main entrance, is there also a ramp or lift, or is there an alternative accessible entrance?

**Do not use a service entrance as the accessible entrance** unless there is no other option.


Do all inaccessible entrances have signs indicating the location of the nearest accessible entrance?


Can the alternate accessible entrance be used independently?

- If it is not possible to make the main entrance accessible, create a dignified alternate accessible entrance. If parking is provided, make sure there is accessible parking near all accessible entrances.
- Install signs before inaccessible entrances so that people do not have to retrace the approach.
- Eliminate as much as possible the need for assistance—to answer a doorbell, to operate a lift, or to put down a temporary ramp, for example.

 Does the entrance door have at least 32 inches clear opening (for a double door, at least one 32-inch leaf)?

  
 clear opening

 Is there at least 18 inches of clear wall space on the pull side of the door, next to the handle?

  
 clear space


**A person using a wheelchair or crutches** needs this space to get close enough to open the door.

- Widen the door to 32 inches clear.
- If technically infeasible, widen to 31-3/8 inches minimum.
- Install offset (swing-clear) hinges.
- Remove or relocate furnishings, partitions, or other obstructions.
- Move door.
- Add power-assisted or automatic door opener.


## QUESTIONS

## POSSIBLE SOLUTIONS


### Entrance, continued


 Is the threshold edge 1/4-inch high or less, or if beveled edge, no more than 3/4-inch high?

Yes No

  
 height

- If there is a single step with a rise of 6 inches or less, add a short ramp.
- If there is a threshold greater than 3/4-inch high, remove it or modify it to be a ramp.


 If provided, are carpeting or mats a maximum of 1/2-inch high?


  
 height

- Replace or remove mats.

Are edges securely installed to minimize tripping hazards?


- Secure carpeting or mats at edges.


 Is the door handle no higher than 48 inches and operable with a closed fist?

  
 height

- Lower handle.
- Replace inaccessible knob with a lever or loop handle.
- Retrofit with an add-on lever extension.


**The "closed fist" test for handles and controls:** Try opening the door or operating the control using only one hand, held in a fist. If you can do it, so can a person who has limited use of his or her hands.


 Can doors be opened without too much force (exterior doors reserved; maximum is 5 lbf for interior doors)?

  
 force

- Adjust the door closers and oil the hinges.
- Install power-assisted or automatic door openers.
- Install lighter doors.

**You can use an inexpensive force meter or a fish scale** to measure the force required to open a door. Attach the hook end to the doorknob or handle. Pull on the ring end until the door opens, and read off the amount of force required. If you do not have a force meter or a fish scale, you will need to judge subjectively whether the door is easy enough to open.

 If the door has a closer, does it take at least 3 seconds to close?

  
 seconds

- Adjust door closer.

# QUESTIONS

# POSSIBLE SOLUTIONS

Priority

## 2 Access to Goods and Services

Ideally, the layout of the building should allow people with disabilities to obtain materials or services without assistance.

Yes No


### Horizontal Circulation (ADAAG 4.3)


Does the accessible entrance provide direct access to the main floor, lobby, or elevator?

- Add ramps or lifts.
- Make another entrance accessible.


Are all public spaces on an accessible route of travel?


- Provide access to all public spaces along an accessible route of travel.

 Is the accessible route to all public spaces at least 36 inches wide?

  
 width


- Move furnishings such as tables, chairs, display racks, vending machines, and counters to make more room.

 Is there a 5-foot circle or a T-shaped space for a person using a wheelchair to reverse direction?

  
 width


- Rearrange furnishings, displays, and equipment.


### Doors (ADAAG 4.13)

 Do doors into public spaces have at least a 32-inch clear opening?


  
 clear opening


- Install offset (swing-clear) hinges.
- Widen doors.

 On the pull side of doors, next to the handle, is there at least 18 inches of clear wall space so that a person using a wheelchair or crutches can get near to open the door?


  
 clear space

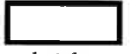
- Reverse the door swing if it is safe to do so.
- Move or remove obstructing partitions.

 Can doors be opened without too much force (5 lbf maximum for interior doors)?


  
 force


- Adjust or replace closers.
- Install lighter doors.
- Install power-assisted or automatic door openers.

 Are door handles 48 inches high or less and operable with a closed fist?

  
 height

- Lower handles.
- Replace inaccessible knobs or latches with lever or loop handles.
- Retrofit with add-on levers.
- Install power-assisted or automatic door openers.

 Are all threshold edges 1/4-inch high or less, or if beveled edge, no more than 3/4-inch high?

  
 height

- If there is a threshold greater than 3/4-inch high, remove it or modify it to be a ramp.
- If between 1/4- and 3/4-inch high, add bevels to both sides.

**QUESTIONS**

**POSSIBLE SOLUTIONS**

**Rooms and Spaces (ADAAG 4.2, 4.4, 4.5)**



Are all aisles and pathways to materials and services at least 36 inches wide?

Yes No

width

Rearrange furnishings and fixtures to clear aisles.



Is there a 5-foot circle or T-shaped space for turning a wheelchair completely?

width

Rearrange furnishings to clear more room.

Is carpeting low-pile, tightly woven, and securely attached along edges?

Secure edges on all sides.  
 Replace carpeting.



In circulation paths through public areas, are all obstacles cane-detectable (located within 27 inches of the floor or higher than 80 inches, or protruding less than 4 inches from the wall)?

height/  
protrusion

Remove obstacles.  
 Install furnishings, planters, or other cane-detectable barriers underneath.

**Emergency Egress (ADAAG 4.28)**

If emergency systems are provided, do they have both flashing lights and audible signals?

Install visible and audible alarms.  
 Provide portable devices.

**Signage for Goods and Services (ADAAG 4.30)**

Different requirements apply to different types of signs.



If provided, do signs and room numbers designating permanent rooms and spaces where goods and services are provided comply with the appropriate requirements for such signage?

Provide signs that have raised letters, Grade II Braille, and that meet all other requirements for permanent room or space signage. (See ADAAG 4.1.3(16) and 4.30.)

• Signs mounted with centerline 60 inches from floor.

Y N    
height

• Mounted on wall adjacent to latch side of door, or as close as possible.

• Raised characters, sized between 5/8 and 2 inches high, with high contrast (for room numbers, rest rooms, exits).

character  
height

• Brailled text of the same information.

• If pictogram is used, it must be accompanied by raised characters and braille.

## QUESTIONS

## POSSIBLE SOLUTIONS

### Directional and Informational Signage

The following questions apply to directional and informational signs that fall under Priority 2.

**PRIORITY** If mounted above 80 inches, do they have letters at least 3 inches high, with high contrast, and non-glare finish?

Yes No

letter height

Review requirements and replace signs as needed, meeting the requirements for character size, contrast, and finish.

Do directional and informational signs comply with legibility requirements? (Building directories or temporary signs need not comply.)

Review requirements and replace signs as needed.

### Controls (ADAAG 4.27)

**PRIORITY** Are all controls that are available for use by the public (including electrical, mechanical, cabinet, game, and self-service controls) located at an accessible height?

height

Relocate controls.

**Reach ranges:** The maximum height for a side reach is 54 inches; for a forward reach, 48 inches. The minimum reachable height is 15 inches for a front approach and 9 inches for a side approach.

Are they operable with a closed fist?

Replace controls.

### Seats, Tables, and Counters (ADAAG 4.2, 4.32, 7.2)

**PRIORITY** Are the aisles between fixed seating (other than assembly area seating) at least 36 inches wide?

width

Rearrange chairs or tables to provide 36-inch aisles.

Are the spaces for wheelchair seating distributed throughout?

Rearrange tables to allow room for wheelchairs in seating areas throughout the area.

Remove some fixed seating.

**PRIORITY** Are the tops of tables or counters between 28 and 34 inches high?

height

Lower part or all of high surface.

Provide auxiliary table or counter.

**PRIORITY** Are knee spaces at accessible tables at least 27 inches high, 30 inches wide, and 19 inches deep?


height/  
width/  
depth

Replace or raise tables.

**QUESTIONS**

**POSSIBLE SOLUTIONS**


**Seats, Tables, and Counters, continued**

 At each type of cashier counter, is there a portion of the main counter that is no more than 36 inches high?

Yes No

height

- Provide a lower auxiliary counter or folding shelf.
- Arrange the counter and surrounding furnishings to create a space to hand items back and forth.

 Is there a portion of food-ordering counters that is no more than 36 inches high, or is there space at the side for passing items to customers who have difficulty reaching over a high counter?

height

- Lower section of counter.
- Arrange the counter and surrounding furnishings to create a space to pass items.

**Vertical Circulation (ADAAG 4.1.3(5), 4.3)**

Are there ramps, lifts, or elevators to all public levels?

- Install ramps or lifts.
- Modify a service elevator.
- Relocate goods or services to an accessible area.

On each level, if there are stairs between the entrance and/or elevator and essential public areas, is there an accessible alternate route?

- Post clear signs directing people along an accessible route to ramps, lifts, or elevators.

**Stairs (ADAAG 4.9)**

The following questions apply to stairs connecting levels *not* serviced by an elevator, ramp, or lift.

Do treads have a non-slip surface?

- Add non-slip surface to treads.


Do stairs have continuous rails on both sides, with extensions beyond the top and bottom stairs?

- Add or replace handrails if possible within existing floor plan.

**Elevators (ADAAG 4.10)**

Are there both visible and verbal or audible door opening/closing and floor indicators (one tone = up, two tones = down)?

- Install visible and verbal or audible signals.

 Are the call buttons in the hallway no higher than 42 inches?

height

- Lower call buttons.
- Provide a permanently attached reach stick.

Do the controls inside the cab have raised and braille lettering?

- Install raised lettering and braille next to buttons.

**QUESTIONS**

**POSSIBLE SOLUTIONS**

**Elevators, continued**

Is there a sign on both door jambs at every floor identifying the floor in raised and braille letters?

Yes No

Install tactile signs to identify floor numbers, at a height of 60 inches from floor.

If an emergency intercom is provided, is it usable without voice communication?

Modify communication system.


Is the emergency intercom identified by braille and raised letters?


Add tactile identification.

**Lifts (ADAAG 4.2, 4.11)**


Can the lift be used without assistance? If not, is a call button provided?


At each stopping level, post clear instructions for use of the lift.  
 Provide a call button.

 Is there at least 30 by 48 inches of clear space for a person in a wheelchair to approach to reach the controls and use the lift?

  
 clear space

Rearrange furnishings and equipment to clear more space.

 Are controls between 15 and 48 inches high (up to 54 inches if a side approach is possible)?

  
 height

Move controls.

Priority

**3 Usability of Rest Rooms**

When rest rooms are open to the public, they should be accessible to people with disabilities.

**Getting to the Rest Rooms (ADAAG 4.1)**

If rest rooms are available to the public, is at least one rest room (either one for each sex, or unisex) fully accessible?

Reconfigure rest room.  
 Combine rest rooms to create one unisex accessible rest room.

Are there signs at inaccessible rest rooms that give directions to accessible ones?

Install accessible signs.

**Doorways and Passages (ADAAG 4.2, 4.13, 4.30)**

Is there tactile signage identifying rest rooms?

Add accessible signage, placed to the side of the door, 60 inches to centerline (not on the door itself).

**Mount signs on the wall**, on the latch side of the door, complying with the requirements for permanent signage. Avoid using ambiguous symbols in place of text to identify rest rooms.



## QUESTIONS

## POSSIBLE SOLUTIONS


### Doorways and Passages, continued

Are pictograms or symbols used to identify rest rooms, and, if used, are raised characters and braille included below them?

Yes No


- If symbols are used, add supplementary verbal signage with raised characters and braille below pictogram symbol.

**10010** Is the doorway at least 32 inches clear?

  
 clear width


- Install offset (swing-clear) hinges.
- Widen the doorway.

**10011** Are doors equipped with accessible handles (operable with a closed fist), 48 inches high or less?

  
 height

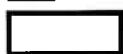
- Lower handles.
- Replace knobs or latches with lever or loop handles.
- Add lever extensions.
- Install power-assisted or automatic door openers.

**10012** Can doors be opened easily (5 lbf maximum force)?

  
 force

- Adjust or replace closers.
- Install lighter doors.
- Install power-assisted or automatic door openers.

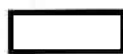
**10013** Does the entry configuration provide adequate maneuvering space for a person using a wheelchair?

  
 clear width

- Rearrange furnishings such as chairs and trash cans.
- Remove inner door if there is a vestibule with two doors.
- Move or remove obstructing partitions.

**A person in a wheelchair** needs 36 inches of clear width for forward movement, and a 5-foot diameter or T-shaped clear space to make turns. A minimum distance of 48 inches clear of the door swing is needed between the two doors of an entry vestibule.

**10014** Is there a 36-inch-wide path to all fixtures?

  
 width


- Remove obstructions.

### Stalls (ADAAG 4.17)

Is the stall door operable with a closed fist, inside and out?

- Replace inaccessible knobs with lever or loop handles.
- Add lever extensions.

**10015** Is there a wheelchair-accessible stall that has an area of at least 5 feet by 5 feet, clear of the door swing, OR is there a stall that is less accessible but that provides greater access than a typical stall (either 36 by 69 inches or 48 by 69 inches)?

  
 length/  
width

- Move or remove partitions.
- Reverse the door swing if it is safe to do so.

## QUESTIONS

## POSSIBLE SOLUTIONS

### Stalls, continued

In the accessible stall, are there grab bars behind and on the side wall nearest to the toilet?

Yes No

Add grab bars.

**MINI** Is the toilet seat 17 to 19 inches high?

Add raised seat.

height

### Lavatories (ADAAG 4.19, 4.24)

**MINI** Does one lavatory have a 30-inch-wide by 48-inch-deep clear space in front?

- Rearrange furnishings.
- Replace lavatory.
- Remove or alter cabinetry to provide space underneath.
- Make sure hot pipes are covered.
- Move a partition or wall.

A maximum of 19 inches of the required depth may be under the lavatory.

clear space

**MINI** Is the lavatory rim no higher than 34 inches?

Adjust or replace lavatory.

height

**MINI** Is there at least 29 inches from the floor to the bottom of the lavatory apron (excluding pipes)?

Adjust or replace lavatory.

height

Can the faucet be operated with one closed fist?

Replace with paddle handles.

Are soap and other dispensers and hand dryers within reach ranges (see page 7) and usable with one closed fist?

- Lower dispensers.
- Replace with or provide additional accessible dispensers.

**MINI** Is the mirror mounted with the bottom edge of the reflecting surface 40 inches high or lower?

- Lower or tilt down the mirror.
- Add a larger mirror anywhere in the room.

height

### Priority

## 4 Additional Access

*Note that this priority is for items not required for basic access in the first three priorities.*

When amenities such as drinking fountains and public telephones are provided, they should also be accessible to people with disabilities.

### Drinking Fountains (ADAAG 4.15)

**MINI** Is there at least one fountain with clear floor space of at least 30 by 48 inches in front?

Clear more room by rearranging or removing furnishings.

clear space

**QUESTIONS**

**POSSIBLE SOLUTIONS**

**Drinking Fountains, continued**

**11111** Is there one fountain with its spout no higher than 36 inches from the ground, and another with a standard height spout (or a single "hi-lo" fountain)?

**Yes No**

height

Are controls mounted on the front or on the side near the front edge, and operable with one closed fist?

**11111** Is each water fountain cane-detectable (located within 27 inches of the floor or protruding into the circulation space less than 4 inches from the wall)?

height/  
protrusion

- Provide cup dispensers for fountains with spouts that are too high.
- Provide accessible cooler.
- Replace the controls.
- Place a planter or other cane-detectable barrier on each side at floor level.

**Telephones (ADAAG 4.31)**

**11111** If pay or public use phones are provided, is there clear floor space of at least 30 by 48 inches in front of at least one?

clear space

**11111** Is the highest operable part of the phone no higher than 48 inches (up to 54 inches if a side approach is possible)?

height

**11111** Does the phone protrude no more than 4 inches into the circulation space?

protrusion

Does the phone have push-button controls?

Is the phone hearing-aid compatible?

Is the phone adapted with volume control?

Is the phone with volume control identified with appropriate signage?

If there are four or more public phones in the building, is one of the phones equipped with a text telephone (TT or TDD)?

Is the location of the text telephone identified by accessible signage bearing the International TDD Symbol?

- Move furnishings.
- Replace booth with open station.
- Lower telephone.
- Place a cane-detectable barrier on each side at floor level.
- Contact phone company to install push-buttons.
- Have phone replaced with a hearing-aid compatible one.
- Have volume control added.
- Add signage.
- Install a text telephone.
- Have a portable TT available.
- Provide a shelf and outlet next to phone.
- Add signage.



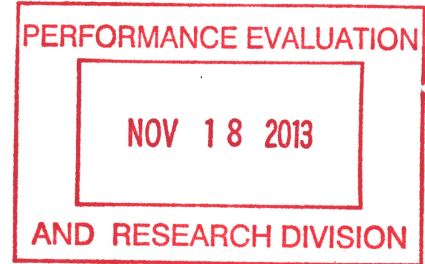
Earl Ray Tomblin  
Governor



Rick Thompson  
Cabinet Secretary

**West Virginia  
Department of Veterans Assistance**

1514 B Kanawha Blvd. E.  
Charleston, WV 25311  
Telephone: (304) 558-3661  
Fax: (304) 558-3662  
[www.veterans.wv.gov](http://www.veterans.wv.gov)



Nov. 18, 2013

West Virginia Legislature  
Performance Evaluation and Research Division  
Building 1, Room W-314  
1900 Kanawha Boulevard East  
Charleston, WV 25305

Dear Members of the West Virginia Legislature,

Please accept this letter as confirmation that the West Virginia Department of Veterans Assistance (WVDVA) has received a copy of the performance review recently conducted of the department by the West Virginia Legislature.

I acknowledge that evaluators had concerns regarding the privacy of veterans and compliance with the Americans with Disabilities Act at certain field offices, and that further investigation may be needed. I have forwarded a copy of this report to the Real Estate Division, which oversees the leasing of our various offices, and assure you that the department is eager to do anything else we can to correct these shortcomings.

With warmest regards,

A handwritten signature in black ink, appearing to read "Rick Thompson".

Rick Thompson  
Cabinet Secretary