

MINUTES
MULTNOMAH COUNTY BOARD OF COMMISSIONERS
August 28, 1990 MEETING

Chair Gladys McCoy convened the meeting at 9:36 a.m., with Commissioners Pauline Anderson and Sharron Kelley present, and Vice-Chair Gretchen Kafoury and Commissioner Rick Bauman absent.

C-1 PROCLAMATION in the Matter of Proclaiming August 27 - September 3, 1990 as "JTPA Alumni Week" (Job Training Partnership Act) in Multnomah County, Oregon

At the request of Chair McCoy, Chuck Forester and Maggie Bruster from "JTPA" explained and read the Proclamation for the record.

UPON MOTION of Commissioner Kelley, seconded by Commissioner Anderson, Proclamation 90-126 was UNANIMOUSLY APPROVED.

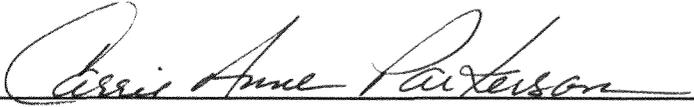
R-1 RESOLUTION in the Matter of in the Matter of Requesting a County Voters Pamphlet for the November 6, 1990 General Election

Vicki Ervin, Director of Elections requested that this Resolution and the Resolution placed on Thursday's agenda be pulled. Ms. Ervin explained that the Resolutions provided for a local voters' pamphlet for the November general election, and that an elector filed a court challenge to the ballot titles for two of the charter amendments. She stated that a local pamphlet would only have been needed if the court challenges had not been resolved in time to file the affected measures in the state voters' pamphlet. She explained that the court has resolved the challenges and that all measures will appear in the state's pamphlet.

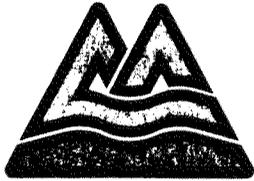
UPON MOTION of Commissioner Anderson, seconded by Commissioner Kelley, it was UNANIMOUSLY APPROVED that R-1 be pulled.

There being no further business, the meeting was adjourned at 9:45 a.m.

OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON

By 

0061C/6/cap



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 605, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308
PAULINE ANDERSON • DISTRICT 1 • 248-5220
GRETCHEN KAFOURY • DISTRICT 2 • 248-5219
RICK BAUMAN • DISTRICT 3 • 248-5217
SHARRON KELLEY • DISTRICT 4 • 248-5213
CLERK'S OFFICE • 248-3277

AGENDA

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FOR THE WEEK OF

August 27 - 31, 1990

Tuesday, August 28, 1990 - 9:30 AM - Formal Meeting . . . Page 2
Tuesday, August 28, 1990 - 9:45 AM - Informal Briefings . Page 2
Tuesday, August 28, 1990 - 11:00 AM - Informal Review . . Page 2
of Formal Agenda
Thursday, August 30, 1990 - 9:30 AM - Formal Meeting. . . Page 3

Thursday Meetings of the Multnomah County Board of Commissioners are recorded and can be seen at the following times:

Thursday, 10:00 PM, Channel 11 for East and West side subscribers
Friday, 6:00 PM, Channel 27 for Paragon Cable (Multnomah East) subscribers
Saturday 12:00 PM, Channel 21 for East Portland and East County subscribers

Tuesday, August 28, 1990 - 9:30 AM
Multnomah County Courthouse, Room 602

FORMAL MEETING

CONSENT CALENDAR

NON-DEPARTMENTAL

APR

C-1 PROCLAMATION in the Matter of Proclaiming August 27 - September 3, 1990 as "JTPA Alumni Week" (Job Training Partnership Act) in Multnomah County, Oregon

REGULAR AGENDA

DEPARTMENT OF GENERAL SERVICES

R-1 RESOLUTION in the Matter of in the Matter of Requesting a County Voters Pamphlet for the November 6, 1990 General Election

Pulled

Tuesday, August 28, 1990 - 9:45 AM
Multnomah County Courthouse, Room 602

INFORMAL BRIEFINGS

1. Briefing on Alternative Actions possible to allow County regulation of forest practices in the West Hills during the Wildlife Corridor Study and Progress Report on the Wildlife Corridor Study - Presented by Lorna Stickel, Joanne Garnett and Esther Lev
2. Overview of OSU Extension Energy Program serving Multnomah County - Presented by Paul Sunderland and David Brook
3. Briefing on Principles of Alphabetical Literacy System (PALS) - Presented by Linda Alexander
4. Overview of Disabilities Act - Presented by Robert Phillips
5. Informal Review of Formal Agenda of August 30, 1990

PUBLIC TESTIMONY WILL NOT BE TAKEN AT INFORMAL MEETINGS

Thursday, August 30, 1990 - 9:30 AM
Multnomah County Courthouse, Room 602

FORMAL MEETING

CONSENT CALENDAR

NON-DEPARTMENTAL

- C-1 PROCLAMATION in the Matter of Proclaiming September 3 through 8, 1990 as UNION LABEL WEEK in Multnomah County, Oregon
- C-2 In the Matter of Appointments to the Child Abuse Prevention Task Force: Children & Youth Services Commission, Sharon McCloskey; Law Enforcement, Dave Hadley; Children's Services Division, David Fuks; District Attorney, Helen Smith; Medical Diagnosis Assessment, Emmy Lowe; Treatment/Supervision Programs for Offenders, Dr. Orin Bolstad; Treatment Programs for Victims of Child Abuse, Craig Opperman; Courts, Judge Linda Bergman will make appointment; Probation Services, Mike King; Mental Health, Jim Edmondson; Alcohol and Drug, Norma Jaeger; Health, Jan Wallinder; Treatment Programs for Addicted Women, Barbara Grider; Citizen Advocate, Tom English; Citizen Advocate, To be named by August 31, 1990

JUSTICE SERVICES

SHERIFF'S OFFICE

- C-3 In the Matter of Approval for transfer of found/unclaimed or unidentified property (List 90-3) from the Sheriff's Office to the Department of General Services, for sale or disposal as provided by 7.70 of the Multnomah County Code
- C-4 In the Matter of Ratification of an Intergovernmental Agreement with the Oregon State Marine Board and Multnomah County Sheriff's Office for the funding of River Patrol to conduct marine law enforcement activities during FY 90/91

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-5 In the Matter of Ratification of an Intergovernmental Agreement between Multnomah County Emergency Management Division and Oregon Emergency Management for a Comprehensive Cooperative Agreement needed in order to document minimum work requirement to participate in the FEMA Emergency Management Assistance (EMA) Program

REGULAR AGENDA

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-1 PUBLIC HEARING in the Matter of ORDER of Final Vacation No. 4980 In the Matter of the Vacation of a Portion of NW Reeder Road, known as County Road No. 1888
TIME CERTAIN 9:30 AM

DEPARTMENT OF GENERAL SERVICES

- R-2 RESOLUTION In the Matter of the Amending Resolution 90-95 Adopting the 1990-91 Budget for Multnomah County, Oregon, for Fiscal Year July 1, 1990, to June 30, 1991, and Making the Appropriations thereunder, Pursuant to ORS 294.435
- R-3 RESOLUTION AND ORDER in the Matter of Requesting a County Voters' Pamphlet for the November 6, 1990 General Election

DEPARTMENT OF HUMAN SERVICES

AGING SERVICES AND JUVENILE JUSTICE DIVISIONS

- R-4 In the Matter of Ratification of an Intergovernmental Agreement between Multnomah County and the Housing Authority of Portland providing \$7,425 in HAP funds for administrative costs associated with the completion of weatherization projects on properties owned by HAP within the Aging Services/Community Action Division

PUBLIC CONTRACT REVIEW BOARD

(Recess as the Board of County Commissioners and convene as the Public Contract Review Board)

- R-5 ORDER in the Matter of approving an Exemption to the Formal Competitive Bid Process to Contract for the Remodeling of Office Space

(Recess as the Public Contract Review Board and reconvene as the Board of County Commissioners)

0702C/39-42
8/23/90
cap

VICKI K. ERVIN
Director of Elections



1040 S.E. Morrison St.
Portland, Oregon 97214-2495
(503) 248-3720

DATE: August 28, 1990
TO: Board of County Commissioners
FROM: Vicki Ervin, Director of Elections *ve*
RE: Items to be Removed from Agenda

Two resolutions on the agenda (R-1 on Tuesday, R-3 on Thursday) are moot and should be pulled.

The resolutions provided for a local voters' pamphlet for the November general election. An elector filed a court challenge to the ballot titles for two of the charter amendments. A local pamphlet would only have been needed if the court challenges had not been resolved in time to file the affected measures in the state voters' pamphlet.

As it turns out the court has resolved the challenges and all measures will appear in the state's pamphlet.

Meeting Date: AUG 28 1990

Agenda No.: C-1

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Proclamation - "JTPA Alumni Week"

BCC Informal _____ (date) BCC Formal TUESDAY AUGUST 28, 1990 (date)

DEPARTMENT Nondepartmental DIVISION County Chair's Office

CONTACT Judy Boyer TELEPHONE X-3308

PERSON(S) MAKING PRESENTATION Judy Boyer and members of the Private Industry Council

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 5 minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: _____

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

Proclamation in the Matter of Proclaiming August 27-Spetember 3, 1990 as "JTPA Alumni Week" in Multnomah County, Oregon

1990 AUG 28 1 PM 0 15
MULTNOMAH COUNTY
OREGON

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL Gladys Inda
Or

DEPARTMENT MANAGER _____

(All accompanying documents must have required signatures)

BEFORE THE BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

In the Matter of Proclaiming)
August 27-September 3, 1990 as) PROCLAMATION
"JTPA Alumni Week" in Multnomah) 90-126
County, Oregon)

WHEREAS, the federally funded Job Training Partnership Act (JTPA) is an effective program for assisting school dropouts, welfare recipients, unskilled adults, displaced homemakers, dislocated workers and others who face serious barriers to employment, and;

WHEREAS, the members of Congress, the press and our community should be informed of the positive impact JTPA has on the lives of our fellow citizens, and;

WHEREAS, all the partners in the JTPA system (federal, state and local governments, business, labor, education, community-based organizations, and service providers) must assume an active role in effectively communicating the success of the program, and;

WHEREAS, JTPA Alumni (individuals who have successfully completed the program) who have overcome their barriers to employment and are now productive members of our community are the best advocates for the program, and;

WHEREAS, it is the desire of the Multnomah County Board of Commissioners to officially recognize the achievements of JTPA Alumni and to support the program, and;

NOW THEREFORE, the Multnomah County Board of Commissioners does hereby Proclaim August 27-September 3, 1990 to be "JTPA Alumni Week" in Multnomah County, Oregon.

ADOPTED this 28th day of August,
1990.



MULTNOMAH COUNTY, OREGON



Gladys McCoy
Multnomah County Chair

**EXECUTIVE SUMMARY:
OREGON PARTNERS IN ENERGY
CHRONIC ARREARAGES PROJECT**

May 1990



People on limited incomes often have difficulty paying their monthly heating and utility bills, and this difficulty may be compounded by problems in other areas of their lives. In an effort to develop an effective approach to this issue, the Oregon Partners in Energy Chronic Arrearages Project tested a case management program with individuals experiencing repeated problems in staying current with their utility bills.

A case manager provided a range of services to 56 individuals who (1) had outstanding utility bills of at least \$200 or a 72-hour shut-off notice, (2) had incomes less than 125% of federal poverty guidelines, (3) had individually-metered gas or electricity as a primary heating fuel, and (4) had lived in the same location for at least 6 months. Services included help with utility accounts, cash assistance in the form of a co-payment for utility bills, budget counseling, conservation education, and assistance with job, housing, or medical issues. The mix of services for each individual was determined by need.

The program was evaluated in several ways. Client information regarding demographic characteristics, income, housing resources, and energy use was collected at intake and at program discharge. Second, the delivery of services was carefully documented in terms of type, duration, occasion, and method of delivery. Third, energy conservation attitudes, beliefs, knowledge, and behaviors were assessed before and after participation in the program and compared to equivalent data from a randomly assigned control group. Finally, arrearages and payment amounts were monitored throughout the duration of program.

Analysis of the evaluation data showed a diverse group of clients participating in the program. Fifty-four percent had children under 18 in the household; 29 percent were single parents, nine percent were 66 years of age or above, and 64 percent were on fixed incomes. The client sample also had a substantial level of disability or impairment. Thirty-three percent had a disease condition of moderate to serious severity, and 24 percent were judged to have some degree of mental or emotional impairment.

Case management services varied greatly across clients, the most frequently provided service being help with utility accounts. An unexpected amount of attention was needed for medical issues, although such issues were not relevant to every client. Overall, sixty-four percent of clients received six to ten hours of services, 18 percent received less than six hours, and another 18 percent received ten or more hours of services. The average amount of time that a case was open was six and a half months.

At the end of the program, over two thirds of clients who completed the program had reduced at least one of their utility arrearages to zero. Average debt reduction from the start of the program to the end was \$248. When clients were compared to a control group, significant improvements were found in two areas related to attitudes and knowledge about energy conservation and thermostat use. No differences were found in other areas of conservation behavior or attitudes,

although the evidence suggested that most clients subscribed to energy conservation prior to participation in the project.

Based on the evaluation findings and the qualitative experience of project staff, the following recommendations are offered for similar programs in the future:

- ★ Offer case management programs on a larger scale with a more intensive, broadly-based effort and resources.
- ★ Invest time up front to network with relevant housing and medical programs and explain the nature of the case management services to solicit cooperation of those programs.
- ★ Use the co-payment mechanism to foster client involvement and awareness of self sufficiency.
- ★ Provide enough resources to allow the case manager to make home visits, which can provide far more information than office-based interviews.
- ★ Identify household energy consumption patterns and other client needs during the intake process to develop the case management plan for each client.
- ★ Use summer months to educate clients in efficient use of hot water, appliances, and lighting.
- ★ Provide each client with a small energy saving device for installation in the home to serve as an on-going reminder of participation in the program.
- ★ Automate record-keeping and evaluation activities by the use of personal computers on the case manager's desk.
- ★ Offer a broad array of services by networking with other agencies to provide the additional services required by clients.
- ★ Evaluate long-term client success by tracking regular payment of energy bills and documenting self sufficiency over a longer period of time.
- ★ Arrange with each utility or fuel company to have specially designated and trained customer service representative(s) for case managers to contact about clients participating in the program.
- ★ Make utility statements easier for customers to understand.
- ★ Offer percentage-of-income payment plans for low income clients on fixed incomes.
- ★ Allow permanent medical certificates when appropriate.

Meeting Date: AUG 28 1990

Agenda No.: R-1

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AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Resolution - Voters Pamphlet

BCC Informal _____ (date) BCC Formal TUESDAY AUGUST 28, 1990 (date)

DEPARTMENT General Services DIVISION Elections

CONTACT Vicki Ervin TELEPHONE X-3720

PERSON(S) MAKING PRESENTATION Vicki Ervin

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 10 minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: _____

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

Resolution in the Matter of Requesting a County Voters Pamphlet for the November 6, 1990 General Election

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL Gladys McCoy

Or

DEPARTMENT MANAGER _____

(All accompanying documents must have required signatures)

Waiting
for
Original

VICKI K. ERVIN
Director of Elections



1040 S.E. Morrison St.
Portland, Oregon 97214-2495
(503) 248-3720

DATE: August 28, 1990
TO: Board of County Commissioners
FROM: Vicki Ervin, Director of Elections
RE: Items to be Removed from Agenda

uke

Two resolutions on the agenda (R-1 on Tuesday, R-3 on Thursday) are moot and should be pulled.

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As it turns out the court has resolved the challenges and all measures will appear in the state's pamphlet.

AUG 28 1990

Meeting Date: _____

Agenda No.: Inf. #1

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Board Briefing on West Hills-Logging and Wildlife Corridor

BCC Informal August 28, 1990 BCC Formal _____
(date) (date)

DEPARTMENT DES DIVISION Planning

CONTACT Lorna Stickel TELEPHONE 248-3182

PERSON(S) MAKING PRESENTATION Lorna Stickel, Joanne Garnett, Esther Lev

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 30 Minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: _____

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

This will be a staff briefing on Alternative Actions possible to allow County regulation of forest practices in the West Hills during the Wildlife Corridor Study. Also, staff and the consultant will give a progress report on the Wildlife Corridor Study.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

or

DEPARTMENT MANAGER 

(All accompanying documents must have required signatures)

1990 AUG 28 PM 12:36
COUNTY



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING
AND DEVELOPMENT
2115 S.E. MORRISON STREET
PORTLAND, OREGON 97214
(503) 248-3043

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY • CHAIR OF THE BOARD
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER
GRETCHEN KAFOURY • DISTRICT 2 COMMISSIONER
RICK BAUMAN • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

8/10/90

MEMORANDUM

TO: Board of County Commissioners

FROM: Lorna Stickel

RE: Forest Practices in the West Hills

1990 AUG 21 11 0 29
MULTNOMAH COUNTY
CLERK OF COUNTY COMMISSIONERS

At the August 2, 1990 Board meeting the Board asked the staff of the Division of Planning & Development to be prepared to address a list of alternative solutions that were developed that day to address the logging issues in the West Hills area. We asked at the August 7 Board hearing that we be allowed two weeks to examine the issues and report back to the Board at a later time. The following is a brief discussion of the alternatives that were suggested on August 2. The staff would be available on either August 21 (morning) or August 28 (morning or afternoon) to make a brief presentation on this issue.

Attached is a copy of a two page memo prepared in May on the issue of the Forest Practices Act (FPA) and the land use planning program. Attached to that memo is some further background information. The upshot appears to be that at this time the County has the West Hills zoned under Goal 4 to protect these lands for forest production purposes. State statute prohibits Counties from regulating forest practices outside of Urban Growth Boundaries. The County is researching the existence of a wildlife corridor in the West Hills that allows certain species to move in and out of the Forest Park area in the City of Portland. This unique circumstance can be considered a Goal 5 resource so long as adequate information on quality, quantity, and location is available. That is the purpose of the study we are conducting and the reason why we have placed the West Hills north of Forest Park in a 1B designation under the Goal 5 Administrative Rule Process. This means that we may move to protect this resource in the future when adequate information is available. In the meantime several logging permits have been granted by the Dept. of Forestry in the areas north of Forest Park. The Forest Practices Act does require the protection of some types of wildlife habitat (see the list in ORS 527.710 (3)(a)) but not all of these have rules developed for them and even when they do very broad discretion is granted to the Board of Forestry and the Director to implement them. The one area of possible protection even under the FPA is

the threatened and endangered species category and Osprey roosted and nesting sites. The Board has already passed a resolution asking the Dept. of Fish and Wildlife to examine for the presence of these species in the West Hills.

The issue seems to be at this point whether anything can be done in the meantime before the corridor study has its second phase completed about Forest Practices in the West Hills. The alternatives suggested by a group of people on August 2 are as follows:

1. Rezone the West Hills now for a Goal 4 exception as open space based on the potential corridor and other Goal 5 values.

Staff comments: This may ultimately be the method of choice after the study gives the County enough documentation to take the very dramatic step to remove these lands from the ability to conduct timber harvest. We are talking about several square miles for the narrowest part of the corridor and the values of these lands for timber is getting higher as less other lands are available for timber harvest. In addition in order to avoid the takings issues of leaving no economic use of the property for what are public purposes we will need to know what other uses can be made, which is what the study is designed to look at. We risk making serious mistakes in this area and we do not have an adequate justification at this time to take this step.

2. Buy the land in question.

Staff comments: This question is better directed at County Parks, City Parks, Trust for Public Lands, and Nature Conservancy, or the Oregon Heritage Trust Fund. It does seem however that some factors play in to this scenario, one is the amount of land in question (the narrow part of the corridor includes about 4,000 acres of private land) most of which is private, the lack of information about which lands are the most important and whether easements would be sufficient to protect them. The amount of effort needed to protect a resource we are not sure about at this time would be very great since we cannot focus our efforts. There are several other important natural resource areas that need or may need protection both inside and outside the UGB in Multnomah County. The purchase of land in this area should be weighed and balanced with the needs in other areas.

3. Move the Urban Growth Boundary. This alternative would allow the County to regulate Forest Practices because that is allowed by State statute.

Staff comments: This seems like a pretty drastic proposal to accomplish an unknown public purpose. First off, the decision to do this rests with METRO and not Multnomah County. The reasons for a UGB expansion under Goal 14 would have to be met and they are based upon the need for more urban land. Since park/open space lands can be acquired outside the UGB the desire to regulate forest practices may not be enough of a justification to expand the boundary. The downside to bringing this much private land into the boundary could be worse than the upside of regulating forest practices.

4. Pursue Legislation at the State level to change the Forest Practices Act.

Staff comment: The amount of blood shed over the last revision of the Forest Practices in the 1987 legislature was substantial. The likelihood of making any headway in this area in light of the cutbacks in areas open to

timber harvest is very remote in our opinion. We recommend that contact be made with the Governor's office if there is a desire to pursue this. A perhaps better possibility might be to get the rules to address the corridor as a biological site that is ecologically and scientifically significant under ORS 527.710 (3)(a)(C). If the Oregon Dept. of Fish and Wildlife are willing to assist in helping to protect this area in the interim they could work with the Dept. of Forestry to see if some protection can be afforded either through this section or under threatened and endangered species.

5. Expand the Willamette River Greenway from the US Highway 30 western boundary to the crest of the West Hills.

Staff Comment: This proposal may be possible. The decision would be up to the new Dept. of Oregon State Parks & Recreation (or their Board). Some agreement would be needed with the City of Portland to expand it into Forest Park also in order for this to make sense. The staff is not sure whether the area being placed in the Greenway would allow regulation of Forest Practices over the FPA but we will research this. The extent of how far into the West Hills this boundary change would go is not clear but certainly the area from the crest is possible. There also may be limits about the amount of land that can be included in the Greenway per river mile that could limit the extent of the boundary. Staff will try to get answers to these questions before any presentation to the Board.

6. Join any citizen suit on the threatened and endangered species.

Staff Comment: The decision on this would up to the Board on advice from County Counsel. Staff only offers that although this is possible it would set up an adversarial relationship with forest industry and other private landowners that may harm other alternative resolutions to the protection issues in the future.

7. Moratorium on Forest Practices in some defined area of the corridor.

Staff Comment: Currently it does not appear that the Board could take this action under current statutes, but County Counsel should be consulted on this issue. Another avenue in this area would be to approach either the Legislature on this proposal (similar to alternative number 5. above) or the Board of Forestry. The justification for this move is again not well documented until the study's second phase is complete.

This concludes staff comments at this point in time on the alternatives generated. Another possible alternative is to ask the Dept. of Forestry, the Dept. of Land Conservation and Development, and the Dept. of Fish and Wildlife to meet with the Board to discuss the issues and get other ideas on the table. The planning staff would be glad to arrange such a meeting in any manner the Board would direct.



MULTNOMAH COUNTY OREGON

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DIVISION OF PLANNING
AND DEVELOPMENT
2115 S.E. MORRISON STREET
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RICK BAUMAN • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

5/15/90

MEMORANDUM

TO: Wildlife Corridor File
FROM: Lorna Stickel
RE: Thoughts on outcome of the Corridor Study

It seems to me that there are a couple of scenarios that could develop from information which indicates that there is a wildlife corridor and that certain types of forestry practices as well as other land uses would be detrimental to the maintenance of the movement corridor. The first is easier but less likely without some considerable pressure. This action would be to attempt to get concurrence by both the Oregon Dept. of Fish and Wildlife and the Oregon Dept. of Forestry to consider the critical part of the corridor under ORS 527.710 (3)(a)(D) as a "biological sites that are ecologically and scientifically significant" or under subsection (5) to reflect the rules and programs of other agencies to the extent acceptable to the Board of Forestry. If this can be done it may be that restrictions on harvest in this area can be applied through the Forest practices Act. I would not hold my breath on this mechanism, but no avenue should be overlooked, or at the least this avenue should be attempted before moving to the more drastic measures.

Under ORS 527.722 Counties have this restriction, "...no unit of local government shall adopt any rules, regulations, or ordinances or take any other actions that prohibit, limit, regulate, subject to approval or in any other way affect forest practices on forest lands located outside of an acknowledged urban growth boundary". There is a following subsection (2) which does allow counties to regulate permanent structures associated with forest practices, dwellings, physical alterations of the land associated with non-forest harvest uses, land divisions, and application of the Building Code. The next subsection (3) says "Counties can prohibit forest practices on land for which an acknowledged exception to an agricultural or forest land goad has been taken". It is this last subsection which may be our only other alternative. In this case we would have to identify the most critical lands needed to protect the corridor and then take a Goal 4 exception for any of the MUF lands involved and a Goal 3 exception for any EFU lands involved. It would appear that we could do this for any RR zoned lands at any time after we determine that the facts call for this type of action. In

terms of the Forest lands, which admittedly appear to be the bulk of the lands in question the choice seems to be to either allow unrestricted timber harvest or to prohibit timber harvest. I am not sure if we could say adopt a Goal 5 Open Space zone and then allow some cutting of trees as say landscaping or wildlife enhancement or for safety purposes. The definition of forest land in ORS 527.620 certainly could indicate that this interpretation will not work since forest lands are defined as any land used for growing and harvesting forest tree species, regardless of how the land is zoned. This is a question that should be put to DLCDC and DOF staff people. Subsection (3) is pretty clear in saying that Counties can prohibit forest practices on lands excepted to the forest land goal, it may be that the prohibition on regulating forest practices in subsection (1) only applies to "forest lands located outside of an acknowledged urban growth boundary" which are protected under Goal 4. If this interpretation were correct then it may be possible that certain types of forest practices could occur under County regulation on lands protected under Goal 5 and excepted under Goal 4. There is a draw back to this and that is the problems this could raise for regulation of forest practices that would fall on the County. This is not any easy task as there are other considerations of the Forest Practices Act and a certain level of expertise is needed to do this. It is doubtful that the DOF would require FPA permits under this scenario to take part of the regulatory load off the County.

thorized by ORS 198.010 to 198.430 and 198.510 to 198.915 or 451.010 to 451.600. [1973 c.80 §§17, 18; 1977 c.664 §12; 1981 c.748 §15; 1983 c.827 §3; 1989 c.761 §18]

197.180 State agency planning responsibilities; certain information to be submitted to department; determination of compliance with goals and plans; rules.

(1) Except as provided in ORS 197.277 or unless expressly exempted by another statute from any of the requirements of this section, state agencies shall carry out their planning duties, powers and responsibilities and take actions that are authorized by law with respect to programs affecting land use:

(a) In compliance with goals adopted or amended pursuant to ORS chapters 196 and 197; and

(b) Except when a finding is made under ORS 197.640 (3)(c), in a manner compatible with:

(A) Comprehensive plans and land use regulations initially acknowledged under ORS 197.251; and

(B) Amendments to acknowledged comprehensive plans or land use regulations or new land use regulations acknowledged under ORS 197.625.

(2) Upon request by the commission, each state agency shall submit to the department the following information:

(a) Agency rules and summaries of programs affecting land use;

(b) A program for coordination pursuant to ORS 197.040 (2)(e);

(c) A program for coordination pursuant to ORS 197.090 (1)(b); and

(d) A program for cooperation with and technical assistance to local governments.

(3) Within 90 days of receipt, the director shall review the information submitted pursuant to subsection (2) of this section and shall notify each agency if the director believes the rules and programs submitted are insufficient to assure compliance with goals and compatibility with city and county comprehensive plans and land use regulations.

(4) Within 90 days of receipt of notification specified in subsection (3) of this section, the agency may revise the rules or programs and resubmit them to the director.

(5) The director shall make findings under subsections (3) and (4) of this section as to whether the rules and programs are sufficient to assure compliance with the goals and compatibility with acknowledged city and county comprehensive plans and land use regulations, and shall forward the rules and programs to the commission for its action. The commission shall either certify

the rules and programs as being in compliance with the goals and compatible with the comprehensive plans and land use regulations of affected local governments or shall determine the same to be insufficient by December 31, 1990.

(6) The department shall report to the appropriate committee of the House and the Senate and to the subcommittee of the Joint Ways and Means Committee that considers the agency budget, any agency that has failed to meet the requirements of subsection (5) of this section.

(7) Any agency that has failed to meet the requirements of subsection (5) of this section shall report the reasons therefor to the appropriate committee of the House and the Senate and to the subcommittee of the Joint Ways and Means Committee that considers the agency budget.

(8) Until state agency rules and programs are certified as being in compliance with the goals and compatible with applicable city and county comprehensive plans and land use regulations, the agency shall make findings when adopting or amending its rules and programs as to the applicability and application of the goals or acknowledged comprehensive plans, as appropriate.

(9) The commission shall adopt rules establishing procedures to assure that state agency permits affecting land use are issued in compliance with the goals and compatible with acknowledged comprehensive plans and land use regulations, as required by subsection (1) of this section. The rules shall prescribe the circumstances in which state agencies may rely upon a determination of compliance or compatibility made by the affected city or county. The rules shall allow a state agency to rely upon a determination of compliance by a city or county without an acknowledged comprehensive plan and land use regulations only if the city or county determination is supported by written findings demonstrating compliance with the goals.

(10) In carrying out programs affecting land use, a state agency is not compatible with an acknowledged comprehensive plan if it takes or approves an action that is not allowed under the plan. However, a state agency may apply statutes and rules which the agency is required by law to apply in order to deny, condition or further restrict an action of the state agency or of any applicant before the state agency provided it applies those statutes and rules to the uses planned for in the acknowledged comprehensive plan.

(11) This section does not apply to rules, programs, decisions, determinations or activities carried out under ORS 527.610 to

527.730 and 527.990 (1). [1973 c.80 §21; 1977 c.664 §13; 1981 c.748 §16; 1983 c.827 §4; 1987 c.555 §1; 1987 c.919 §3; 1989 c.761 §19]

197.185 Special district planning responsibilities; agreements with local governments. (1) Special districts shall exercise their planning duties, powers and responsibilities and take actions that are authorized by law with respect to programs affecting land use, including a city or special district boundary change as defined in ORS 197.175 (1), in accordance with goals approved pursuant to ORS chapters 196 and 197.

(2) Each special district operating within the boundaries of a county assigned coordinative functions under ORS 197.190 (1), or within the boundaries of the Metropolitan Service District, which is assigned coordinative functions for Multnomah, Washington and Clackamas counties by ORS 197.190 (1), shall enter into a cooperative agreement with the county or the metropolitan district. Such agreements shall include a listing of the tasks which the special district must complete in order to bring its plans or programs into compliance with the goals, including a generalized time schedule showing when the tasks are estimated to be completed and when the plans or programs which comply with the goals are to be adopted. In addition, a program to coordinate the development of the plan and programs of the district with other affected units of local government shall be included in the agreement. Such agreements shall be subject to review by the commission. The commission may provide by rule for periodic submission and review of special district plans and programs to assure that the plans or programs are in compliance with the goals or, if a city or county comprehensive plan for the area within which the district lies is acknowledged, the plans and programs of the districts are coordinated with the acknowledged comprehensive plan. [1973 c.80 §20; 1977 c.664 §14; 1981 c.748 §26]

197.190 Regional coordination of planning activities; alternatives. (1) In addition to the responsibilities stated in ORS 197.175, each county, through its governing body, shall be responsible for coordinating all planning activities affecting land uses within the county, including planning activities of the county, cities, special districts and state agencies, to assure an integrated comprehensive plan for the entire area of the county. In addition to being subject to the provisions of ORS chapters 196 and 197 with respect to city or special district boundary changes, as defined by ORS 197.175 (1), the governing body of the Metropolitan Service District shall be considered the county review, advisory and coordinative body for Multnomah,

Clackamas and Washington Counties for the areas within that district.

(2) For the purposes of carrying out ORS chapters 196 and 197, counties may voluntarily join together with adjacent counties as authorized in ORS 190.003 to 190.620.

(3) Whenever counties and cities representing 51 percent of the population in their area petition the commission for an election in their area to form a regional planning agency to exercise the authority of the counties under subsection (1) of this section in the area, the commission shall review the petition. If it finds that the area described in the petition forms a reasonable planning unit, it shall call an election in the area on a date specified in ORS 203.085, to form a regional planning agency. The election shall be conducted in the manner provided in ORS chapter 255. The county clerk shall be considered the election officer and the commission shall be considered the district election authority. The agency shall be considered established if the majority of votes favor the establishment.

(4) If a voluntary association of local governments adopts a resolution ratified by each participating county and a majority of the participating cities therein which authorizes the association to perform the review, advisory and coordination functions assigned to the counties under subsection (1) of this section, the association may perform such duties. [1973 c.80 §19; 1977 c.664 §15; 1981 c.748 §27; 1983 c.350 §1]

GOALS COMPLIANCE

197.225 Preparation; adoption. The department shall prepare and the commission shall adopt goals and guidelines for use by state agencies, local governments and special districts in preparing, adopting, amending and implementing existing and future comprehensive plans. [1973 c.80 §33; 1981 c.748 §27a]

197.230 Considerations; finding of need required for adoption or amendment of goal. (1) In preparing, adopting and amending goals and guidelines, the department and the commission shall:

(a) Consider the existing comprehensive plans of local governments and the plans and programs affecting land use of state agencies and special districts in order to preserve functional and local aspects of land conservation and development.

(b) Give consideration to the following areas and activities:

(A) Lands adjacent to freeway interchanges;

(B) Estuarine areas;

(C) Tide, marsh and wetland areas;

areas of critical state concern within the county.

(2) For those areas or jurisdictions within the county without comprehensive plans, a statement and review of the progress made toward compliance with the goals. [1973 c.80 §44; 1981 c.748 §29c]

197.265 State compensation for costs of defending compliance actions. (1) As used in this section, "action" includes but is not limited to a proceeding under ORS 197.830 to 197.845.

(2) If any action is brought against a local government challenging any comprehensive plan, land use regulation or other action of the local government which was adopted or taken for the primary purpose of complying with the goals approved under ORS 197.240 and which does in fact comply with the goals, then the commission shall pay reasonable attorney fees and court costs incurred by such local government in the action or suit including any appeal, to the extent funds have been specifically appropriated to the commission therefor. [1977 c.898 §2; 1979 c.772 §7b; 1981 c.748 §39; 1983 c.827 §6]

197.270 Copies of comprehensive plan and land use regulations; post review. Within six months following completion of the periodic review process, the affected local government shall file three complete and accurate copies of its comprehensive plan and land use regulations with the department. This document can be either a new printing or an up-to-date compilation of the required materials. [1987 c.729 §13]

197.275 [1973 c.80 §40; 1977 c.664 §21; repealed by 1981 c.748 §56]

197.277 Oregon Forest Practices Act; exclusion. (1) The goals and rules established in ORS chapters 196 and 197 do not apply to programs, rules, procedures, decisions, determinations or activities carried out under the Oregon Forest Practices Act administered under ORS 527.610 to 527.730 and 527.990 (1).

(2) No goal or rule shall be adopted, construed or administered in a manner to require or allow local governments to take any action prohibited by ORS 527.722.

(3) The commission shall amend goals and rules as necessary to implement ORS 197.180, 197.277, 197.825, 215.050, 447.090, 477.440, 477.455, 477.460, 526.009, 527.016, 527.620, 527.630, 527.660, 527.670, 527.683 to 527.687, 527.715, 527.735, 527.990 and 527.992. [1987 c.919 §2]

Note: 197.277 was added to and made a part of ORS chapter 197 by legislative action but was not added to any series therein. See Preface to Oregon Revised Statutes for further explanation.

197.279 Approved wetland conservation plans comply with goals; exception.

(1) Wetland conservation plans approved by the Director of the Division of State Lands pursuant to ORS chapter 541 shall be deemed to comply with the requirements of statewide planning goals relating to other than estuarine wetlands for those areas, uses and activities which are regulated by the wetland conservation plans.

(2) Wetland conservation plans shall be adopted and amended by local governments according to the procedures of ORS 197.610 to 197.625. [1989 c.837 §25]

Note: 197.279 and 197.283 were added to and made a part of ORS chapter 197 by legislative action but were not added to any series therein. See Preface to Oregon Revised Statutes for further explanation.

197.283 Commission to assure protection of ground water resources. (1) The commission shall take actions it considers necessary to assure that city and county comprehensive plans and land use regulations and state agency coordination programs are consistent with the goal set forth in ORS 468.692.

(2) The commission shall direct the Department of Land Conservation and Development to take actions the department considers appropriate to assure that any information contained in a city or county comprehensive plan that pertains to the ground water resource of Oregon shall be forwarded to the centralized repository established under ORS 536.125. [1989 c.833 §48]

Note: See note under 197.279.

197.280 [1973 c.80 §41; repealed by 1977 c.664 §42 and 1977 c.766 §16]

197.285 [1973 c.80 §42; repealed by 1981 c.748 §56]

NEEDED HOUSING IN URBAN GROWTH AREAS

197.295 Definitions for ORS 197.303 to 197.313 and 197.475 to 197.490. As used in ORS 197.303 to 197.313 and 197.475 to 197.490:

(1) "Buildable lands" means lands in urban and urbanizable areas that are suitable, available and necessary for residential uses.

(2) "Manufactured dwelling park" means any place where four or more manufactured dwellings as defined in ORS 446.003 are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. "Manufactured dwelling park" does not include a lot or lots located within a subdivision being

(3) "Board" means the State Board of Forestry.

(4) "Forest land" means land which is used for the growing and harvesting of forest tree species, regardless of how the land is zoned or taxed or how any state or local statutes, ordinances, rules or regulations are applied. Forest tree species does not include Christmas trees on land used solely for the production of cultured Christmas trees as defined in ORS 215.203 (3).

(5) "Forest practice" means any operation conducted on or pertaining to forest land, including but not limited to:

- (a) Reforestation of forest land;
- (b) Road construction and maintenance;
- (c) Harvesting of forest tree species;
- (d) Application of chemicals; and
- (e) Disposal of slash.

(6) "Operation" means any commercial activity relating to the growing or harvesting of forest tree species.

(7) "Landowner" means any individual, combination of individuals, partnership, corporation or association of whatever nature that holds an ownership interest in forest land, including the state and any political subdivision thereof.

(8) "Timber owner" means any individual, combination of individuals, partnership, corporation or association of whatever nature, other than a landowner, that holds an ownership interest in any forest tree species on forest land.

(9) "Written plan" means a plan submitted by an operator, for written approval by the State Forester, which describes how the operation will be conducted, including the means to protect resource sites described in ORS 527.710 (3)(a), if applicable. [1971 c.316 §3; 1987 c.919 §9]

527.630 Policy. (1) Forests make a vital contribution to Oregon by providing jobs, products, tax base and other social and economic benefits, by helping to maintain forest tree species, soil, air and water resources and by providing a habitat for wildlife and aquatic life. Therefore, it is declared to be the public policy of the State of Oregon to encourage economically efficient forest practices that assure the continuous growing and harvesting of forest tree species and the maintenance of forest land for such purposes as the leading use on privately owned land, consistent with sound management of soil, air, water and fish and wildlife resources that assures the continuous benefits of those resources for future generations of Oregonians.

(2) It is recognized that operations on forest land are already subject to other laws and to regulations of other agencies which deal primarily with consequences of such operations rather than the manner in which operations are conducted. It is further recognized that it is essential to avoid uncertainty and confusion in enforcement and implementation of such laws and regulations and in planning and carrying out operations on forest lands.

(3) To encourage forest practices implementing the policy of ORS 527.610 to 527.730 and 527.990, it is declared to be in the public interest to vest in the board exclusive authority to develop and enforce state-wide and regional rules pursuant to ORS 527.710 and to coordinate with other state agencies and local governments which are concerned with the forest environment. [1971 c.316 §4; 1987 c.919 §10]

527.640 Forest regions. The board shall establish a number of forest regions, but not less than three, necessary to achieve the purposes described in ORS 527.630. [1971 c.316 §6]

527.650 Forest practice committees; members; qualifications; appointment; terms. (1) The board shall establish a forest practice committee for each forest region established pursuant to ORS 527.640. Each such committee shall consist of nine members, a majority of whom must reside in the region. Members of each committee shall be qualified by education or experience in natural resource management and not less than two-thirds of the members of each committee shall be private landowners, private timber owners or authorized representatives of such landowners or timber owners who regularly engage in operations.

(2) Members of forest practice committees shall be appointed by the board for three-year terms. Appointments under this subsection shall be made by the board within 60 days after July 1, 1972. If there is a vacancy for any cause, the board shall make an appointment to become immediately effective for the unexpired term. Each such committee shall select a chairman from among its members. A staff member of the State Forestry Department shall be designated by the State Forester to serve as the secretary, without voting power, for each such committee.

(3) Notwithstanding the terms of the committee members specified by subsection (2) of this section, of the members first appointed to each such committee:

(a) Three shall serve for a term of one year.

by the Oregon Forest Practices Act or rules adopted thereunder; and

(d) A statement of facts that establishes that the operation is of the type described in ORS 527.670 (3).

(6) If the board finds that the person making the request meets the requirement of paragraph (c) of subsection (5) of this section, the board shall set the matter for hearing within 14 calendar days after receipt of the request for hearing. The operator, timber owner and landowner shall be allowable parties to the hearing. The person requesting the hearing may raise, in the hearing, only those issues that the person raised in written comments filed under ORS 527.670 (9) relating to conformity with the rules of the board. A final order shall be issued rescinding, affirming or modifying the written plan within 28 days after the request for hearing was filed, unless all parties agree to an extension of the time limit.

(7) The board may award reasonable attorney fees and expenses to each of the prevailing parties against any other party who the board finds presented a position without probable cause to believe the position was well-founded, or made a request primarily for a purpose other than to secure appropriate action by the board.

(8)(a) Upon the written request of a person requesting a hearing under subsection (3) of this section, a stay of the operation subject to the hearing may be granted upon a showing that:

(A) Commencement or continuation of the operation will constitute a violation of the rules of the board;

(B) The person requesting the stay will suffer irreparable injury if the stay is not granted; and

(C) The requirements of subsections (3), (4) and (5) of this section are met.

(b) If the board grants the stay, it shall require the person requesting the stay to give an undertaking which may be in the amount of the damages potentially resulting from the stay, but in any event shall not be less than \$15,000. The board may impose other reasonable requirements pertaining to the grant of the stay. The board shall limit the effect of the stay to the specific geographic area or elements of the operation for which the person requesting the stay has demonstrated a violation of the rules and irreparable injury under paragraph (a) of this subsection.

(c) If the board affirms the written plan pertaining to the operation for which the stay was granted, the board shall award reasonable attorney fees and actual damages in

favor of each of the prevailing parties, to the extent incurred by each, against the person requesting the stay.

(9) If the board disapproves or changes the written plan as submitted and approved by the State Forester pertaining to any operation, the board shall award reasonable attorney fees and costs against the state in favor of each of the prevailing parties.

(10) As used in this section, "person" means any individual, partnership, corporation, association, governmental subdivision or public or private organization of any character. [Formerly 527.240; 1983 c.28 §2; 1987 c.919 §13]

527.710 Duties and powers of board; rules to protect resources; inventory for resource protection; consultation with other agencies required. (1) In carrying out the purposes of ORS 527.610 to 527.730 and 527.990 (1), the board shall adopt, in accordance with applicable provisions of ORS 183.310 to 183.550, rules to be administered by the State Forester establishing minimum standards for forest practices in each region or subregion.

(2) The rules shall assure the continuous growing and harvesting of forest tree species. Consistent with ORS 527.630, the rules shall provide for the overall maintenance of the following resources:

- (a) Air quality;
- (b) Water resources, including but not limited to sources of domestic drinking water;
- (c) Soil productivity; and
- (d) Fish and wildlife.

(3)(a) In addition to its rulemaking responsibilities under subsection (2) of this section, the board shall collect and analyze the best available information and establish inventories of the following resource sites needing protection:

(A) Threatened and endangered fish and wildlife species identified on lists that are adopted, by rule, by the State Fish and Wildlife Commission or are federally listed under the Endangered Species Act of 1973 as amended;

(B) Sensitive bird nesting, roosting and watering sites;

(C) Biological sites that are ecologically and scientifically significant; and

(D) Significant wetlands.

(b) The board shall determine whether forest practices would conflict with resource sites in the inventories required by paragraph (a) of this subsection. If the board determines that one or more forest practices would conflict with resource sites in the in-

ventory, the board shall consider the consequences of the conflicting uses and determine appropriate levels of protection.

(c) Based upon the analysis required by paragraph (b) of this subsection, and consistent with the policies of ORS 527.630, the board shall adopt rules appropriate to protect resource sites in the inventories required by paragraph (a) of this subsection.

(4) Before adopting rules under subsection (1) of this section, the board shall consult with other agencies of this state or any of its political subdivisions that have functions with respect to the purposes specified in ORS 527.630 or programs affected by forest operations. Agencies and programs subject to consultation under this subsection include, but are not limited to:

(a) Air and water pollution programs administered by the Department of Environmental Quality under ORS 468.700 to 468.778, 468.780, 468.815 and 477.515 to 477.532;

(b) Mining operation programs administered by the Department of Geology and Mineral Industries under ORS 516.010 to 516.130 and ORS chapter 517;

(c) Game fish and wildlife, commercial fishing, licensing, wildlife and bird refuge and fish habitat improvement tax incentive programs administered by the State Department of Fish and Wildlife under ORS 272.060, 316.084, 501.005 to 501.540 and ORS chapters 496, 498, 506 and 509;

(d) Park land, Willamette River Greenway, scenic waterway and recreation trail programs administered by the State Parks and Recreation Department under ORS 358.475 to 358.565, 390.310 to 390.368, 390.805 to 390.925, 390.950 to 390.990 and ORS 390.121;

(e) The programs administered by the Columbia River Gorge Commission under Public Law 99-663 and ORS 196.110 and 196.150;

(f) Removal and fill, natural heritage conservation and natural heritage conservation tax incentive programs administered by the State Land Board and the Division of State Lands under ORS 196.670 to 196.765, 273.553 to 273.591, 307.550, 307.560 and 541.700 to 541.990;

(g) Federal Safe Drinking Water Act programs administered by the Health Division under ORS 448.273 to 448.990;

(h) Natural heritage conservation programs administered by the Natural Heritage Advisory Council under ORS 273.553 to 273.591, 307.550 and 307.560;

(i) Open space land tax incentive programs administered by cities and counties under ORS 308.740 to 308.790; and

(j) Water resources programs administered by the Water Resources Department under ORS 536.220 to 536.540.

(5) In carrying out the provisions of subsection (4) of this section, the board shall consider and accommodate the rules and programs of other agencies to the extent deemed by the board to be appropriate and consistent with the purposes of ORS 527.630.

(6) The board shall adopt rules to meet the purposes of another agency's regulatory program where it is the intent of the board to administer the other agency's program on forest land and where the other agency concurs by rule. An operation performed in compliance with the board's rules shall be deemed to comply with the other agency's program.

(7) The board may enter into cooperative agreements or contracts necessary in carrying out the purposes specified in ORS 527.630. [1971 c.316 §5; 1987 c.919 §14a; 1989 c.171 §69; 1989 c.904 §38]

Note: Section 32a, chapter 919, Oregon Laws 1987, as amended by section 1, chapter 184, Oregon Laws 1989, provides:

Sec. 32a. (1) No later than November 1, 1988, the State Board of Forestry shall prepare and submit to the President of the Senate, the Speaker of the House of Representatives and the Joint Legislative Committee on Land Use a report on:

(a) The board's progress toward completion of the requirements of ORS 527.710; and

(b) Enforcement of the provisions of ORS 527.610 to 527.730 including but not limited to:

(A) The number of violations for which a citation was issued;

(B) The number and amount of civil penalties imposed;

(C) The reasons for the imposition of the penalty and the amount of the penalty in each particular case;

(D) The number of instances in which the State Forester requested action of the district attorney;

(E) The number of cases accepted by the district attorney;

(F) The disposition of the cases accepted by the district attorney; and

(G) The average caseload for each forest practice officer.

(2) Not later than November 1, 1991, the board shall submit to the President of the Senate, the Speaker of the House of Representatives and the Joint Legislative Committee on Land Use a final report of completion of the requirements set forth in ORS 527.710. [1987 c.919 §32a; 1989 c.184 §1]

Note: Section 2, chapter 184, Oregon Laws 1989, provides:

Sec. 2. The State Board of Forestry shall report to the Joint Legislative Committee on Land Use, on a schedule established by the committee, on the board's findings as required by ORS 527.710 (3)(a)(A) to (D) and section 32a, chapter 919, Oregon Laws 1987, as amended by section 1 of this Act. [1989 c.184 §2]

527.715 Rules to establish standards and procedures. The board shall establish, by rule, the standards and procedures, to im-

plement the provisions of ORS 197.180, 197.270, 197.825, 215.050, 477.090, 477.440, 477.455, 477.460, 526.009, 526.016, 527.620, 527.630, 527.660, 527.670, 527.683 to 527.687, 527.700 to 527.722, 527.735 and 527.992. [1987 c.919 §28]

Note: 527.715 was enacted into law by the Legislative Assembly and was added to and made a part of chapter 527 but was not added to or made a part of 527.610 to 527.730 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

527.720 [1971 c.316 §5a; repealed by 1987 c.919 §15 (527.721 enacted in lieu of 527.720)]

527.721 Coordination with state and local agencies for review and comment on operations. By rule or by cooperative agreement entered into following an opportunity for public comment before the board, the board shall provide for coordination with appropriate state and local agencies regarding procedures to be followed for review and comment on individual forest operations. [1987 c.919 §16 (enacted in lieu of 527.720)]

527.722 Restrictions on local government adoption of rules regulating forest operations; exceptions. (1) Notwithstanding any provisions of ORS chapters 196, 197, 215 and 227, and except as provided in subsections (2) and (3) of this section, no unit of local government shall adopt any rules, regulations or ordinances or take any other actions that prohibit, limit, regulate, subject to approval or in any other way affect forest practices on forest lands located outside of an acknowledged urban growth boundary.

(2) Nothing in subsection (1) of this section prohibits local governments from adopting and applying a comprehensive plan or land use regulations to forest land to allow, prohibit or regulate:

(a) The establishment or alteration of structures other than temporary onsite structures which are auxiliary to and used during the term of a particular forest operation;

(b) The siting or alteration of dwellings;

(c) Physical alterations of the land, including but not limited to those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities, when such uses are not auxiliary to forest practices;

(d) Partitions and subdivisions of the land; or

(e) Nothing in this subsection shall prohibit a local government from enforcing the provisions of ORS 455.310 to 455.715 and the rules adopted thereunder. USC

(3) Counties can prohibit forest practices on land for which an acknowledged exception

to an agricultural or forest land goal has been taken. [1979 c.400 §2; 1987 c.919 §17]

527.724 Forest operations to comply with air and water pollution control rules and standards; effect of violation. Any forest operations on forest lands within this state shall be conducted in full compliance with the rules and standards of the Environmental Quality Commission relating to air and water pollution control. In addition to all other remedies provided by law, any violation of those rules or standards shall be subject to all remedies and sanctions available under statute or rule to the Department of Environmental Quality or the Environmental Quality Commission. [1979 c.400 §3]

527.725 [1975 c.185 §5; repealed by 1975 c.185 §6]

527.726 [1979 c.400 §4; 1983 c.827 §55; repealed by 1987 c.919 §29]

527.730 Conversion of forest land to other uses. Nothing in ORS 527.610 to 527.730 and 527.990 (1) shall prevent the conversion of forest land to any other use. [1971 c.316 §12]

527.735 Forest Trust Land Advisory Committee; membership; terms; advisory function. (1) A Forest Trust Land Advisory Committee is established to be composed of three members, appointed by the Governor, who are elected officials of county governing bodies from counties in which lands subject to ORS 530.010 to 530.170 are located.

(2) The term of office of a member is four years. Appointments may be made from a list submitted by the Association of Oregon Counties.

(3) Members may receive reimbursement for actual and reasonable traveling and other expenses necessarily incurred in performing official duties. This reimbursement shall not be deemed lucrative.

(4) The committee shall advise the board and the State Forester on the management of lands subject to the provisions of ORS 530.010 to 530.170 and on other matters in which counties may have a responsibility pertaining to forest land. The board and the State Forester shall consult with the committee with regard to such matters. [1987 c.919 §6a]

Note: 527.735 was enacted into law by the Legislative Assembly and was added to and made a part of chapter 527 but was not added to or made a part of 527.610 to 527.730 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

FOREST PRACTICE AS NUISANCE

527.800 Definitions for ORS 527.805 and 527.810. As used in ORS 527.800 to 527.810:

(1) "Forest land" means land that is:

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obtaining land use approval when needed.

Criterion 2: Does the program adopt or amend management plans for state lands that includes protection standards or definitions applicable to local governments for goal compliance?

No.

Criterion 3: Does the program approve a grant or other type of financial assistance to support or develop or expand a major public or private project, facility or improvement likely to be regulated by or require the land use approval of the affected local government(s)?

No. Grants or financial assistance are not provided by the program. Actual costs of work performed is reimbursed by the using landowner.

Criterion 4: Does the ODF program action or decision significantly affect the public interest in terms of causing or leading to a major change in land use?

No.

Criterion 5: The affected local government(s) would be required to amend a local plan or regulation due to a Department of Forestry program action or decision?

No.

iii. Conclusion

The Cooperative Fire Program is not a land use program. The type of work performed under this program is unlikely to have any land use affects.

j. Forest Practices

i. Discussion

The Forest Practices Act is expressly exempted by ORS 197.180(11) and 197.277 from any requirements of ORS 197.180 applying to rules, programs, decisions, determinations or activities carried out under ORS 527.610 to 527.730 and 527.990 (the Forest Practices Act).

ORS 197.180(11) states:

"This section does not apply to rules, programs,

decisions, determinations or activities carried out under ORS 527.610 to 527.730 and 527.990 (1)."

ORS 197.277 states:

"197.277 Oregon forest Practices Act; exclusion. (1) The goals and rules established in ORS chapters 196 and 197 do not apply to programs, rules, procedures, determinations or activities carried out under the Forest Practices Act administered under ORS 527.610 to 527.730 and 527.990 (1).

(2) No goal or rule shall be adopted, construed or administered in a manner to require or allow local governments to take any action prohibited by ORS 527.722.

(3) The commission shall amend goals and rules as necessary to implement ORS 197.180, 197.277, 197.825, 215.050, 447.090, 477.440, 477.460, 526.009, 527.016, 527.620, 527.630, 527.660, 527.670, 527.683 to 527.687, 527.715, 527.735, 527.990, and 527.992."

ii. Application of Criteria

Not applicable, program is exempt.

iii. Conclusion

Program is exempt, therefore it cannot be a land use program.

k. Forest Resources Planning

i. Discussion

Development and implementation of the FPFO policies and programs is coordinated by this program, including any policies and programs related to land use.

In the Forestry Program for Oregon, the Board of Forestry has adopted one objective concerned with land use: "FOREST LAND USE: Preserve the forest land base of Oregon."

The Board of Forestry's forest land use objective recognizes the need to maintain a forest land base adequate to provide the multitude of public benefits desired by Oregonians. The adopted forest land use policies and programs focus on the protection of both the total forest land base and the commercial forest land base and emphasize multiple-use

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The *Energy Notes* listed in this leaflet are available from Extension energy agents. You'll find the location of the energy agent nearest you elsewhere in this leaflet. There are no charges for *Energy Notes*.

In addition, the *Educational Materials* list of the OSU Extension Service and Oregon Agricultural Experiment Station includes energy conservation publications. Many are available without charge. If you don't have a current copy of the list, ask for one at your county office of the OSU Extension Service or write or call:

Publications Orders
Agricultural Communications
Oregon State University
Administrative Services Bldg. 422
Corvallis, OR 97331-2119

Telephone (503) 737-2513

Ask for EM8289, *Educational Materials*. There's no charge for the list.

Other good sources of energy conservation publications are:

Conservation and Renewable Energy Inquiry and Referral Service
Call toll-free 1-800-523-2929

Oregon Department of Energy
(solar, wind, geothermal, weatherization, and Oregon incentive programs)
Call toll-free 1-800-221-8035

Bonneville Power Administration
Call toll-free 1-800-452-8429

Oregon Department of Environmental Quality (asbestos removal and wood stove information)
Call toll-free 1-800-452-4011

Energy Notes

RESIDENTIAL CONSERVATION

R110 Saving Energy in Mobile Homes
R111 Solving Residential Moisture Problems
R114 Heat Loss Calculations
R116 Insulated Glass Windows
R201 Energy Efficient Residential Construction Details
R206 A Calculator Program for Residential Heat Loss
R207 Computer Tools Update: Building Energy Analysis
R208 Building Energy Analysis Software Comparison
R209 Super Good Cents and the Heating Contractor
R210 Super Good Cents and the Electrical Contractor
R211 Super Good Cents and the Drywall Contractor
R212 Super Good Cents and the Insulation Contractor
R213 Super Good Cents and the Framing Contractor
R215 Super Good Cents in a Nutshell
R305 Residential Indoor Air Quality Screening
M104 Fuel Price Comparisons
M105 Selecting a Heat Pump Contractor
M107 Home Heating System Economics
M108 Distributing Air with a Ducted Booster Fan
E100 Water Heating Heat Pumps
E101 Water Saving Shower Equipment
E102 Heating Alternatives for Spas and Hot Tubs
L105 Estimating Appliance Energy Use

SOLAR

S200 Passive Solar Home Performance
S201 Solar Space Heating for Existing Homes
S202 Attached Sunspaces
S203 Solar Glazings: A Product Review
S301 Solar Water Installation Manual
S302 Solar Water Panel Construction Manual
S303 Comparing the Efficiency of Flat Plate Solar Collectors
S304 Consumer Checklist: Solar Water Heaters
S307 Estimated Savings from Active Solar Water Heating Systems
S308 OSU Batch Solar Water Collector
S400 Plotting Skylines
S401 Deciduous Trees Modify Temperatures of Buildings
S402 Easy-to-Build Skyline Plotters
S500 Oregon Photovoltaic Equipment Suppliers
S501 Photovoltaic Reading List
S502 Photovoltaic Systems for Remote Homes

WOOD HEATING

B106 Solar Wood Dryer
B202 Heating with Wood--A Cost Comparison

MICRO HYDRO

H103 Hydropower Reading List
H104 Hydroelectric Equipment Suppliers

WIND

W101 Wind Energy Notes
W102 Oregon Wind Dealers
W104 Estimating Wind Energy Production

COMMERCIAL CONSERVATION

C201 Understanding Commercial Electric Bills
C706 Refrigeration Savings with a Hy-Save Liquid Pump
C708 Refrigeration Energy Savings with Floating Head Pressure Efficiency
N200 Commercial Energy Auditing Micro Computer Programs
N201 Commercial Audit Software Comparison
N204 Daylighting Micro-Computer Software Comparison
N205 Daylighting Micro-Computer Tools

AGRICULTURE

A303 Irrigation Pump Efficiency Test
A304 Maintaining Impact Sprinklers
A305 Electric Motor Load Test

ENERGY AND THE ENVIRONMENT

D100 Global Warming and Personal Energy Use

Interested in "how-to" video tapes on energy efficient new home construction and other residential and commercial energy conservation topics?

We'll send a catalog without charge. Write or call:

Extension Energy Program
Oregon State University
Batcheller Hall 344
Corvallis, OR 97331-2405.

Telephone (503) 737-3004.

There's no charge for the catalog.

Interested in an energy-related topic not mentioned in this leaflet? Please ask. The OSU Extension energy agent nearest you knows of many other sources of information and would like to help you find the information you need.

Extension energy agents are located in the following offices around the state:

OSU Extension Service
Area Energy Office
1530 SW Taylor Street
Portland, OR 97201
241-9172

OSU Extension Service
Lane County Office
950 West 13th Street
Eugene, OR 97402
687-4243

OSU Extension Service
Jackson County Office
1301 Maple Grove Drive
Medford, OR 97501
776-7371

OSU Extension Service
Deschutes County Office
1128 NW Harriman
Bend, OR 97701
388-6436

OSU Extension Service
Union County Office
10507 N. McAllister Rd.
La Grande, OR 97850
963-1010

The OSU Extension energy program is conducted in cooperation with the Oregon Department of Energy with funding from the Bonneville Power Administration and the U.S. Department of Energy.

July 1990

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ENERGY PUBLICATIONS



Meeting Date: AUG 28 1990

Agenda No.: Inf. # 2

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: OSU Extension Service - Energy Programs
(morning if possible)

BCC Informal Tues. 8/28/90 BCC Formal _____
(date) (date)

DEPARTMENT DES DIVISION OSU Extension Service

CONTACT Paul Sunderland TELEPHONE 254-1500

PERSON(S) MAKING PRESENTATION Paul Sunderland, David Brook

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 10-12 minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: _____

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

Overview of OSU Extension Energy Program serving Multnomah County.

Focus on the summation of the recently completed Chronic Arrearage Project of which Extension was a partner. The project addressed the issue of chronic energy arrearage and the potential to reduce it.

RECEIVED
MULTNOMAH COUNTY
AUG 21 11:52 AM '90

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER  Paul Sunderland

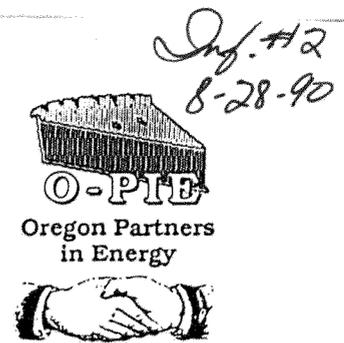
Chair, OSU Extension, Multnomah County

(All accompanying documents must have required signatures)



**EXECUTIVE SUMMARY:
OREGON PARTNERS IN ENERGY
CHRONIC ARREARAGES PROJECT**

May 1990



People on limited incomes often have difficulty paying their monthly heating and utility bills, and this difficulty may be compounded by problems in other areas of their lives. In an effort to develop an effective approach to this issue, the Oregon Partners in Energy Chronic Arrearages Project tested a case management program with individuals experiencing repeated problems in staying current with their utility bills.

A case manager provided a range of services to 56 individuals who (1) had outstanding utility bills of at least \$200 or a 72-hour shut-off notice, (2) had incomes less than 125% of federal poverty guidelines, (3) had individually-metered gas or electricity as a primary heating fuel, and (4) had lived in the same location for at least 6 months. Services included help with utility accounts, cash assistance in the form of a co-payment for utility bills, budget counseling, conservation education, and assistance with job, housing, or medical issues. The mix of services for each individual was determined by need.

The program was evaluated in several ways. Client information regarding demographic characteristics, income, housing resources, and energy use was collected at intake and at program discharge. Second, the delivery of services was carefully documented in terms of type, duration, occasion, and method of delivery. Third, energy conservation attitudes, beliefs, knowledge, and behaviors were assessed before and after participation in the program and compared to equivalent data from a randomly assigned control group. Finally, arrearages and payment amounts were monitored throughout the duration of program.

Analysis of the evaluation data showed a diverse group of clients participating in the program. Fifty-four percent had children under 18 in the household; 29 percent were single parents, nine percent were 66 years of age or above, and 64 percent were on fixed incomes. The client sample also had a substantial level of disability or impairment. Thirty-three percent had a disease condition of moderate to serious severity, and 24 percent were judged to have some degree of mental or emotional impairment.

Case management services varied greatly across clients, the most frequently provided service being help with utility accounts. An unexpected amount of attention was needed for medical issues, although such issues were not relevant to every client. Overall, sixty-four percent of clients received six to ten hours of services, 18 percent received less than six hours, and another 18 percent received ten or more hours of services. The average amount of time that a case was open was six and a half months.

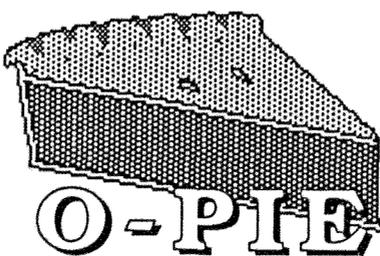
At the end of the program, over two thirds of clients who completed the program had reduced at least one of their utility arrearages to zero. Average debt reduction from the start of the program to the end was \$248. When clients were compared to a control group, significant improvements were found in two areas related to attitudes and knowledge about energy conservation and thermostat use. No differences were found in other areas of conservation behavior or attitudes,

although the evidence suggested that most clients subscribed to energy conservation prior to participation in the project.

Based on the evaluation findings and the qualitative experience of project staff, the following recommendations are offered for similar programs in the future:

- ★ Offer case management programs on a larger scale with a more intensive, broadly-based effort and resources.
- ★ Invest time up front to network with relevant housing and medical programs and explain the nature of the case management services to solicit cooperation of those programs.
- ★ Use the co-payment mechanism to foster client involvement and awareness of self sufficiency.
- ★ Provide enough resources to allow the case manager to make home visits, which can provide far more information than office-based interviews.
- ★ Identify household energy consumption patterns and other client needs during the intake process to develop the case management plan for each client.
- ★ Use summer months to educate clients in efficient use of hot water, appliances, and lighting.
- ★ Provide each client with a small energy saving device for installation in the home to serve as an on-going reminder of participation in the program.
- ★ Automate record-keeping and evaluation activities by the use of personal computers on the case manager's desk.
- ★ Offer a broad array of services by networking with other agencies to provide the additional services required by clients.
- ★ Evaluate long-term client success by tracking regular payment of energy bills and documenting self sufficiency over a longer period of time.
- ★ Arrange with each utility or fuel company to have specially designated and trained customer service representative(s) for case managers to contact about clients participating in the program.
- ★ Make utility statements easier for customers to understand.
- ★ Offer percentage-of-income payment plans for low income clients on fixed incomes.
- ★ Allow permanent medical certificates when appropriate.

Handout #6
Inf. #2
8-28-90



O-PIE
**Oregon Partners
in Energy**



Chronic Arrearages Project

Final Report

May, 1990

Submitted to:

State Community Services
Oregon Department of Human Resources
1158 Chemeketa NE
Salem, Oregon 97310

By:

- Portland IMPACT
- Oregon State University Extension Service - Energy Program
- Regional Research Institute, Portland State University
- Multnomah County & Metropolitan Community Action
- League of Utilities and Social Service Agencies (LUSSA)

EXECUTIVE SUMMARY: OREGON PARTNERS IN ENERGY CHRONIC ARREARAGES PROJECT

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Oregon Partners in Energy Chronic Arrearage Project

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EVALUATION REPORT: OREGON PARTNERS IN ENERGY CHRONIC ARREARAGES PROJECT

Introduction

People on limited incomes are often confronted with serious financial problems in meeting their monthly heating and utility bills. Many of these people live in housing stock with very poor energy characteristics, such as little insulation and old appliances. Consequently, a much greater proportion of their income goes towards energy bills than is typical of the rest of the population, sometimes in excess of 30% for low income households. For many of these people, the problem is not simply a matter of conserving energy; rather it is a matter of limited finances. When an individual is confronted with unexpected circumstances, high energy bills may be the last straw. A senior citizen living alone on a small pension or a young mother with a low-paying job may be able to make ends meet under the best of conditions. However, an emergency or crisis such as a medical problem or job layoff may absorb or reduce income usually allocated to energy bills and subsequently lead to a need for energy assistance.

Over the years various programs have been developed by utilities, non-profit organizations and state and federal governments to provide cash assistance to help people meet their energy needs. The largest of these is the federally funded, state administered, Low Income Home Energy Assistance Program (LIHEAP). In 1989, 79% of the 70,900-plus households in Oregon (average size 2.7 people) receiving Oregon LIEAP assistance for utility bill arrearage had incomes below \$8,000 per year. Yet, because such programs are limited in focus and resources, they are often unable to address the underlying causes of arrearage--causes such as personal emergencies or job difficulties. Thus they may provide little more than a "band aid" solution to what is in reality a major threat to self-sufficiency. This is evidenced by the repeat participation in LIEAP by almost three-fourths of the households each year.

The cost of such limited solutions is high. In the LIEAP Program, the average cost per household was \$185 in 1989, totaling over \$13 million. Moreover, substantial expenses are incurred by the utilities in dealing with chronic arrearage problems. Utility credit departments constantly dispatch service personnel to disconnect power to homes with overdue accounts. Even with energy assistance payments, Oregon utilities annually write off an estimated \$7 million in all types of uncollectible accounts (including commercial customers). Because of the high cost of standard approaches to utility arrearage, organizations and individuals concerned about this problem have begun to consider a more comprehensive approach, one that addresses problems that lie behind the immediate and obvious financial difficulties. Such an approach is based on the long-term view that augmenting cash assistance with help in addressing other life-problems will better enable individuals to achieve a degree of sustainable self-sufficiency, and by extension, the capacity to make timely

and regular utility payments. Over the years, this more comprehensive approach would be expected to realize savings in better energy consumption, a decreased need for repeat assistance, and fewer operational expenses associated with handling utility arrearages.

Overview of the Chronic Arrearages Project

In an effort to examine the feasibility and effectiveness of this approach, the ad hoc League of Utilities and Social Service Agencies (LUSSA) in Portland, Oregon undertook an innovative program called the Chronic Arrearages Project (CAP). The project was designed to offer a variety of structured services, including utility payment scheduling, personal financial counseling, weatherization, energy conservation education, and cash assistance. Services were to be provided according to a case management model with a mix of services based on individual needs, and a motivational framework for clients to achieve self-sufficiency was stressed as a major theme of service delivery. The desired outcome was that clients would be able to take sufficient control of their energy use and finances to reduce, if not eliminate, their arrearages and need for LIEAP assistance in subsequent years.

The Project was funded by a \$100,000 grant from State Community Services, a division of the Oregon Department of Human Resources, to the Multnomah County Department of Human Resources. State Community Services is the agency which administers and distributes federal LIEAP funds to local agencies in Oregon. Implementation of the project depended heavily on a cooperative effort among a number of individuals and organizations. Portland Impact Inc., a not-for-profit social service agency was awarded the contract for providing case management services, and a second contract for evaluation-related services was awarded to the Regional Research Institute for Human Services (RRI), Portland State University. Ongoing direction for the program including the evaluation component was provided by the Research committee of LUSSA, and fiscal administration was provided by Metropolitan Community Action (MCA). Consultation in project design, assistance in recruiting participants, and data were provided by LUSSA members: Portland General Electric, Northwest Natural Gas, and Pacific Power. Finally, weatherization services, including blower-door-directed air infiltration sealing and other major measures, were funded by the City of Portland Energy Office, through their Block By Block Project. However, as will be described later, a transfer of responsibility for weatherization from one agency to another limited the number and timing of weatherizations that could be performed in conjunction with this project.

Project activities began in November of 1988, and delivery of services began in March of 1989. Final delivery of

services took place in December of 1989, and the project concluded with the final evaluation activities in April of 1989. This report presents the project evaluation, as conducted jointly by the LUSSA Research Committee and the Regional Research Institute for Human Services, Portland State University. What follows is an overview of the evaluation strategy, a description of clients who participated in the project, an analysis of program activities, an analysis of program outcomes, and a final section discussing implications and recommendations. In addition, a report from the case manager is presented in Appendix A.

Evaluation Strategy

In overall intent, the evaluation strategy was designed to use a mix of methodologies, ranging from simple description to controlled field experimentation, as a means of providing a balanced picture of what occurred in the program. In effect, this strategy attempted to answer the questions: Who received services, what services were given, and did the services achieve results? Each of these questions involved different, sometimes multiple, types of data collection activities, sources of data, and analytic approaches. The specifics of this strategy are described below within each of three types of information: client characteristics, program description, and outcomes.

Assessment of Client Characteristics. An important feature of evaluating a program is understanding the types of clients who receive services. For those clients receiving case management services, information was collected at intake by means of a standard form completed by the intake interviewer. This information included: age, gender, education, ethnicity, ages and numbers of other household members, source and amount of household income, and various housing data such as monthly expense, ownership (rent vs own), size (# bedrooms), and type (apartment, duplex, or home). In addition, the intake included ratings by the interviewer of physical limitations, mental illness/limitations, addiction problems, and extent of disease or physical illness. The latter ratings were based on a scale with the categories: *none*, *mild*, *moderate*, *severe*, and in the case of the disease rating, *terminal*. A copy of the form used to record this information, titled Demographics, can be found in Appendix B. Descriptions of several client case scenarios from the project are included in Appendix A.

Assessment of Program Characteristics. As described above, the Chronic Arrearages Project was conceived as a case management program whereby clients would be provided services according to their unique needs and circumstances. Services could differ markedly from client to client, rather than consisting of a standard group of interventions applied to everyone. Because of this demand-driven quality, an important component of the evaluation was that services be monitored for type, frequency, and duration. This would not only provide a picture of day-to-day case management activities but would also say much about the needs of clients being served. From the standpoint of replication this was considered especially important, since any future attempt to implement such a program would benefit from knowing where the majority of

case management efforts were directed. In the parlance of program evaluation, this type of monitoring activity is known as *process* evaluation, since it is concerned with the ongoing conduct of the program rather than benefits that might occur as a result. It is, in one sense, the most important type of program evaluation since outcomes or results are ambiguous if their causes, i.e., services, are vague or unspecified.

To monitor the daily process of case management, a simple coding form was devised for recording services. Each service was recorded with four types of information: date, service code, the duration of the service in minutes, and a brief descriptive comment. The service code consisted of three letters, one for *how* the service was delivered (office visit, home visit, or telephone call), another for *what* service was delivered (individual client contact, referral-advocacy, problem-solving, training, or administrative), and a third for the *focus* of the service (energy bill, conservation education, weatherization, budget or finances, job issues, medical issues, housing issues, project-related activities, shut-off notice, no-show, or other). Some aspects of this coding scheme evolved with the project; that is, the housing, medical, shut-off, and training codes were added once the project was underway. For those services already recorded, the comment for each service served as a basis for adding the newly-developed codes. To implement this system, a coding form was included in each case folder, and the case manager simply recorded the information for each service after its occurrence. A sample coding form can be found in Appendix C. By the end of the project, each client had a running list of services received, and these lists provided a basis for analyzing what occurred in the conduct of case management.

Assessment of Outcomes. The effects of a program are ultimately the main focus of evaluation efforts. Are clients who receive services better off as a result? Does the program have some measurable impact that might be used to justify its continued use? Creditable answers to such questions are of major interest to funding agencies, administrators, practitioners, and other stakeholders in the program area. Therefore, the evaluation design focused on a variety of outcomes in an effort to examine if the case management model appeared to be effective with this type of client. Some outcomes were examined in the context of an experimental design with a control group, and other outcomes were examined as pre-post comparisons.

The experimental design was a key aspect of the evaluation as originally envisioned; however, circumstances beyond the control of the project required some modifications as the project progressed. The initial design called for establishing four groups based on the type or mix of services delivered. In one group, clients would receive case management services and basic weatherization (\$500 worth on average) of their homes; a second group would receive case management but no weatherization; a third group would receive weatherization only; and a fourth group would serve as a control. In no group, including the control group, would normal services that someone might ordinarily receive be withheld; rather, the distinction was based on special services that would be delivered as part of this special project. The weatherization services were to be

provided by an agency other than that providing case management services and would serve as a means of examining benefits derived from weatherization alone compared to those derived from a combination of weatherization and other more personally-focused services such as education and counseling. Clients were to be randomly assigned across the four groups, thereby permitting true experimental comparisons. This design was presented to and approved by participating agencies, and the project was begun in this context.

The first step involved recruitment and assignment of clients to the different groups. The following eligibility criteria were established for clients:

- (1) They should have an outstanding utility bill of at least \$200 or have had a 72-hour shut-off notice, which is generally indicative of no payment for two months (some clients began with arrearages with two utilities);
- (2) They should be recent clients in the Low Income Energy Assistance Program (LIEAP) and therefore have incomes of no more than 125% of federal poverty guidelines;
- (3) They should use individually-metered gas or electricity as their primary heating fuel; and
- (4) They should have lived in the same location for at least 6 months.

The latter two criteria were established to permit analyses which would compare energy use before and after participation in the project. Using lists provided by local natural gas and electricity utilities, individuals meeting these criteria were randomly assigned into the four groups. The assignment was done by a computer program that maintained proportional representation from different segments of the Portland metropolitan area. Individuals were then contacted and asked to participate in the study, with the nature of the request varying according to the group assignment. Those in either of the groups involving case management were asked if they wished to participate in this program, and if so, were scheduled for an intake interview. Those assigned to the control condition were merely asked to participate in a mailed survey on two occasions and were promised a \$10 gift certificate for each survey returned. Those assigned to the weatherization group were to be offered only this service by the agency responsible for weatherization; however, as will be described shortly, circumstances prevented carrying out this part of the design. Initial plans called for obtaining 50 clients in each group, 200 for the entire study. However, since refusal rates were expected to be high, approximately 90 individuals were assigned into each of the four groups.

The client recruitment phase began in January of 1989. After approximately three months and a follow-up mailing, 28 questionnaires had been returned from individuals assigned to the control group. However, four of these could not be used because oil or wood was listed as a primary heating fuel, and this was viewed as compromising the planned energy analysis. Also during this period, 44

individuals expressed interest in the case management program and were scheduled for intake interviews. Since, a larger number was desired in the case management program across the two conditions (case management only and case management plus weatherization), approximately 50 additional individuals meeting the eligibility criteria were randomly assigned across every condition except the control group and contacted for possible participation. The control group was not included in this second assignment procedure because of the need to expend limited resources on obtaining more clients for the other groups. This eventually resulted in an additional 12 clients in the case management program, or 56 in all.

Approximately three months after the program began, the responsibility for weatherization was transferred from one agency jurisdiction to another, with the result that contacts with clients assigned to that group did not occur. Moreover, the switch in agency responsibility effectively resulted in a six month moratorium on weatherizations for any group, including the case management plus weatherization group. At a later point, some clients did receive weatherization; however, by this time, the weatherization component had become unfeasible as a formal factor in the study. As a consequence, the weatherization-only group was eventually dropped from the evaluation design, and all clients who were involved in case management activities, regardless of their original assignment, were analytically treated as one group. The removal of the weatherization component effectively reduced the field experiment aspect of the evaluation to a comparison of the case management group with a control group, albeit with unequal numbers.

The primary measures in this part of the evaluation were a series of questions asked in a written questionnaire that covered a range of energy conservation issues. Included were questions about thermostat use, conservation behaviors, conservation values, and beliefs, knowledge of energy use by appliances, and comfort level of the home (the latter to be used for the weatherization evaluation). Also included were questions about household size, type of home, fixed-income status, physical conditions in the family that might affect heating needs, utility payment issues, and type of fuel used. A copy of this questionnaire can be found in Appendix D. The evaluation design called for administering the questionnaire both before and after whatever services were given; similarly, clients in the control condition completed the questionnaire at the beginning and at the end of the project time period. While an evaluation design using randomized assignment does not, strictly speaking, require a pre-test measure, the use of such a measure was considered important here both as a means of increasing statistical power and as a contingency should the research design be compromised by unexpected difficulties. For all clients receiving services, the questionnaire was completed in the office as part of the intake or exit process; for the control group, the questionnaire was sent and returned by mail. As an extra incentive for participating, clients in the control group were given a \$10 gift certificate good for purchases at a large local retail chain. The certificates were sent after the questionnaires had been completed and returned.

By December of 1989, the last month of client services, a total of 49 clients had completed the case management program, that is, had received case management services and been discharged from the program. Seven clients had dropped out of the program after intake, some after several months of services. In January of 1990, the second wave of questionnaires were sent to the control group, and by late February of 1990, 12 usable returns had been received. The 12 pairs of pre and post questionnaires from the control group, combined with 47 usable pairs of questionnaires from the case management group, served as the primary data set for the outcome analysis. These sample sizes were substantially less than anticipated in the original design; the low numbers, particularly among the control group can be at least partly attributed to difficulty in reaching clients a second time--many questionnaires were returned undelivered--and the lack of resources needed for intensive follow-up. Nevertheless, the questionnaires that were returned appeared to be thoughtfully completed and were judged useful for analyses.¹

With this overview of the different components of the evaluation design, the evaluation findings will now be presented. Each of the following sections discusses, respectively, client characteristics, program description, and program outcomes.

Client Characteristics

What types of individuals received services? The analysis to answer this question is based on intake data and, therefore, includes those individuals who subsequently dropped out of the program. All of the latter did receive services to some degree, so they are included in this analysis.

What were clients' basic demographic characteristics?

Seventy percent of clients were women, and seventy percent reported their ethnicity as Caucasian, 16 percent African-American, 2 percent Asian, 3 percent Hispanic, 2 percent Native-American, and 9 percent "other." Average education was 11.5 years, with 43 percent having less than a high school degree and over a quarter, 27%, having at least some college education. Average age was 43.74 years, and the median age was 40 years. Figure 1 (appended at the end of the narrative, page 11) illustrates the age of clients grouped in intervals of five years. The single most prevalent age category was 31 to 35 years (28%), with relatively few clients under age 30. The numbers of clients tended to decrease slightly through the middle-age categories but increased somewhat at 66+ years, indicating a notable group of seniors who were in need of services.

What were their households like?

Over half of clients reported being the only adult in the household (54%), while 39 percent reported having a household with one other adult, and the remaining 7 percent reporting households with more than two adults. Thus a slim majority of the sample for this project were single

heads-of-household. Fifty-four percent of clients reported having children under 18 in the household; 14 percent had one child, 29 percent had two children; 9 percent had three, and 2 percent had 4. Considering number of adults and children together, 25 percent of households consisted of 1 person, 20 percent consisted of 2 persons, 29 percent three persons, 21 percent 4 persons, and 5 percent 5 persons. Twenty-nine percent of clients were single parents or at least functioning as such.

What about monthly income?

Monthly income reported at intake ranged from no money at all to \$1450. The average monthly income at intake was \$572.25; the median was \$549.00. When reported income was put in the context of household size, the group appeared to have a substantial level of poverty, as seen in following table.

1989 Federal Poverty Guidelines and Average Monthly Income by Household Size

Household Size	125% Poverty	100% Poverty	Actual Income
1	\$623	\$498	\$438
2	835	668	594
3	1048	838	448
4	1260	1008	819
5	1473	1178	792

Income sources varied widely and are illustrated in Figure 2 on page 11, expressed as the percentage of clients receiving income in each category. Since clients could have more than one income source, the sum of the percentages exceed 100%. The most common source of income was employment (50%) followed by Social Security/Disability--SSDI (27%), Unspecified "other" sources (21%), Adult and Family Dependent Care (20%), Social Security Benefits--SSB (14%), unemployment (7%), workers compensation (7%), VA (5%), and pension (3%). The fixed income status of clients was substantial-- 64 percent reported being on fixed incomes. The average monthly income of this group was \$494; the median was \$446.

What was their housing like?

Over three quarters (77%) of clients rented their homes, and the remaining 23 percent reported owning their homes. The types of homes were as follows: apartments (33%), duplexes (17%), and houses (50%). The average monthly housing expense was \$284.

What about disabilities or special conditions?

The presence of certain physical conditions in a household can be a special mitigating factor in energy conservation, since some energy-saving steps such as turning down thermostats may not be desirable under these circumstances. Almost half of clients (49%) reported a

physical circumstance in the household, such as an infant or medical problem, that required warm temperatures. Thus there appeared to be fairly substantial limitations to the extent that some common conservation steps such as turning down thermostats could be implemented in this sample. Another perspective on this issue can be gained by examining ratings that the case manager made at intake on the client with respect to physical and medical problems. Here the case manager rated the extent of physical problems (such as disabilities) as none, mild, moderate, or severe; similarly, the extent of disease was rated as none, mild, moderate, severe, or terminal. The distribution of these ratings can be seen in Figure 3, page 11. Sixteen percent of clients had physical problems rated moderate or severe, and 33 percent had a disease condition rated moderate, severe, or terminal. Especially noteworthy was the latter category--three clients had terminal disease, and one subsequently died during the project. Note that these ratings applied only to the client and not to other household members, so the percentages are not inconsistent with the figure of 49% referring to special conditions in the household as a whole. What is noteworthy here is the extent of unanticipated medical or physical problems in this client population, a finding that, as will be seen, was corroborated by service needs.

Closely related to issue of physical problems are the issues of substance abuse and mental or emotional problems. Ratings on these conditions were also done by the case manager at intake, and these are illustrated in Figure 4 on page 11. Twenty-four percent of clients were judged to have a mild, moderate, or severe degree of mental or emotional impairment, and 15 percent were rated as having mild, moderate, or severe addictive problems. These statistics also illustrate an unanticipated level of impairment in the sample. Such impairments often inhibited the client's ability to make regular utility bill payments without the assistance of a case manager.

Program Description

Evaluating the ongoing implementation of a program has at least two important uses. First, it provides a means of determining specifically what occurred in the course of service-delivery. If successful outcomes are found, this information can be used to replicate the program and serve as a type of operational definition of its elements. Second, this type of evaluation can serve as a type of needs assessment and provide a fuller picture of the target population beyond client characteristics. This is especially true with case management programs where the mix of services is driven by client needs. Unanticipated demands for services can be documented and programs modified or refined accordingly. Both of these benefits are particularly relevant to the present program, which is a new and generally untested approach in the field of energy arrearage.

The analysis of program process data focused on a number of key questions regarding the duration, method, and type of services delivered.

What types of case management services were provided?

More than one type of service could be provided in a single session with a client, and a wide range of services could be provided over the life of a case. One way of looking at types of services provided is to count the relative frequency of services, regardless of differences in the time that they took. This is illustrated in Figure 5, page 12. Help with utility accounts, including co-payments and calls to utilities for information, was the single most frequently provided service (31% of service units), followed by project business (16.7%), non-specified services (10%), help with medical issues (9.8%), budget counseling (6.9%), conservation education (6.1%), help with job issues (6%), help with housing issues (3.1%), weatherization education (2.8%), and help with shut-off notices (2.8%). No-shows took up 4.6 percent of the service entries recorded--this code was included to document the extent of time loss due to failure to arrive at appointments. Project business includes intakes, discussion of the project, case management planning, and time needed to complete the survey questionnaire. Of particular interest in this analysis was the extent of services directed toward medical issues. Here services did not consist of medical advice per se (the case manager was not medically trained) but rather discussions of medical problems as they affected energy use and general ability to meet responsibilities. This finding of a relatively intensive medical focus is consistent with the data on client characteristics which showed a notably high level of medical or physical impairment in the sample. Additional information on services provided can be found in the Case Manager's Report, Appendix A.

How much time was spent on each service?

Another way of looking at service delivery is to examine the amount of time spent in particular areas. This is illustrated in Figure 6, page 12, which shows both the range and average time spent on individual services. Here the first two types of activities identified above, help with utility accounts and project business, were found to also consume the most time; however, conservation education was found to be the next most time-intensive, owing partly to the fact that this included classroom sessions lasting up to 2 hours. Most conservation education was provided in one-on-one sessions with clients; however, the combination of these sessions and several energy conservations classes that were held resulted in relatively large time totals. Medical and housing issues averaged over one hour per client, while the remaining issues averaged less than an hour. All of these figures are based on clients who actually received that service, and this is noteworthy in evaluating the intensiveness of services directed toward each topic. For example, those clients who had a need for help with job issues received less than an hour, on average, of attention in that area. The scarcity of resources in this project was the driving factor here--there was only one case manager to provide services. The point is that scarce resources directed at a wide range of problems may not be expected to produce dramatic outcomes; this will be taken up further in the section on recommendations.

Overall, how much time did the case manager spend with clients?

Sixty-four percent of the clients received between 6 and 10 hours of services; 18 percent received less than 6 hours, and another 18 percent received 10 or more hours of services. The distribution of hours is illustrated in Figure 7, page 12. In terms of months, the average case was open roughly 6 and a half months, although a few cases were open as long as 10 months. This distribution is shown in Figure 8, page 12. Over the life of the average case, services tended to taper off somewhat as the months passed by, as illustrated in Figure 9, page 13. The first month of a case involved the most hours, owing largely to the lengthy intake process. As regular appointment routines were established and initial problems resolved, the case manager tended to spend less time with a given case, particularly since her available time was taken up by new intakes. Information about service time in terms of the actual months of the project, i.e., March, April, etc, was also compiled; this is presented in Appendices E and F. One caveat about these findings: Since this project was time-limited and had a definite completion date, the lengths of some cases were likely constrained by project timelines; if this program were ongoing, the average length of time for a case might have been longer.

How were case management services provided?

The majority of case management service (70%) were provided in the office with the client present. However, a substantial portion of services (29%) were also provided by telephone either to the client directly or on behalf of the client with a utility or agency. This illustrates the multi-faceted nature of the program, which not only involved direct services but also advocacy and help with utilities and service systems. Face-to-face contact was particularly important during initial interactions with clients; however, as relationships were established, some matters could be handled over the phone. Also, the case manager frequently contacted utilities by phone about such matters as negotiating shut-off notices and contacted agencies to arrange support services or obtain information. A small portion of services (1.4%) were provided in the client's home when that client was unable to come to the office due to disability.

Program Outcomes

The program had three major objectives which could be used to assess effectiveness. First, since the overriding focus of the program was chronic arrearage on utility bills, a primary goal was to reduce or eliminate such arrearage, promote regular bill-paying habits, and thereby encourage self-sufficiency. Second, since some amount of arrearage may be related to wasteful energy use, the program sought to improve client's attitudes, beliefs, and knowledge with respect to conservation. Third, since attitudes and knowledge must ultimately translate into behavior, the program sought to promote energy conservation activities, that is, steps that clients might take to permanently reduce their energy use.

To what extent did the program help clients to reduce or eliminate arrearage on their utility bills?

At the beginning of the project, clients' arrearage amounts ranged from \$10 to \$1895, with an average of \$337 and a median of \$238. Eight of 49 clients had arrearages with both natural gas and electric utilities. As part of the project, clients were required to make regular utility payments which were, in turn, supplemented by co-payments provided by the program. A total of \$400 was budgeted per client as co-payments. On average, clients paid a total of \$190 for utility payments during the project; the range was \$30 to \$471, and the median was \$170. On average, the program paid \$299 as co-payments per client; the range here was \$63 to \$400, with a median co-payment of \$328. Agency monthly co-payments ranged from \$14 to \$100 with client copayment ranging from \$5 to \$80.

The co-payment mechanism was intended to foster regular payment of utility bills, since the program did not make a payment unless the client did. Typically a payment plan was negotiated with the client, and expectations were established that the client would begin monthly payments to be accompanied by the co-payment. One way of examining whether or not this was successful is to note the ratio of times that clients made a monthly payment relative to the number of months they were in the program. Allowing some lead time for intake and start-up, a high ratio would indicate regular payments while in the program; a low ratio would indicate a sporadic or low-frequency payment pattern. The average ratio was .69, indicating that, on average, clients made a utility payment 69 percent of the months that they were in the program. The ratios ranged from .20 to 1.00. Assuming that payment behavior prior to the program was poor (a reasonable assumption, since otherwise they would not have accumulated such chronic arrearage history), these findings suggest that the program was quite successful in encouraging more regular payments.

At the end of the program, over two thirds of all clients who completed the program, 33 of 48 (69%), had reduced at least one of their arrearages to zero; that is, they had completely paid off their bills with at least one utility. The average debt reduction from the start of the program to the end was \$248 per client; the median outstanding arrearage was reduced to 0. This reduction is illustrated in Figure 10, page 13. One quarter of all clients had also been enrolled in an equal payment plan whereby, payments are spread evenly throughout the year based on estimated use. Being out of arrears is a pre-condition for such a plan; moreover, it is a proactive approach to better management of utility bills, and therefore represents a particularly positive outcome. For those who did not get out of arrears, the average balance remaining was \$279, with a range of \$34 to \$712 and a median of \$234. In general, the findings suggest that the program was substantially effective in accomplishing its arrearage-based objective.

To what extent did the program succeed in modifying clients' beliefs, attitudes, and knowledge with respect to energy conservation?

Measures in this area were taken from the survey questionnaire, and here, the analysis benefited from comparison with a control group--individuals who had not received case management services. As described previously, 12 pairs of pre-post questionnaires were received from the control group. The data for this analysis were responses to 7 questions:

- *Do you believe it is possible to reduce heating costs and still keep your home comfortable?*
- *Do you believe that you can control the size of your heating bills?*
- *Do you believe that turning down the thermostat will lower your heating bills?*
- *Do you believe that the house will warm up faster if you turn the thermostat up real high, then turn it back down once the house is comfortable?*
- *Do you believe the utility meters are accurate?*
- *How do you think the utility company determines your monthly bill? (write in response)*
- *After home heating, what is the next most expensive user of energy in your home? (Check one: refrigerator, water heater, color TV, lights, cooking)*

The analysis revealed two statistically significant differences between the case management and control groups². Case management clients were more likely to say that they believed it was possible to reduce heating costs and still keep their homes comfortable. Also, case management clients were more likely to disbelieve the view (which is incorrect) that the house will warm up faster if the thermostat is initially turned up real high. No significant differences were found on the other questions, although the differences were consistently in the right direction; that is, case management clients tended to display more conservation-minded beliefs. The two statistically significant findings provide some evidence that the program was effective in modifying conservation beliefs and knowledge compared to a group who received no special services.

To what extent was the program successful in modifying clients' behaviors?

Several questions asked about conservation behaviors, specifically,

- *Do you try to conserve electricity and/or natural gas in your home?*
- *Are you using more, the same or fewer rooms this winter than previous winters*

- *In cold weather, do you put on extra clothing to keep warm indoors rather than turn up the thermostat?*

- *What steps have you taken to reduce heating costs in your home? (list as many as you want)*

No significant differences were found between the case management and control groups³. On the question: "Do you try to conserve...etc," both groups scored very high on the pre-test. For example, 96 percent of the case management clients said they mostly or always tried to conserve energy (see Appendix F for client data). Thus there was little room left for improvement. Also, both groups tended to list as many conservation steps in the pre-test as the post-test. These response patterns are consistent with conventional wisdom that most people subscribe to the conservation ethic and will at least say that they conserve energy. It is also possible that many clients were already taking steps to conserve energy and were encountering arrearage difficulties because of other circumstances such as loss of income or illness. In these cases, dramatic improvements in conservation behavior would not be expected.

Comments about the Findings

The pattern of findings on client characteristics corroborated the view that clients who participate in energy assistance programs have difficulties that go beyond lack of budgeting skills. In assessing these findings, it is important to bear in mind that participants were not necessarily representative of all individuals with chronic utility arrearages. Participation was voluntary, and the nature of the program may have appealed to individuals with particularly serious needs. Nevertheless, the findings do suggest a generally high level of poverty--considerably beyond the selection criteria--and, in many cases, the presence of some physical or emotional condition that affected the client's capability to be self-sufficient. In particular, the extent of medical problems in the sample was unexpectedly high.

At the same time, no single set of characteristics or circumstances can be identified as defining the large majority of clients, beyond the eligibility criteria for participation. Rather, the sample was characterized by considerable diversity ranging from young single mothers to seniors living alone and from temporary, solvable difficulties to chronic, intractable problems, sometimes of a life-threatening nature. Clearly, the evaluation data refute the conventional notion that utility arrearages of low income customers are primarily a function of poor financial management.

The diversity of the client sample can be viewed as justification for the case management approach taken in this project, since a less flexible, more unilateral intervention model could not have been as responsive to such a wide range of needs. As might be expected, help with utility bills and the process of arranging payment plans was the single most predominant service provided, but typically clients received attention in other areas such as job, health,

or housing as well. An important implication of this is that scarce resources applied across a number of serious problem areas would not be expected to have a particularly strong impact. In this project, only one case manager was available at a given time to provide services, and caseloads were as high as 54 clients per month. (See Appendix E.) By most standards for similar programs, this is considered an especially large caseload. As borne out by the findings, the amount of time that could be spent in any single problem area of an individual client was limited, and thus it is not surprising that the single most frequently addressed topic was the utility bill--the most immediate and acute issue. Future applications of this approach might profit from the allocation of more staff resources for direct service delivery so that clients' concerns would have more assurance of being adequately addressed. At any rate, the present findings document the flexibility that can be accommodated within a case management model and suggest that this approach is both appropriate and useful for chronic arrearage clients.

The findings on program impact were moderately, though not unilaterally, favorable. The basic goal of eliminating arrearages was achieved in roughly two-thirds of all clients, and given the nature of the client population, this can be viewed as an indication of program success. While the program did provide cash assistance in meeting utility payments, this was always done on a co-payment basis; that is, the client had to make some portion of the payment also. One of the main elements of this process was establishing some regular pattern of payments in order to provide a good footing for future management of bill-paying responsibilities. While the long-term effect of this process remains an open question, the short term effect appears to be one of success with a substantial majority of clients.

Program success in other outcome areas was more equivocal. The experimental comparisons demonstrated modest success in changing energy attitudes and knowledge. Compared to individuals receiving no services, clients in the program showed improvement in the belief that turning down thermostats to conserve energy did not necessarily compromise the comfort level of the home; moreover, they displayed a more knowledgeable approach to how thermostats worked. At the same time, no significant differences were found in beliefs about utility meter accuracy, attitudes about controlling the size of heating bills, or self-reported conservation behaviors. There was evidence, both before and after participation in the project, that most clients viewed themselves as trying to conserve energy and could list steps that they took toward this end. Possibly the measures used in the evaluation were not sufficiently sensitive to small improvements in conservation behavior, or, alternatively, clients were already practicing some level of energy conservation and did not feel that additional efforts would be beneficial. For some clients in the project, other issues besides energy conservation may have seemed of more immediate importance; reducing a future utility bill may pale in significance to a serious health problem, job loss, or housing eviction.

From a methodological standpoint, the relatively small samples in this evaluation, particularly in the control group,

meant that a fairly strong impact was needed to reach a level of statistical significance. This involves the issue of statistical power, and since some trends were noted in a direction favorable to the project, the implication is that a larger sample under the same conditions might have yielded more significant results. On balance, the significant results that were obtained are promising, particularly in the context of an experimental design. Future attempts to implement this type of project might benefit from a larger control group and from a finer level of behavioral and attitudinal measurement. The findings demonstrate that this type of case management approach, despite a heterogeneous group of clients, a varying mix of services, and a shifting research design, can achieve some level of measurable success.

Recommendations:

Based on the evaluation findings as well as qualitative impressions by project and evaluation staff, the following recommendations are offered for future projects:

1. Case management programs should have access to a broad array of services, including housing and medical services, and should network with other agencies providing the additional services required by clients. Participants in the Chronic Arrearage Project had major problems in other areas of their lives besides the anticipated ones of money management and energy conservation education. Providing help in these areas can foster feelings of personal control and self-sufficiency, which are important outcomes in their own right. People who feel in control of their lives are more likely to meet their responsibilities.
2. A more intensive, broadly-based case management effort appears warranted in light of this evaluation. The Chronic Arrearages Project tested the case management approach with a rather small amount of overall resources. Agencies should allocate more resources for case management activities so more direct service hours can be spent per client, as well as providing sufficient time to establish good linkage with other complimentary service providers and conduct a more in-depth evaluation. Funding for such an effort might come from a consortium of public agencies, private organizations or foundations.
3. Client success in regular payment of energy bills and establishing self sufficiency should be documented to establish the need and value of such programs. Too often agencies forget to document their successes, collecting no more data than is required for grant reporting and fiscal purposes. With such "hard data" over an extended period of time, agencies will be able to make stronger appeals to potential funding sources.
4. There is a need to develop and access more affordable housing for low income households. Even though there are many active low income housing programs in Portland, clients typically must wait 18 months for Section 8 certificate for two bedroom units. Even housing from non-profit rehab agencies, another alternative, is too expensive for many of the participants in the Chronic Arrearages Program.

5. The co-payment strategy was a very effective motivating strategy for maintaining clients' participation in the project and progress toward self sufficiency. By establishing regular, on-going contact with the client, a relationship can be established between client, agency and utility. This fosters feelings of personal control and self sufficiency in clients.

6. Agencies need to invest time, up front, to identify the relevant housing and medical programs. The case manager needs to explain the nature of the case management services to the staffs of these programs as well as to others within their own agency. Automatic designation of priority status by cooperating agencies for case management clients, such as low income weatherization programs, will expedite service delivery and can boost client morale and self esteem.

7. Although not included in this project, it became clear that home visits by the case manager would have provided valuable insight into the client's personal and household circumstances. Such direct observations are particularly important in developing and providing relevant energy education for the client and household. In many cases home visits could be combined with related weatherization program activity.

8. Automate the case manager's information activities by providing a microcomputer at their desk. Since a great deal of the case manager's time is spent in short, often unrelated troubleshooting activities, considerable time saving could be accomplished while improving program reporting and evaluation. A commercial microcomputer time-and-billing system (such as Timeslips III) could easily be adapted to store and sort client information and case management activities.

9. Identify household energy consumption patterns during the home visit or intake process. This provides valuable information in developing the case management plan for each client. High consumption or arrearages may be the result of a combination of an unweatherized house, lack of knowledge about thermostat operation, medical complications or poor use of hot water, appliances and lighting. However, individuals with high utility arrearages are not necessarily wasteful consumers of energy or poor money managers. Improved budgeting skills or energy education are no substitute for enough money to cover the basic necessities of life.

10. Use summer months to educate clients about hot water, appliance and lighting energy efficiency. Easily attained reductions in hot water, appliance and lighting energy costs of as little as \$5-10 per month can add up to significant annual savings. Since summer utility bills typically reflect only the costs of these uses, they provide valuable direct feedback to the client and case manager about the client's efforts at controlling costs.

11. Provide each client a small energy saving device for installation in their home to serve as an on-going reminder to the client and their household of their participation in the program. The cost of these incentives, such as a compact fluorescent light bulb or water saving showerhead, should

be budgeted. Agencies might contact local businesses to donate such items to the project.

12. Each utility or fuel company needs to have specially designated customer service representatives for the case manager to contact (ideally several people in larger companies.) The agency should invest the time up front in training utility personnel about the program. This will facilitate activities such as arranging payment plans, obtaining information about shut off notices and consumption and billing information. In addition, utility personnel familiar with the unique nature of the program can help the client to maintain or re-establish a positive relationship with the utility.

13. Utility bills should be made easier to understand. Most clients in the Chronic Arrearages Project had a great deal of difficulty understanding the information on their monthly utility bills. Clients with time payment agreements had difficulty understanding what amount they were supposed to pay and total owing on the account. On utility disconnect notices in the Portland area, the phone numbers for all area social service agencies which might have energy "crisis" assistance are included. This often prompts clients to call ALL the agencies listed. It is recommended that only the appropriate agency's name and phone number appear.

14. Utilities and regulatory agencies should consider providing percentage of income plan (PIP) for low income households on fixed incomes. Such plans have been implemented in other states at costs very comparable to traditional energy assistance payments. Participating in a PIP would allow clients to direct their attention to other survival needs.

15. Utilities should request changes to the regulation allowing permanent medical certificates when appropriate. Where a permanent condition or terminal illness exists, it serves no one to require a new certificate every six months. In many cases the client may incur a fee from the physician in renewing the medical certificate.

Footnotes on Methodology

¹ In tabulating the responses from this survey questionnaire, it was evident that some respondents did not understand the type of response desired to some of the questions. Agencies wishing to replicate this study are advised that revisions in the wording of some questions might improve the effectiveness of the survey.

² The first five questions were answered with 4 or 5-point scales; the question dealing with determining monthly bills was answered by a written comment that was coded for accuracy (1=correct; 2=incorrect); the question on energy use of appliances was scored for correctness based on average consumption data. For the first five questions, analyses were based on analysis of covariance (ANCOVA) procedures whereby the pre-test was used as a covariate for the post-test. This approach is equivalent to a t-test on the adjusted post-test means and has the benefit of increasing statistical power over a simple t-test on the post-test means. For the last two questions above, post-test responses were tested with a chi-square test. All results were evaluated at the .05 level of significance. Prior to these tests, the pre-test scores were compared between case management and control groups in an effort to determine if significant differences existed at the outset. This was important because, although the groups had been randomly assigned, the return rate for the control group was low and those who did return questionnaires may have been biased in some fashion. The comparisons revealed no significant differences at the pre-test; therefore, the two groups were considered effectively equivalent.

³ The first three questions were answered with 3 or 5-point scales; the last question was answered by written entries which were tallied for appropriate responses that an individual could personally take to conserve energy. All questions were analyzed with ANCOVA procedures in a manner similar to those described previously.

APPENDIX H Chronic Arrearages Project Staff and Sponsors

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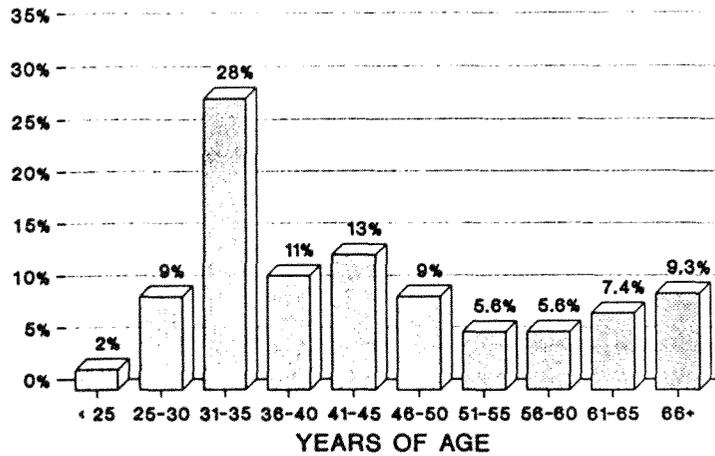
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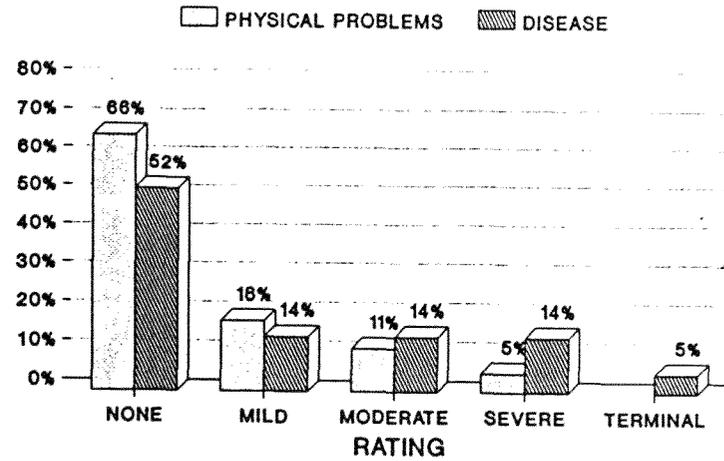
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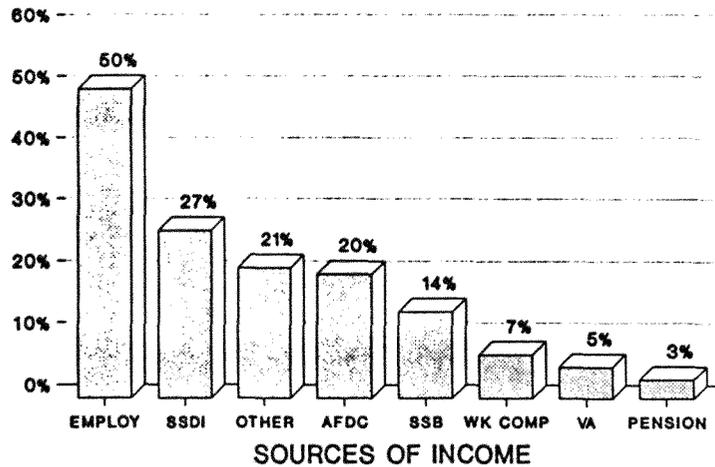
**FIGURE 1
AGE OF CLIENTS**



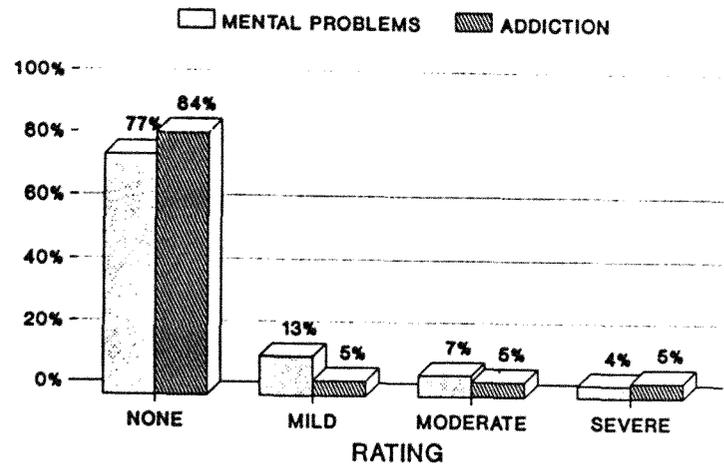
**FIGURE 3
RATINGS: PHYSICAL PROBLEMS & DISEASE**



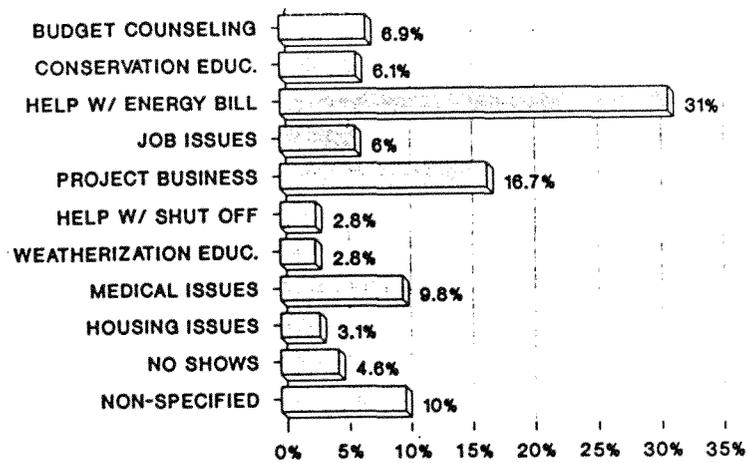
**FIGURE 2
INCOME SOURCES OF CLIENTS**



**FIGURE 4
RATINGS: MENTAL PROBLEMS & ADDICTION**

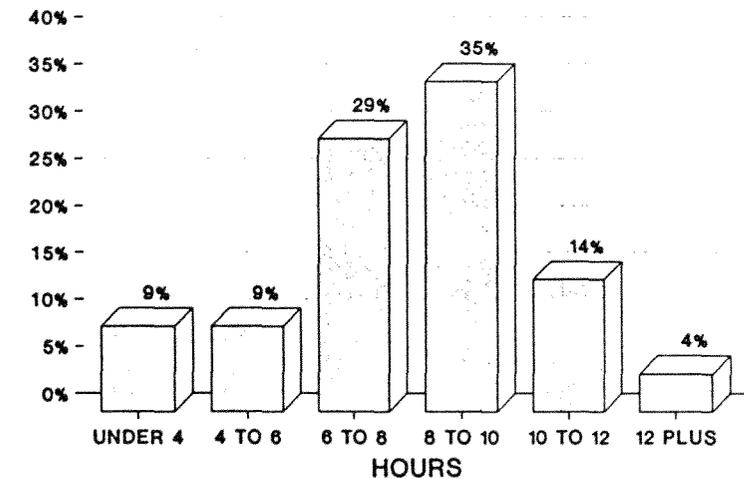


**FIGURE 5
TYPES OF SERVICES PROVIDED***



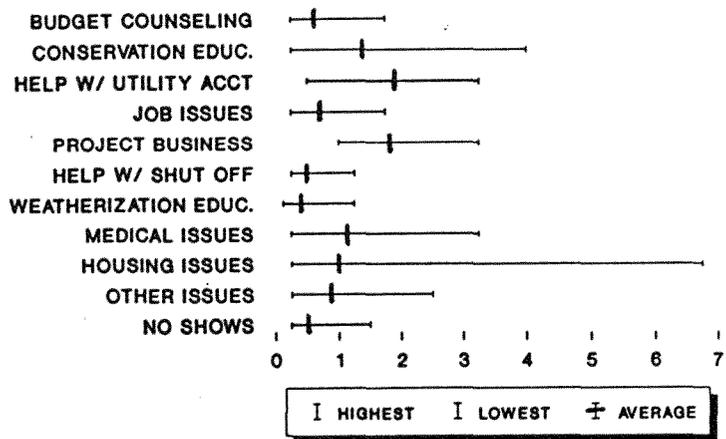
* PCTS BASED ON 1335 RECORDED SERVICES

**FIGURE 7
TOTAL HOURS SPENT PER CLIENT**



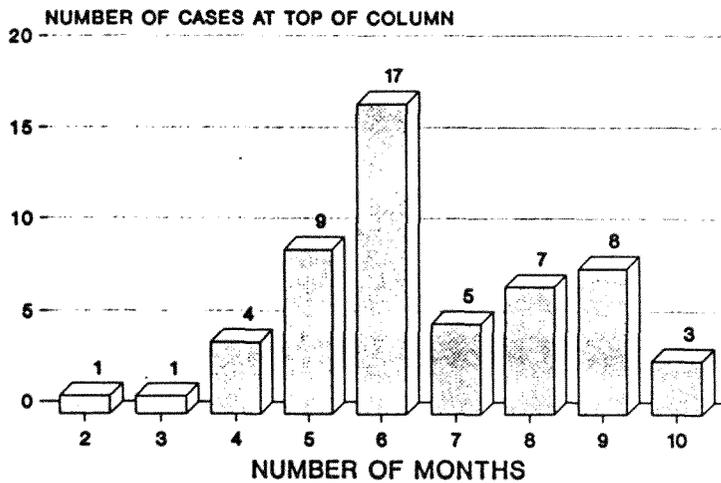
MEAN=8.0; MEDIAN=8.5

**FIGURE 6
HOURS PER CLIENT BY SERVICE TYPE ***



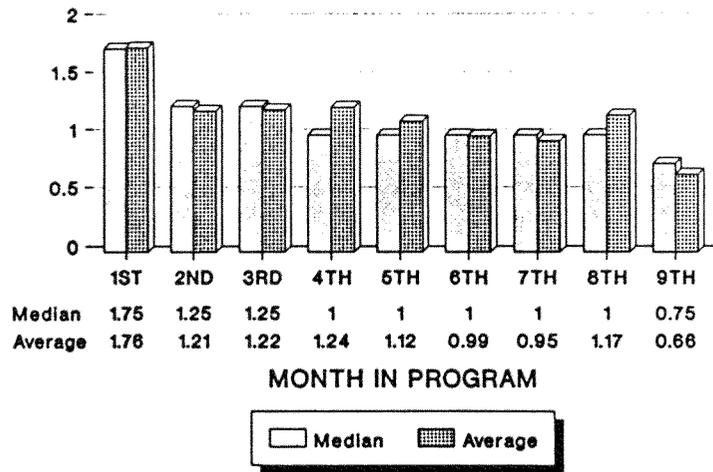
*NOT ALL CLIENTS RECEIVED ALL SERVICES

**FIGURE 8
NUMBER OF MONTHS CASES WERE OPEN**



AVG # MONTHS = 6.56; MEDIAN = 6

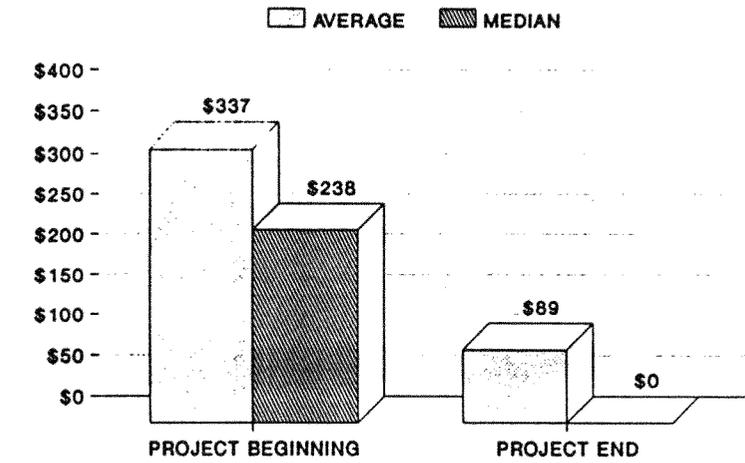
FIGURE 9
AVG. & MED. SERVICE HRS/CLIENT BY MONTH



• FEWER THAN 5 CASES AFTER 9TH MONTH

13

FIGURE 10
AVG. & MED. ARREARAGE AT BEGINNING & END



HIGHEST ARREARAGE AT BEGINNING: \$1896

APPENDIX A

CASE MANAGER'S REPORT

"Households who need help with their energy bills are growing every year. Incomes for the elderly and the poor are not keeping pace with the growing economy. In the 1989 Low Income Energy Assistance Program, 79 percent of the recipients were living on household incomes of less than \$583 a month. These people need help understanding their energy usage and how to cut back on their energy costs as they move toward self-sufficiency."

- Oregon Energy Fuel Fund Report
Marian Milligan - December 1989

The Oregon Partners in Energy - Chronic Arrearages "Pilot" Project was designed to study the relative effectiveness of full case management and basic weatherization as methods to address the energy-related self-sufficiency problems of low-income households. This project attempts to document the effectiveness of strategies for assisting clients to solve their household energy-related problems.

Direct services such as weatherization, cash assistance through a co-payment plan, budget counseling, and energy conservation education were provided in addition to other linkage and advocacy. The goal of the project was to enable clients to take control of their energy use and finances towards becoming more self-sufficient.

Project Description

Participants in the Oregon Partners in Energy Chronic Arrearages Project (OPIE-C.A.P.) involved low-income households meeting the following criteria:

- received LIEAP energy assistance during the previous year (proxy for 125 percent of federally defined poverty level);
- individually metered natural gas or electricity as sole heating sources, no wood or oil heat (so that energy consumption can be easily analyzed); and
- either outstanding energy bills of \$200 or more; a disconnect notice or actual disconnection by a utility (this is the definition of "chronic arrearage" for this project).

In order to provide the most useful research data, participants in the OPIE-C.A.P were randomly assigned to one of four groups receiving different services:

- 1) case management plus basic weatherization package (see description);
- 2) case management services as above but without weatherization;

- 3) weatherization only, with no case management services;
- 4) control group (no services).

Weatherization work, provided by the City of Portland's Block by Block Weatherization program, typically consists of blower door directed air leakage sealing, water heater insulation and attic insulation. There is a \$500 per house cost ceiling on weatherization work.

Portland Impact provided the case management services for the two groups receiving such services. The balance of this report will reflect only information, activities and results based on Portland Impact's case management participants.

Case Management Services

All clients voluntarily signed a contract committing them to make a monthly payment to their utility, regular meetings with the case manager, and a case management plan. Case management activities included:

- money management, budget counseling
- weatherization (for one group)
- one-to-one energy/weatherization conservation education
- energy education workshops delivered by Oregon State University Extension Energy Program (voluntary attendance, highly encouraged)
- employment counseling
- advocacy and referral to social services
- co-payment plan to client's utility account

The co-payment plan was negotiated by the case manager with the utility company and the client. Determination of payment amount was the result of acknowledging: 1) funds available from the client, which were combined with OPIE funds (up to \$400 per household) and 2) the size of the arrearage. Payments were planned over a five to eight month time span. No OPIE funds were expended without a

client payment, hence the term "co-payment." All clients were counseled and encouraged to begin and maintain equal pay plans, to consider time payment agreements when necessary and to develop follow-through on commitments.

Response to Services

Payment Plans

The co-payment plan, as previously described, was designed to eliminate arrearage through the client's routine payment (paired with OPIE funds), accepting responsibility for the bill. In a majority of instances (34 of 49, or 65 percent), participants were able to eliminate past due bills and many established equal pay plans. Half of those out of arrears and not on equal pay plan were moving or had experienced a major change in energy use that made it impractical to consider. Probably 50 percent of the households on equal pay will use this method of payment successfully as a budgeting device. Others will not be able to maintain total payment amount due to their low, fixed income. Most of the sixteen participants who were able to clear their arrearages during the project will continue to "do what they can." But the reality is that their low, often fixed income and tenuous or chronic medical conditions will probably re-create the mass of arrearages.

Budget Counseling

A majority of the clients in the two groups were not in need of these services. For the nearly fifty percent on SSI - D or B, a low fixed income, it should be acknowledged that it takes considerable budgeting skill to maintain a home. Considering the proportion of rent, medical and other existence costs, there is little doubt why arrearages occur. For some households there is the potential to increase incomes by increasing employment. But for those subsisting on SSI - D or B, affordable, comfortable housing, medical care and nutrition needs must be the primary focus, with little hope of covering all expenses.

Energy Usage/Education

A good deal of time was spent with most clients reviewing their utility usage habits. Factors relating to individuals' dwelling, family makeup, and health were considered. Time was spent interpreting billing systems. Occasionally there were problems with how an appliance was used or its need of repair, which our sessions pinpointed. Clients developed an awareness of costs and energy conservation habits and techniques.

Conservation/Weatherization Workshops

Oregon State University's Energy Specialist, Dave Brook, gave these two presentations. Attendance was highly

encouraged, but voluntary. Of the "able-bodied" clients, 25 percent attended each of these presented topics. They asked many questions and became involved in methods to conserve energy and weatherize their homes. Statistical data focused on this area will be reviewed by the research analysis.

Employment Counseling

From this particular group of participants, few were actually seeking employment. For those who were looking, we did do some problem-solving and brainstorming. By the end of the program at least eight of twelve were employed. Given different participants (i.e., fewer with SSI - D - B incomes) and an opportunity to build a referral network, this could be a program strength. It would be especially meaningful if the project could link with a Private Industry Council (TPIC) representative, as Portland Impact's Homeless Family Program does. In any case, sessions on completing applications, responding to questions, and how to present oneself effectively would be productive for some clients.

Advocacy/Referrals

Pinpointing an effective intervention was often difficult. In most situations it was not as simple as "find a job" or money management. Among the most difficult is locating affordable housing. The Housing Authority network is difficult to work with, if one can get through at all. A few clients were able to get onto "the list" with help from case management.

Locating low cost medical services is also frustrating. Many clients were in need of care, glasses, and prescriptions. Often these individuals (on SSI-D-B) had to pay to get their Utility's Medical Note signed for renewal, which seems incongruous.

Other common referrals/advocacy dealt with AFS/AFDC, Legal Aid, GED programs, Portland Development Commission, etc. This could be expanded in depth and breadth.

Utility Company Liaisons

Cooperation from Northwest Natural Gas, Portland General Electric and Pacific Power and Light was essential to the project's functioning. Although the utility company representatives involved in the project development were aware and cooperative, this was the extent of understanding.

The need for education of customer service representatives and their supervisors was extensive and time-consuming. For the first couple of months it was like starting over with each new client intake. An then, it seemed as though the

electric companies did not have systems for notifying their field staff. Many shut-off notices continues to be delivered, even with a co-payment plan underway. Time for this awareness-building needs to be allocated.

Case Descriptions

To highlight some significant situations where the OPIE-C.A.P. was, or was not, influential, a few case scenarios will be presented.

Case A: Alice

Alice (47 years) is manic-depressive and an addictive personality. She has lived alone since her husband (76 years) entered a nursing home following multiple strokes. His VA and SS benefits (\$953) are paid directly to the nursing home with the exception of \$369, which pays her \$370 rent. The medical note keeping the electricity on expired within two weeks of OPIE intake. Electricity was shut off at least once during the first few months of the programs.

Finally, a breakthrough occurred during the fifth month of the project, and she called the case manager from the chemical dependency treatment center! From then on appointments were kept, and the VA came through with a new plan for "spousal impoverishment." This plan provides a supplemental payment to the spouse when a majority of benefits are depleted by medical expenses of the veteran. Alice's income is now \$815.

In this situation, OPIE - C.A.P. enabled the client to "hang on." The project was consistently supportive, which requiring that responsibility be accepted. When the VA plan came through, the client was not homeless, and was beginning to rebuild herself.

Case B: Betty and Bob

Bob (79 years), a retired timber faller, and Betty (63 years), formerly a cannery worker and now a child care center employee, have raised nine children. they have lived a simple, Christian life. Their combined social security is \$511; the child care job may bring in \$200 to \$300 a month.

They live in a house owned by a relative and pay \$325 in rent. It is substandard and not eligible for Section 8 certification. Medical complications abound: Bob is hearing-impaired, sight-impaired, hypoglycemic and has a heart condition. His hearing aid was stolen two years ago and his glasses need repair as well as a new prescription. Betty suffers with arthritis, osteoporosis and systemic

lupus. Their health "insurance" does not cover prescriptions, eyeglasses or hearing aids!

The \$400 of OPIE funds matched with their payments (very consistent) did not succeed in paying off the utility arrearage (plus usage during the project). They continue to have service because of medical notes. They will continue to pay, but probably will not ever "catch up." Short of the case manager insisting they sign up (and wait) for Section 8 housing, leaving their home of 13 years (with family complications), the OPIE-C.A.P. was unable to alleviate a suppressive situation.

Case C: Cheryl

Cheryl (61 years) is a recovering alcoholic after 30-plus years of abuse. She is recently divorced after 40 years of marriage, with a monthly settlement of \$400 as her sole income. Her rent was \$300 at the time of intake and she had started an equal pay plan (with assistance from LIEAP).

Cheryl's many medical conditions, i.e. fibrositis, gall bladder implant (due to gall bladder and kidney disease related to alcoholism), and rheumatoid arthritis were complicated by the post-alcoholic confusion. At the time of intake her attention span was 30 to 45 seconds and her memory was a total muddle.

We identified that a Section 8 housing certificate would enable Cheryl to manage her expenses. Under normal situations, an individual 61 year old would not be eligible for Section 8, but with the outstanding medical problems two of Cheryl's four doctors agreed she was virtually disabled. The case manager was able to wind through the Housing Authority maze and forms, where Cheryl was totally lost, and succeeded during the second appointment to have the application approved. Cheryl's landlord was cooperative and the certificate was granted.

Now Cheryl pays \$46 rent and is busy paying off past due taxes, medical bills, etc., and keeping up her equal pay plan. Her mind is clearing, conservations are fairly normal, and the OPIE case manager was invited to her second alcohol-free birthday.

Case D: Daniel and Doreen:

Daniel (41 years) and Doreen (47 years) live in a mobile home which they own, paying \$240 per month space rental. Due to an on-the-job accident several years ago, Daniel lost his right forearm and half of his left hand, leaving him disabled. Their income of \$428 is from SSD and SAIF.

Doreen has never worked, saying her diabetes has disabled her. They do not pursue a medical utility note, food

stamps, SSI, etc. because program guidelines indicate that diabetes could be controlled (apparently she disregards diet). The clients were never consistent with appointments or payments. When confronted at one point, Daniel simply replied, "The Lord will provide." Whenever they were about to be dropped, promises of re-commitment were made and short-term follow through occurred.

Towards the end of the program, a time payment agreement was signed with the utility, but beyond the first payment, no further co-payments were processed through Portland Impact. It really seemed as though no matter what discussion occurred, the clients felt they should be taken care of because of their medical/physical situations.

Evaluation

As illustrated by the case scenarios presented, reasons vary as to why one participant household will succeed and another will not progress in moving towards self-sufficiency.

Data that will be analyzed and presented by Portland State University Regional Research Institute will deal with changes in energy consumption, demographics, and other statistically reportable aspects of the project. Numbers of participants who have maintained their equal pay plans can be reviewed at that time.

Three major concepts repeated themselves through the case management experience:

1. The project served as a stop-gap in monetary crisis situations. Where clients were out of work or whatever, it was often the one thread that enabled them through the maze without loss of dignity (from losing electricity, hot water, etc.). Personal support and a focus on how to conserve and make your home warmer gave these individuals the opportunity to draw on their inner strengths.
2. The lack of adequate medical care and insurance was the most frequent obstacle observed in the lives of these households. Of the 49 "completing" the program, at least 32 participant households were deeply affected by chronic/terminal illness, mental health issues, effects of physical accidents or abuse, and problems related to addiction. Low/no-cost counseling is very difficult to access. Medical care clinics provide little follow-through care and often are not careful in diagnosis or prescribing medications. Sources to access needed hearing aids or eyeglasses are virtually nonexistent.

It is believed by the case manager that many of these subsistence level households would be much closer to self-sufficiency if there was adequate health care available and if utility companies instituted percentage of income payment plans. Individuals encountered in this "grouping" were not trying to avoid paying; they simply could not find a balance between income and necessary expenses.

3. Lack of affordable and comfortable housing is becoming a plague in this country and unfortunately in Portland Oregon. Of the project dropouts, at least three are known to have become homeless!

Unfortunately, not all clients were visited at home. But from all discussions and preliminary information from weatherization auditors, at least 50 percent of the participants lived in substandard housing, housing that could not meet Housing Authority requirements. Previous research has documented that heating/utility costs in such substandard housing is high and often exceeds ten percent of the household income. The proportion of rent expense to household income is also overwhelming. An when there are landlord/tenant issues, how often can impoverished families access resources to protect their rights?

The issues of health care and housing are not easily resolved. A project such as the OPIE - C.A.P. can do two things: a) alleviate the immediate crisis, and b) help to document the severity of the situation. It is believed that statistics gathered in this project will begin to substantiate the need. Fortunately, the surface results seem to reflect favorably on this type of program:

- 34 onto equal pay plans and/or out of arrearage
- 11 returned to work or increased employment income
- some energy savings due to conservation education noted on utility billings.

As more community networks acknowledge benefits from this program style, i.e. co-payment/education/self-sufficiency, then more concrete linkage services can be provided. We need to educate utility companies, donors, government systems, etc. to the reality that many low-income people do have pride and do want to be self-sufficient. They are entitled to their self-esteem.

APPENDIX B

Client # _____

OPIE Chronic Arrearage Project

Demographics

Household Composition

Ethnicity: Caucasian _____ Asian _____ Black _____ Hispanic _____ Native/Alaskan Indian _____ or _____

Gender (head of household): Female _____ Male _____ ; Age: _____

Education (" " "): Highest grade completed _____ GED _____

Other household members: Number over 18 _____ ; number under 18 _____ ; # over 60 _____

INCOME

Gross monthly income (household): at Intake \$ _____ at Termination \$ _____

Income Source: Employment _____ AFDC _____ SSI or D _____ Pension _____ VA _____

(check all } Unemp. Ins. _____ SSB _____ Work. Comp _____ Other _____
(applicable)

HOUSING

Rent _____ Own _____ Monthly amt. paid _____ Moved during Project _____

Size & type (ie: Apt _____): House _____ 2-3-4-Plex _____ Apt. _____

Health Issues (existing in household)

Key: 0= none; 1= mild; 2= moderate; 3= Severe; 4= Terminal

Rate type of condition: Physically limited _____

Mentally ill/limited _____

Addictive personality _____ current abuse _____

Disease/Physical Illness _____

Special Notes

APPENDIX D

Code _____

Home Heating Survey

Oregon Partners in Energy Study

Your answers to the following questions will help us to understand how people heat their homes. There are no right or wrong answers, but we need your answers to all the questions. Your answers are completely confidential. Everyone returning this survey will receive by return mail a \$10 gift certificate for groceries.

1. Your name? _____
2. Your phone number? _____
3. Your current address?

_____ zip _____
4. How many years have you lived at this address? _____ years _____ months
5. Number of people in your household over 18 years old? _____ people
6. Number of people in your household under 18 years old? _____ people
7. What type of home do you live in? (Check one.)
___ Apartment ___ Duplex ___ House
8. Do you own or rent? (Check one.)
___ own ___ rent
9. Does anyone in your household have a physical condition (such as an infant or medical problem) that requires warm temperatures? (Check one.)
___ Yes ___ No
10. If you live in subsidized housing, what is your monthly heating allowance?
\$ _____ per month ___ Don't know
11. What fuel primarily heats your house? (Check one.)
___ Natural gas ___ Electricity ___ Oil
___ Wood ___ Other
12. Which of the following other heating sources have you used this winter?
(Check all that apply.)
___ electric space heater
___ fireplace or wood stove
___ oven or stove
13. If you burned wood for heat last winter, did you use more than a pick-up sized load? (Check one.)
___ Yes ___ No ___ Does not apply
14. Do you have a special payment plan with your utility companies? (Check one.)
___ Yes ___ No
15. Do you have a fixed income? (Check one.) ___ Yes ___ No
16. Did you receive assistance in paying heating bills last year? (Check one.)
___ LIEAP ___ GAP ___ Other ___ None
17. At what temperature is your thermostat set (If unknown, leave blank.)
- during the day? _____ degrees
- at night? _____ degrees
- when no one is home? _____ degrees
18. After home heating, what is the next most expensive user of energy in your home? (Check one.)
___ Refrigerator ___ Water heater
___ Color TV ___ Lights ___ Cooking

19. How do you think the utility company determines your monthly bill?

20. Do you believe it is possible to reduce heating costs and still keep your home comfortable? (Check one.)
___ Yes, definitely
___ Yes, pretty much
___ Only a little
___ Not at all

21. Do you believe that you can control the size of your heating bills? (Check one.)
___ Yes, definitely
___ Yes, pretty much
___ Only a little
___ Not at all

22. Do you believe that turning down the thermostat will lower your heating bills? (Check one.)
___ Yes, definitely
___ Yes, pretty much
___ Only a little
___ Not at all

23. Is the temperature inside your house comfortable in the winter? (Check one.)
___ Always ___ Seldom
___ Mostly ___ Never
___ Sometimes

24. Do you believe that your house will warm up faster if you turn the thermostat up real high, then turn it back down once the house is comfortable? (Check one.)
___ Yes, definitely
___ Yes, pretty much
___ Only a little
___ Not at all

25. Are you using more rooms this winter than previous winters? (Check one.)
___ More ___ The same ___ Fewer

26. In cold weather, do you put on extra clothing to keep warm indoors rather than turn up the thermostat? (Check one.)
___ Always ___ Seldom
___ Mostly ___ Never
___ Sometimes

27. Is your house drafty in the winter? (Check one.)
___ Yes, definitely
___ Yes, pretty much
___ Only a little
___ Not at all

28. Do you believe the utility meters are accurate? (Check one.)
___ Yes, definitely
___ Yes, pretty much
___ Only a little
___ Not at all

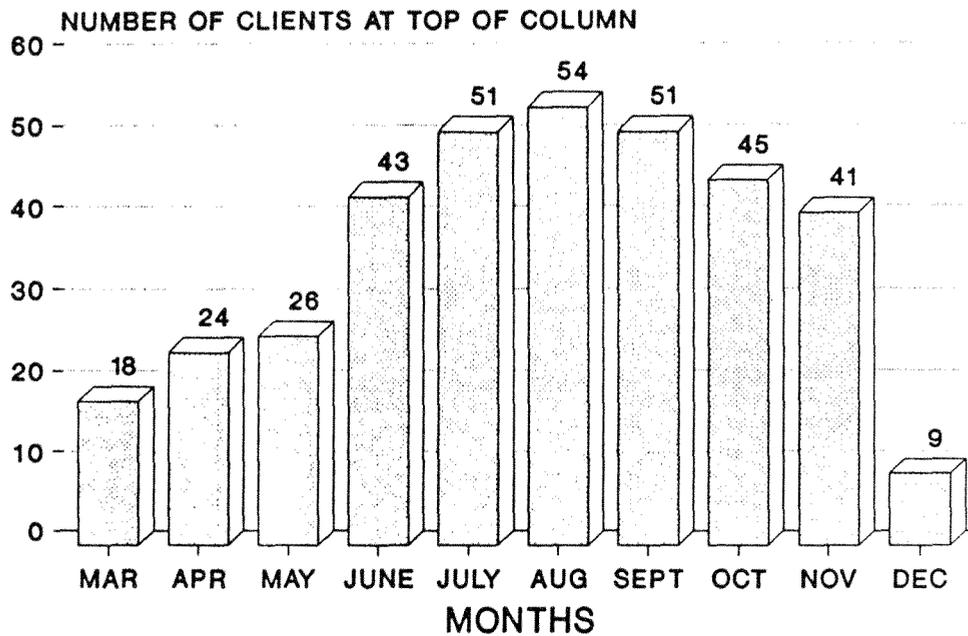
29. Do you try to conserve electricity and/or natural gas in your home? (Check one.)
___ Always ___ Seldom
___ Mostly ___ Never
___ Never

30. What steps have you taken to reduce heating costs in your home? (List as many as you want.)

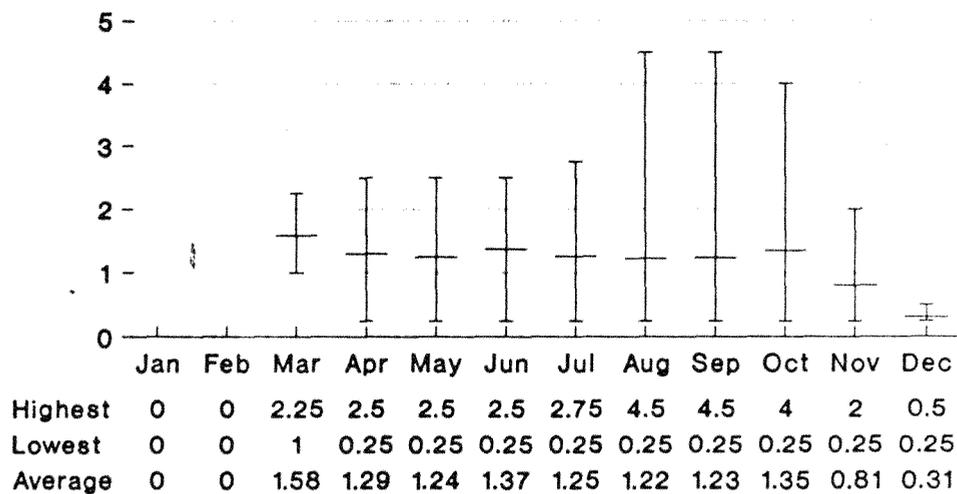
Thanks for your answers. To receive your gift certificate, be sure all answers are complete and return the questionnaire in the envelope provided.

OVER —>

APPENDIX E NUMBER OF CLIENTS PER MONTH OF PROJECT



APPENDIX F HOURS PER CLIENT BY PROGRAM MONTH



Highest
 Lowest
 + Average

OUTER MARKS SHOW EXTREMES; BAR SHOWS AVG

APPENDIX G

PRE-TEST STATISTICS FROM CLIENT SURVEY (n=56)

Years at address (#4):	Avg: 6.6 years	
# Adults in Household (#5)	1	54%
	2	39%
	3	5%
	4+	2%
# Children in Household (#6)	0	46%
	1	14%
	2	29%
	3	9%
	4	2%
Type Home (#7)	Apartment	33%
	Duplex	17%
	House	50%
Own or Rent? (#8)	Own	23%
	Rent	77%
Physical Conditions (#9)	Yes	49%
Heating Allowance/Mo (#10)	avg: \$46 (if applicable)	
Primary Heating Fuel (#11)	Gas	34%
	Electricity	66%
Other heat sources: (#12)	El. Heater.	28%
	Firepl/wood	15%
	Oven/Stove	8%
If wood, P/U size load? (#13)	No	100%
Utility payment plan? (#14)	Yes	62%
Fixed income? (#15)	Yes	64%
Heating assistance last year? (#16)	LIEAP	94%
	Other	4%
	None	2%
Avg daytime Temp (#17)*	67	
Avg nighttime Temp (#17)*	63	
Avg temp if not home (#17)*	58	
* (if answered in degrees)		

APPENDIX G (CONTINUED)

PRE-TEST STATISTICS FROM CLIENT SURVEY (n=56)

Most expensive energy user: (#18)	Refrigerator	7%
	Hot Water	61%
	Color TV	2%
	Lights	13%
	Cooking	17%
How utilities determine monthly bill (#19)	78% correct response	
Belief that it is possible to reduce heating costs and still keep home comfortable (#20)	Definitely	42%
	Pretty Much	26%
	A Little	17%
	Not at all	15%
Belief that it is possible to control heating bills (#21)	Definitely	23%
	Pretty Much	44%
	A Little	23%
	Not at all	10%
Belief that turning down thermostat will lower heating bills (#22)	Definitely	51%
	Pretty Much	17%
	A Little	17%
	Not at all	15%
Is temperature inside house comfortable in winter? (#23)	Always	17%
	Mostly	39%
	Sometimes	19%
	Seldom	21%
	Never	4%
Belief that house will warm up faster if thermostat is initially turned up high (#24)	Definitely	25%
	Pretty Much	21%
	A Little	17%
	Not at all	37%
More rooms used this winter than previous winters? (#25)	More	6%
	Same	76%
	Less	19%

G1

APPENDIX G (CONTINUED)

PRE-TEST STATISTICS FROM CLIENT SURVEY (n=56)

Extra clothing used to keep warm rather than turn up heat (#26)	Always	49%
	Mostly	25%
	Sometimes	23%
	Seldom	4%
	Never	0%
House Drafty in winter? (#27)	Definitely	45%
	Pretty Much	16%
	A Little	22%
	Not at all	18%
Belief that utility meters are accurate (#28)	Definitely	14%
	Pretty Much	56%
	A Little	26%
	Never	4%
Tries to conserve energy (#29)	Always	57%
	Mostly	40%
	A Little	2%
	Not at all	2%

APPENDIX G (CONTINUED)

POST TEST STATISTICS FROM CLIENT SURVEY (n=47)

Years at address (#4):	Avg: 7.7 years	
# Adults in Household (#5)	1	61%
	2	32%
	3	4%
	4+	4%
# Children in Household (#6)	0	61%
	1	11%
	2	21%
	3	7%
Type Home (#7)	Apartment	30%
	Duplex	17%
	House	53%
Own or Rent? (#8)	Own	25%
	Rent	75%
Physical Conditions (#9)	Yes	49%
Heating Allowance per Month (#10)	avg: \$44 (if applicable)	
Primary Heating Fuel (#11)	Gas	32%
	Electricity	68%
Other heat sources: (#12)	El. Heater.	23%
	Firepl/wood	15%
	Oven/Stove	2%
If wood, P/U size load? (#13)	No	89%
Utility payment plan? (#14)	Yes	67%
Fixed income? (#15)	Yes	66%
Heating assistance last year? (#16)	LIEAP	85%
	Other	11%
	None	4%
Avg daytime Temp (#17)*	68	
Avg nighttime Temp (#17)*	62	
Avg temp if not home (#17)*	61	
*(if answered in degrees)		

APPENDIX G (CONTINUED)

POST TEST STATISTICS FROM CLIENT SURVEY (n=)

Most expensive energy of energy user (#18):	Refrigerator	7%
	Hot Water	78%
	Color TV	0%
	Lights	10%
	Cooking	5%
How utilities determine monthly bill (#19)	80% correct response	
Belief that it is possible to reduce heating costs and still keep home comfortable (#20)	Definitely	47%
	Pretty Much	26%
	A Little	17%
	Not at all	11%
Belief that it is possible to control heating bills (#21)	Definitely	40%
	Pretty Much	34%
	A Little	21%
	Not at all	4%
Belief that turning down thermostat will lower heating bills? (#22)	Definitely	47%
	Pretty Much	36%
	A Little	11%
	Not at all	6%
Is temperature inside house comfortable in winter? (#23)	Always	9%
	Mostly	53%
	Sometimes	19%
	Seldom	13%
	Never	6%
Belief that house will warm up faster if thermostat is initially turned up high (#24)	Definitely	11%
	Pretty Much	11%
	A Little	21%
	Not at all	57%
More rooms used this winter than previous winters? (#25)	More	6%
	Same	64%
	Less	30%

APPENDIX G (CONTINUED)

POST TEST STATISTICS FROM CLIENT SURVEY (n=47)

Extra clothing used to keep warm rather than turn up heat (#26)	Always	45%
	Mostly	43%
	Sometimes	11%
	Seldom	2%
	Never	0%
House Drafty in winter? (#27)	Definitely	43%
	Pretty Much	21%
	A Little	17%
	Not at all	19%
Belief that utility meters are accurate (#28)	Definitely	15%
	Pretty Much	64%
	A Little	13%
	Never	9%
Tries to conserve energy (#29)	Always	62%
	Mostly	38%
	A Little	0%
	Not at all	0%

Meeting Date: AUG 28 1990

Agenda No.: Inf. #3

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Briefing on Principles of Alphabetical Literacy System

BCC Informal 8/28/90 BCC Formal _____
(date) (date)

DEPARTMENT General Services DIVISION Administration/Director's Office

CONTACT Linda Alexander TELEPHONE X-3300

PERSON(S) MAKING PRESENTATION Linda Alexander

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 30 minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: _____

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

Briefing on Principles of Alphabetical Literacy System (PALS)

1990 AUG 27 PM 3:40
CLERK'S OFFICE
OREGON

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL Linda Alexander

Or

DEPARTMENT MANAGER _____

(All accompanying documents must have required signatures)

Handout # 7
Inf. #3
8-28-90

Principle of the Alphabet Literacy System

Overview

The Principle of the Alphabet Literacy System is an interactive instructional program that incorporates advanced technology with more conventional teaching materials. People learn more comprehensively when the program incorporates multi-sensory participation. PALS combines the power of the IBM Personal Computer, as well as the display capabilities of the IBM InfoWindow and videodisc, to teach functionally illiterate adolescents and mature adults to read and write, basic keyboarding, and to utilize basic word processing skills. The PALS program is unique not only in its approach to teaching literacy with utilizing the newest technology, but for capitalizing on the concepts of cooperative learning.

The program is designed to comprise 90 to 100 classroom hours (approximately 20 weeks). Students spend one hour each day in the classroom. Students progress through the course at individual rates therefore the amount time in the course will vary.

The teacher is an educational manager, who guides and helps and has great expectations. Teachers will frequently interview and monitor students throughout the course. In addition, there are formal testing procedures to evaluate student progress.

Phase 1

The first phase of the PALS program consists of viewing the Invention of the Alphabet story contained on the first six videodiscs of the InfoWindow system. The purpose of this activity is to dramatize the importance and power of the written word. It reinforces through vivid examples, the necessity of learning to read and write. The story teaches students the alphabetic principle (that the letters of the alphabet can be combined to make words), and the beginning of phonemic spelling. It is presented in comic book style and is narrated and dramatized by twenty-seven human voices recorded on the sound tracks of the videodiscs.

The students work in pairs all through the reading and writing portion of the program. They listen and read the story together, wearing head sets. Many times they will discuss what is happening with each other. This is an excellent example of cooperative learning. Experience with other learning programs has shown that students working in pairs tend to reinforce each other, and that by alternately playing the roles of student, observer, and tutor, more learning takes place than when students work individually. The requirement that students work in pairs while at the computer-driven videodisc equipment forces them to teach each other. To ask for and receive help from a partner reduces dependence on the teacher and eliminates the negative feeling of always asking the teacher for help because they do not know.

Students spend half of the class period individually working on touch typing at the computers or typewriters. During the first and second phase of the course half the class begins the period at the InfoWindow Station, the other half begins at the Personal Computer for keyboarding. At halfway through the class the two groups exchange places.

Phase 2:

Once the students have completed video disk 6 they are ready to start phase 2 and their work journals. Students continue to work at the InfoWindow system on the Work Journal portion (videodiscs 7-12). Partners take turns typing on the InfoWindow keyboard and writing responses in the Work Journal. The exercises are based on the story dramatized on discs 1-6. They build on the students' understanding of the alphabetic principle and help students begin to write words and sentences. Phase 2 guides and directs the formation of letters and writing of words.

Students continue to practice touch typing for half the time each class period.

Phase 3

Personal writing is the final phase of the course. Students are introduced to word processing functions and use the word processors in writing their own stories. This phase encourages writing of importance to the individual such as a bio-sketch, resume, job applications, and personal stories.

TARGET POPULATION

The target populations of the PALS program are those people -- from adolescents to mature adults -- who cannot read the first paragraph of a daily newspaper, fill out a job application, write or read a bank check, read the want ads for job vacancies, or read product descriptions and labels on food and medicine. More precise in educational jargon -- requirements for potential candidates are:

An IQ of 75 or above

A standardized reading score at or below a fifth grade level

An inability to write a simple sentence

A lack of hearing or vision impairments, brain damage, or other diagnosed physical handicaps that interfere with learning.

Hardware/Software Configurations

The PALS classroom is a learning center which is comprised of three major work stations which include the following equipment, software, and texts: InfoWindow Station -- InfoWindow systems, headphones, optical laser disc, instructional videodiscs, and student work journals. Word Processing Station - - IBM Model 25 Computer, word processing software, printer, typing manuals and software. (The same equipment and software can be used for the third workstation as the second.)

Program Strengths

- Training of instructor by an IBM PALS specialist (three day on-site training and continued support as needed.)
- The classroom with its obviously new, expensive and high tech equipment not only motivates but sends out signals that this environment is different than others they may have attended and failed at in the past -- the best and most high tech, not the worst and the oldest.
- The InfoWindow system always gives the student positive feedback. The InfoWindow is touch sensitive and gives the students auditory responses indicating the correct place to touch the screen.

- Students enjoy having a workbook to write in while interacting with the computer. The program includes prompts so that a student can always answer questions.
- The phonemic approach to reading is excellent and includes auditory and visual components. The mixture of a phonemics and linguistic approach to language experience is very good and the method used interested students.
- The typing aspect of the program is one of the strongest components and the students enjoy learning how to type and develop familiarity with the computer and word processing program. Teaching of word families and typing the letter sounds at the same time is an excellent way of presenting a kinetic approach to learning to read. (See a word, say a word, fell (type) a word.)
- Students develop a stronger self esteem through the program and the accomplishments they can observe themselves.
- Students thoroughly enjoy the writing aspect of the program. They start with writing two or three lines and by the end of the program are writing one and two page stories. The pride of seeing their work published and shared (with their permission) is another esteem builder.

Meeting Date AUG 28 1990

Agenda No. Inf. # 4

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

Subject: Disabilities Act

BCC Informal August 28, 1990
(Date)

BCC Formal _____
(Date)

DEPARTMENT General Services DIVISION Employee Services

CONTACT Robert Phillips TELEPHONE 248-5015

PERSON(S) MAKING PRESENTATION Robert Phillips

ACTION REQUESTED:

INFORMATIONAL ONLY

POLICY DIRECTION

APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA 20-30 minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: _____

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

Overview of Disabilities Act.

1990 AUG 21 11:52
CLERK OF SUPERIOR COURT
OREGON

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL Sandra Alexander (s)

Or

DEPARTMENT MANAGER _____

(All accompanying documents must have required signatures)

Handout #1
Inf. #4
8-28-90

LAWS IMPACTING DISABLED PERSONS

Prior to World War II the statute books contained relatively few acts authorizing special benefits for persons with handicaps, other than for war veterans with service connected disabilities. Since the early 1960's, there has been a avalanche of federal legislation that relates directly or indirectly to persons with handicaps. Specifically, laws have been promulgated to cover the following areas:

Education.....ten Acts
Employment.....eight Acts
Health.....eight Acts
Housing.....five Acts
Income Maintenance....two Acts
Nutrition.....three Acts
Civil Rights.....eight Acts
Social Services.....eight Acts
Transportation.....four Acts
Vocational Rehabilitation...four Acts
Miscellaneousfive Acts

Each of the above Acts in one way or another affect how we conduct business in terms of employment, service delivery, or access for those persons in this population group.

The most recent of the Acts to pass Congress and be signed into Public Law by the President is the "Americans with Disabilities Act of 1990."

The major focus of this Act is to provide legal recourse to redress discrimination on the basis of disability; and to outlaw overprotective rules and policies encountered by the disabled population.

Finally, the Act was designed to clearly limit protection for persons who use drugs or alcohol in the work place; and to clearly state that homosexuality and bisexuality is not covered by the law.

This new Act goes into law within two years, and EEOC and/or the U.S. Department of Justice has one year to promulgate rules under the Act.



MULTNOMAH COUNTY OREGON

*Handout #2
Inf. #4
8-28-90*

DEPARTMENT OF GENERAL SERVICES
PORTLAND BUILDING
1120 S.W. FIFTH, 14TH FLOOR
PORTLAND, OR 97204

DENNIS BUCHANAN
COUNTY EXECUTIVE

OFFICE OF THE DIRECTOR	(503) 248-3300
BUDGET & MANAGEMENT	
ANALYSIS	(503) 248-3883
COUNTY COUNSEL	(503) 248-3138
EMPLOYEE RELATIONS	(503) 248-5015
FINANCE DIVISION	(503) 248-3067
RISK MANAGEMENT	(503) 248-5188

M E M O R A N D U M

TO: ELECTED OFFICIALS
DEPARTMENT DIRECTORS
DIVISION DIRECTORS

FROM: L. BENJAMIN KING, Director *Ben*
Employee Relations Division

DATE: SEPTEMBER 21, 1984

SUBJECT: FEDERAL REHABILITATION ACT OF 1973,
SECTION 504/SELF-EVALUATION

The Metropolitan Human Relations Commission voted unanimously to ask the regional U.S. Office of Civil Rights to investigate the County for failing to submit the federally required 504 Self-Evaluation report regarding employment of the handicapped/disabled.

The Commission is requesting an investigation for non-compliance because the County has not completed or submitted the federally required self-evaluation of policies and practices regarding non-discrimination against handicapped/disabled individuals. The Federal Rehabilitation Act of 1973 mandates local governments to complete self-evaluations to determine whether they are in compliance with federal laws regarding the handicapped/disabled.

The impact of such an investigation may very well result in reduction or total loss of all federal revenues allocated to the County for programs and services. Due to this devastating and catastrophic eminent danger, this office needs your assistance, immediate attention and reply regarding two (2) simple questions outlined on the attached. Please respond no later than September 27, 1984.

1. Does your department/division distribute brochures and/or literature to employees and/or public describing programs and services? If yes, does the material include information or statement pertaining or directed to handicapped people pursuant to Equal Opportunities? Please forward to me a copy or sample of brochures, literature and documents for the purpose of submitting this information in the 504 Compliance report.

2. Has any employee training program(s) within your operational unit either through policy or practice, precluded any individual from participation in the training program because of their handicap? In addition, please respond to the following areas of concern:
 - A. Staff: Have you previously conducted, or plan to conduct sensitivity training session(s) for managers and line staff relative to Section 504 of the Rehabilitation Act of 1973 regarding the handicap? If so, please provide dates and content of training program.

 - B. Programs: Does your internal or external training programs for employees, that provide self-improvement, educational and employment opportunities include the handicapped? If so, provide a copy of the announcement and agenda.

 - C. Access: Are the training sessions/seminars conducted in facilities accessible to handicapped individuals? Please list sites training has taken place or is going to take place.

It is extremely important that you reply to the above two (2) questions by September 27, 1984, to help us expedite this County-wide evaluation report. Your assistance and immediate action regarding this matter would be greatly appreciated.

5218/LBK/jj



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office for Civil Rights

(206) 442-0473
(TTY/TDD) 442-7486

Region X
M/S 510
2901 Third Avenue
Seattle, WA 98121

Dennis Buchanan
County Executive
Multnomah County Oregon
Room 1500 The Portland Building
Portland, Oregon 97204

June 25, 1986

RE: Multnomah County Compliance Review
Docket Number: 10807009

Attention: Robert Phillips

Dear Mr. Buchanan:

Thank you for your letter and accompanying documentation dated May 29, 1986 to comply with the Voluntary Compliance Agreement (hereafter referred to as the AGREEMENT) which Donald Clark signed on June 8, 1980 on behalf of Multnomah County.

Based on our review of the documentation provided by Mr. Phillips and Ms. Mary Fuller on behalf of Multnomah County, I am pleased to inform you that Multnomah County has complied with all of the requirements of the Agreement. No further documentation will be necessary.

Obligations of the Office for Civil Rights (OCR) under the Freedom of Information Act require that we release this letter and related information about this case upon request from the public. In the event OCR receives such a request, we will make every effort to protect information contained herein that identifies individuals or that, if released, would constitute an unwarranted invasion of privacy.

We wish to thank Mr. Phillips and Ms. Mary Fuller for the prompt and productive efforts they made to gather and provide OCR the documentation referenced in the letter.

If you have any questions, please call me at (206) 442-0473, or Frank Martinez, Division Director at (206) 442-7483.

Sincerely,

Carmen Palomera Rockwell
Acting Regional Manager
Office for Civil Rights
Region X

RECEIVED

JUN 21 1986

OFFICE OF COUNTY EXEC.
MULT. CO. OR

Handout #3
Page #4
8-28-90

SELF-IDENTIFICATION FORM

NAME _____
(Optional)

DEPARTMENT _____ PHONE _____

JOB TITLE _____

DATE OF EMPLOYMENT _____

FEMALE _____ MALE _____

RACE: White _____ Black _____ Asian/Pacific Islander _____
Hispanic _____ Native American _____ Other _____

Type of handicap _____

You qualify as a handicapped person if (1) you have a physical or mental impairment which substantially limits one or more major life activities; (2) have a record of such an impairment; or (3) are regarded as having such an impairment.

"Substantially limits" has to do with the degree of disability. A handicapped person not having the opportunity to get ahead on the job because of a disability would be "substantially limited".

"Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. The main emphasis is on activities that in some way affect employment.

Were any special accommodations made for you to perform your duties?

____ yes ____ no

If yes, please specify:

SELF-IDENTIFICATION OF DISABILITY

Present

Last Name, First Name, Middle Initial	Birth Date (Mo/Yr)	Social Security Number	Circle the appropriate number(s)
---------------------------------------	--------------------	------------------------	----------------------------------

DEFINITION OF A DISABLED (under the Act): A person is disabled if he or she has a physical or mental impairment which substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment.

TO THE EMPLOYEE: Self-identification of disability status is essential for effective data collection and analysis. The information you provide will be used for statistical purposes only and will not in any way affect you individually. While self-identification is voluntary, your cooperation in providing accurate information is critical.

01 I do not wish to identify my disability status.

05 I do not have a disability.

06 I have a disability, but it is not listed below. (Please list your disability.)

SPEECH IMPAIRMENTS

13 Severe speech malfunction or inability to speak; hearing is normal (Examples: defects of articulation (unclear sounds); stuttering; aphasia (impaired language function); laryngectomy (removal of the "voice box").)

HEARING IMPAIRMENTS

15 Hard of hearing (Total deafness in one ear or inability to hear ordinary conversation, correctable with a hearing aid).
 16 Total deafness in both ears, with understandable speech.
 17 Total deafness in both ears, and unable to speak clearly.

VISION IMPAIRMENTS

22 Ability to read ordinary size print with glasses, but with loss of peripheral (side) vision (Restriction of the visual field to the extent that mobility is affected -- "Tunnel vision").
 23 Inability to read ordinary size print, not correctable by glasses (Can read oversized print or use assisting devices such as glass or projector modifier).
 24 Blind in one eye.
 25 Blind in both eyes (No usable vision, but may have some light perception).

MISSING EXTREMITIES

27 One hand
 28 One arm
 29 One foot
 32 One leg
 33 Both hands or arms
 34 Both feet or legs
 35 One hand or arm and one foot or leg
 36 One hand or arm and both feet or legs
 37 Both hands or arms and one foot or leg
 38 Both hands or arms and both feet or legs

NONPARALYTIC ORTHOPEDIC IMPAIRMENTS

(Because of chronic pain, stiffness, or weakness in bones or joints, there is some loss of ability to move or use a part or parts of the body.)

44 One or both hands
 45 One or both feet
 46 One or both arms
 47 One or both legs
 48 Hip or pelvis
 49 Back
 57 Any combination of two or more parts of the body

PARTIAL PARALYSIS

(Because of a brain, nerve, or muscle problem, including palsy and cerebral palsy, there is some loss of ability to move or use a part of the body, including legs, arms, and/or trunk.)

61 One hand
 62 One arm, any part
 63 One leg, any part
 64 Both hands
 65 Both legs, any part
 66 Both arms, any part
 67 One side of body, including one arm and one leg
 68 Three or more major parts of body (arms and legs)

COMPLETE PARALYSIS

(Because of a brain, nerve, or muscle problem, including palsy, there is a complete loss of ability to move or use a part of the body, including legs, arms, and/or trunk).

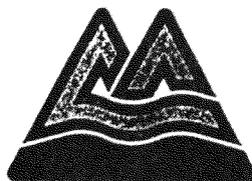
70 One hand
 71 Both hands
 72 One arm
 73 Both arms
 74 One leg
 75 Both legs
 76 Lower half of body, including legs.
 77 One side of body, including one arm and one leg.
 78 Three or more major parts of the body (arms and legs).

OTHER IMPAIRMENTS

80 Heart disease with no restriction or limitation of activity (History of heart problems with complete recovery).
 81 Heart disease with restriction or limitation of activity.
 82 Convulsive disorder (e.g., epilepsy).
 83 Blood diseases (e.g., sickle cell anemia, leukemia, hemophilia).
 84 Diabetes
 86 Pulmonary or respiratory disorders (e.g., tuberculosis, emphysema, asthma).
 87 Kidney dysfunctioning (e.g., if dialysis (use of an artificial kidney machine) is required).
 88 Cancer - a history of cancer with complete recovery.
 89 Cancer - undergoing surgical and/or medical treatment.
 90 Mental retardation (A chronic and lifelong condition involving a limited ability to learn, to be educated, and to be trained for useful productive employment as certified by a State Vocational Rehabilitation agency under section 213.3102(t) of Schedule A).
 91 Mental or emotional illness (A history of treatment for mental or emotional problems).
 92 Severe distortion of limbs and/or spine (e.g., dwarfism, kyphosis (severe distortion of back)).
 93 Disfigurement of face, hands or feet (e.g., distortion of features on skin, such as those caused by burns, gunshot injuries, and birth defects (gross facial birthmarks, club feet, etc.)).
 94 Learning disability (a disorder in one or more of the processes involved in understanding, perceiving, or using language or concepts (spoken or written), e.g., dyslexia).
 95 Alcoholism
 96 Drug Addiction
 97 HIV

Accommodations - Needed/Being Provided - Identify

*Handout #4
Proj. #4
8-28-90*



Multnomah County
Disabled Employees Self-Evaluation
- 1990 -



In compliance with Section 504
of
The Vocational Rehabilitation Act of 1973

Prepared by:

Robert Phillips
Affirmative Action/EEO Officer
Multnomah County, Oregon

To the Reader:

In September 1973, Congress passed a law that prohibits discrimination on the basis of physical or mental handicap in every federally-assisted program or activity in the country. That law is Section 504 of the Rehabilitation Act.

Section 504 states that: "No otherwise qualified handicapped individual in the United States...shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

In April 1977, a final Section 504 regulation was issued for all recipients of funds from HEW, including elementary and secondary schools, colleges, hospitals, social service agencies, and, in some instances, doctors. The Section 504 regulation has effected fundamental changes in many facets of American life and in the actions and attitudes of institutions and individuals toward handicapped persons.

The term "handicap" includes diseases or conditions such as speech, hearing, visual, or orthopedic impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, diabetes, heart disease, mental retardation, emotional illness, and specific learning disabilities such as perceptual handicaps, dyslexia, minimal brain dysfunction, and developmental aphasia.

In accordance with a formal opinion of the Attorney General of the United States, alcohol and drug addicts are also considered handicapped individuals. Physical or mental impairments do not constitute a handicap, however, unless they are severe enough to substantially limit one or more of the major life functions.

To determine the level of equal employment opportunity provided to disabled persons, Multnomah County conducted a self-evaluation of its employees. The results of this survey are contained in this report.

Additionally, we have made available in this report copies of all relevant policies and documents on providing and assuring fair employment practices for disabled persons.

It is our hope and desire that this document be used to ensure full and complete compliance with the intent of all appropriate laws in this area.

Sincerely,



Robert Phillips
Affirmative Action/EEO Officer
Employee Services Division
Department of General Services

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Americans with Disabilities Act (ADA)

Congress is presently preparing to pass new legislation governing opportunities for the handicapped under the Americans with Disabilities Act (ADA).

ADA contains six titles. The first spells out general prohibitions against discrimination and includes definitions, and the last contains miscellaneous provisions. Titles II-V detail what constitutes discrimination against the disabled in employment, public transportation, public accommodations, and communications.

Title II: Employment

- Private-sector employers may not discriminate against qualified handicapped people.
- Employers must make reasonable accommodations, unless undue hardship results.
- Employers cannot set selection criteria to identify disabilities unless the disability affects an essential function of the job.

Title III: Public Transportation and Services

- New buses must be equipped with wheelchair lifts; retrofitting is not required.
- All new facilities and alterations to existing facilities must be accessible.
- All intercity rail stations and key stations in rapid rail, commuter rail, and light rail systems must be made accessible; at least one car per train must be accessible.
- No activity conducted by a state or local government may discriminate against disabled people.

Title IV: Public Accommodations

- Public accommodations may not discriminate against disabled people in their structure and services.
- Establishments must modify rules and procedures, provide auxiliary aids, and remove architectural and communication barriers in existing facilities that are easily achieved.
- New facilities and alterations to existing ones must be made accessible.
- Public transportation provided by private companies must be accessible. Airlines and taxis are exempt, although taxi companies are liable if drivers refuse to transport a disabled person.

Title V: Communications

- Telephone companies must provide intrastate and interstate telecommunication relay services.

Remedies

- Enforcement provisions under Title VII of the Civil Rights Act of 1964 and Section 1981 of the Civil Rights Act of 1981.
- Section 505 of the Rehabilitation Act.
- Title VIII of the Civil Rights Act of 1968.
- States are not immune from action in federal court; attorney's fees provided.

Bush states support for ADA

Calling the Americans with Disabilities Act "one of the most important pieces of legislation to ever reach Capitol Hill," President Bush stated his commitment to federal civil rights protection for disabled people.

"I am hopeful that the House of Representatives will take action soon on the ADA, just as the Senate took enthusiastic action last September," Bush said at the annual meeting of the President's Committee on Employment of People with Disabilities in Washington, D.C. "I look forward to signing a bill that will address the needs of our disabled citizens."

The president noted that more than two-thirds of disabled Americans are unemployed, a statistic he labeled "intolerable." He said ADA "will form the foundation for policies and programs that can create opportunities for Americans with disabilities to find and hold jobs, and to enjoy the income and satisfaction that productive participation in society brings to us all."

Adding disabled people to the workforce will benefit the economy as a whole, Bush remarked. Alluding to a U.S. Labor Department study indicating a severe labor shortage by the year 2000, he said "the problem is not going to be finding jobs for people but finding people for the jobs that exist."

"We welcome you - the disabled - into the mainstream of American life because it is your life as well as ours," Bush said. "Frankly, it is my view that disabled citizens have waited long enough for equality."

County Needs Assessment Data

COUNTY NEEDS ASSESSMENT DATA

State of Oregon
Vocational Rehabilitation Division

July 1981

ESTIMATED NUMBER OF INDIVIDUALS NEEDING SERVICE*

COUNTY	Physically Handicapped	Developmentally Disabled	Alcohol/Drug Dependent	Pers. Interpers. Maladjusted	TOTAL
Baker	370	70	30	100	570
Benton	2,000	370	190	610	3,170
Clackamas	5,830	1,160	570	1,750	9,310
Clatsop	770	140	70	210	1,190
Columbia	870	160	80	240	1,350
Coos	1,370	260	140	390	2,160
Crook	330	60	30	90	510
Curry	370	70	30	110	580
Deschutes	1,830	340	140	500	2,810
Douglas	2,120	440	210	620	3,390
Gilliam	40	10	0	10	60
Grant	190	40	20	50	300
Harney	190	40	20	50	300
Hood River	370	70	40	100	580
Jackson	3,300	720	300	950	5,270
Jefferson	280	50	30	80	440
Josephine	1,700	330	130	450	2,610
Klamath	1,360	250	140	390	2,140
Lake	170	30	20	50	270
Lane	6,500	1,210	650	1,940	10,300
Lincoln	850	160	70	220	1,300
Linn	2,080	380	190	590	3,240
Malheur	640	120	50	170	980
Marion	4,830	1,610	500	1,580	8,520
Morrow	150	30	10	40	230
Multnomah	12,740	2,500	1,260	3,900	20,190
Polk	1,130	210	100	320	1,760
Sherman	50	10	10	10	80
Tillamook	470	90	40	130	730
Umatilla	1,400	370	140	430	2,340
Union	630	110	50	170	960
Wallowa	180	30	20	50	280
Wasco	490	140	50	150	830
Washington	5,620	1,080	550	1,790	9,040
Wheeler	30	10	0	10	50
Yamhill	1,320	250	110	360	2,040
State	62,570	12,920	5,990	18,400	99,880

*"Individuals Needing Service" are estimates of the number of individuals in the population at risk who need or could benefit from VR services and are potential applicants.

Multnomah County
Self-Evaluation
of
Employee Characteristics of Disabled Persons

Multnomah County
Employee Characteristics of Disabled Persons

A survey of Multnomah County's disabled employees was conducted in February 1990. From the survey which went to over 1,947 employees, 594 (32.1 percent) returned, and 112 (6 percent) of the employees identified themselves as having a disability of some kind. The disability identification is as follows:

<u>Disabilities</u>	<u>Number</u>
Speech	2
Vision	4
Hearing	13
Orthopedic Impairments	23
Missing Extremities	1
Complete Paralysis	0
Partial Paralysis	3
Two or More Disabilities	24
Other Impairments	42

From this group, nine people stated they received special accommodation or assistance, eighty-five stated that some sort of accommodation was needed to do their jobs (hearing aids, glasses, medication, etc.), and sixteen identified no need for accommodation.

Disability Survey Findings

Disability Survey Findings

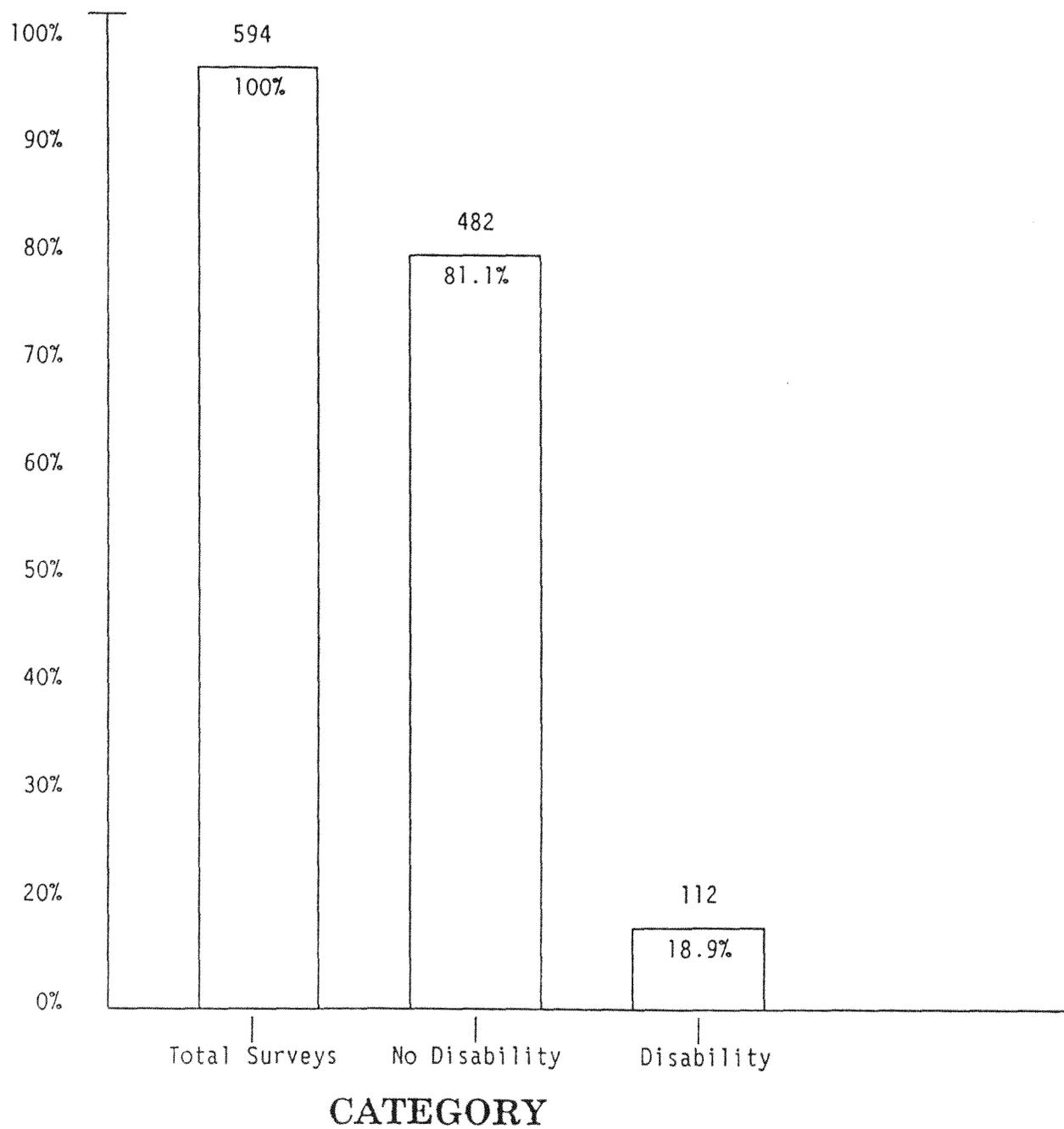
- Based on the survey returns, the percentage of males with disabilities (7.9 percent) is less than women with disabilities (11.0 percent);
- The number of persons working for the County with other disabilities (heart disease, diabetes, alcoholism) constitutes the major group of disabilities;
- Males are dominant in the disabled categories of those with vision impairments and partial paralysis;
- Females are dominant in the disabled categories for hearing, missing extremities, two or more impairments, and orthopedic impairments;
- Based on the results of Multnomah County's Disabled Employees Survey of its workforce of 2,124 full-time employees and those person who identify themselves as having some form of disability (112 employees), the percentage of Multnomah County's disabled workforce is 5.2 percent.
- Those persons identifying disabilities stated that some sort of accommodation was needed in order to do their jobs (hearing aids, glasses, transportation assistance, etc).

Self-Identification
of
Disabilities Survey Results

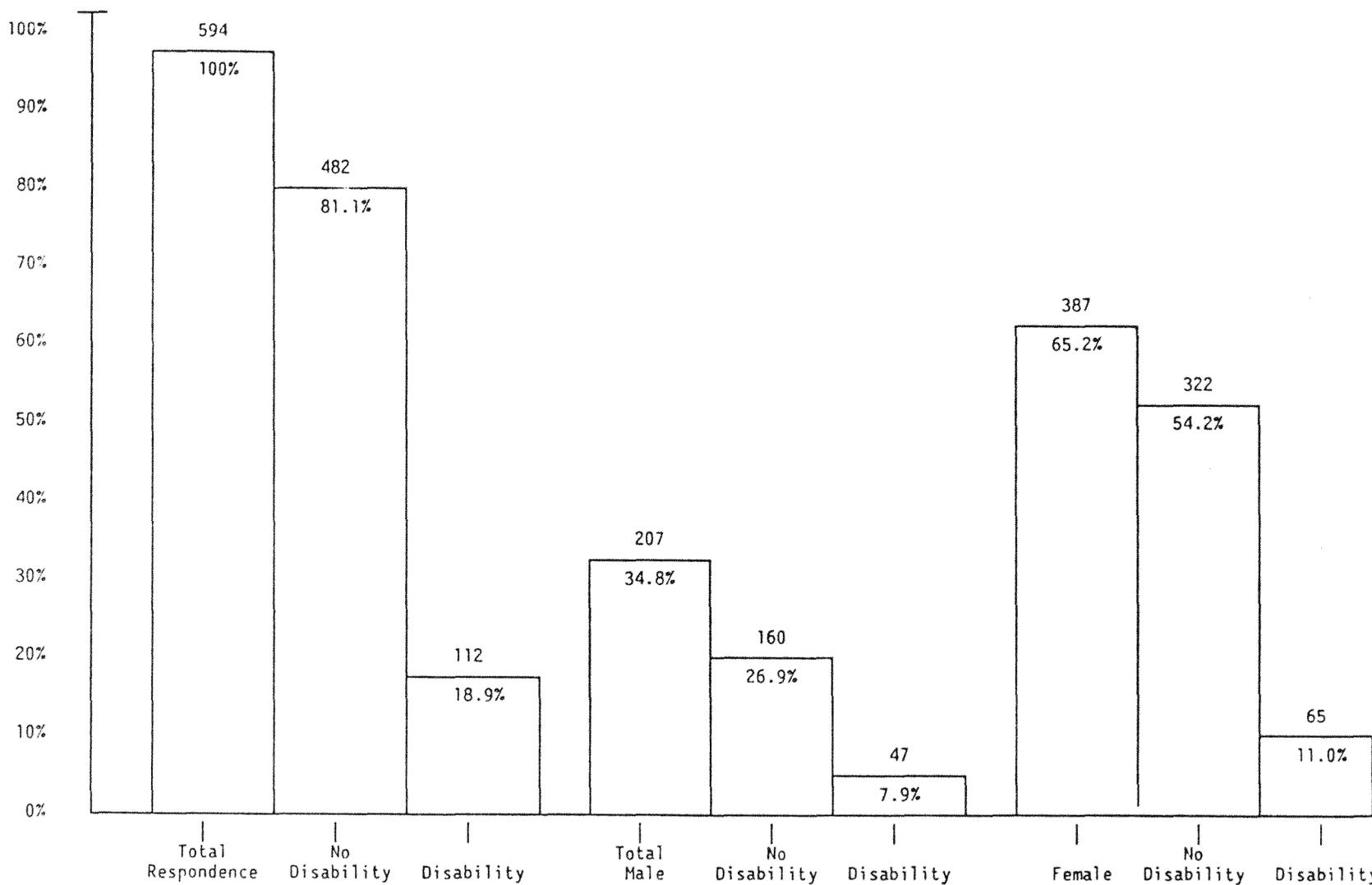
Multnomah County
Disabled Employees Survey
February 1990

CATEGORY	TOTAL	MALE	FEMALE
ALL SURVEYS	594 100%	207 34.8%	387 65.2%
TOTAL HANDICAP	112 18.9%	47 7.9%	65 11.0%
NO HANDICAP	482 81.1%	160 26.9%	322 54.2%
SPEECH	2	1	1
VISION	4	3	1
HEARING	13	6	7
ORTHOPEdic IMPAIRMENTS	23	9	14
MISSING EXTREMITIES	1	0	1
COMPLETE PARALYSIS	0	0	0
PARTIAL PARALYSIS	3	3	0
TWO OR MORE	24	9	15
OTHER IMPAIRMENTS	42	16	26
BEING ACCOMMODATED	9	3	6
NEED ACCOMMODATION	85	32	53
NONE NEEDED	16	5	11

DISABILITY SURVEY (Returns)
February 1990

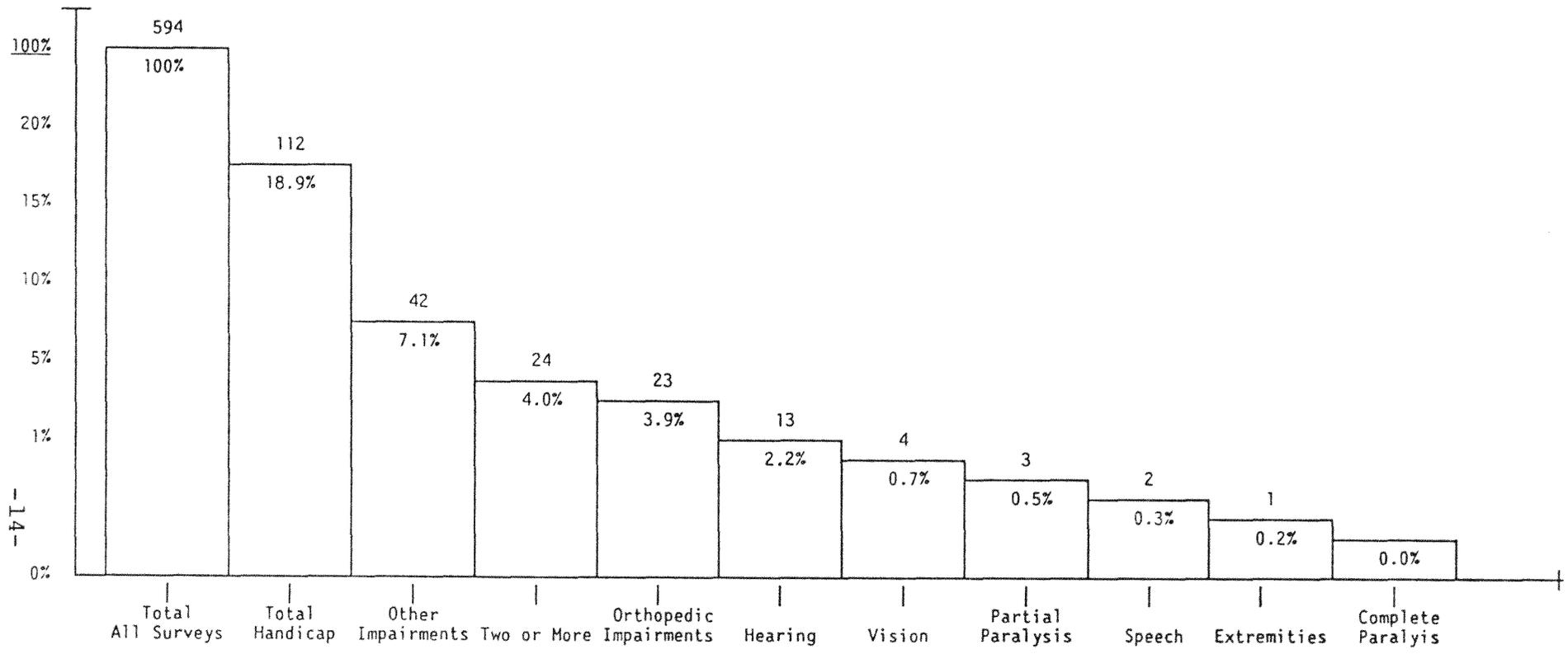


- TOTAL OF RESPONDENCE BY SEX IDENTITY -



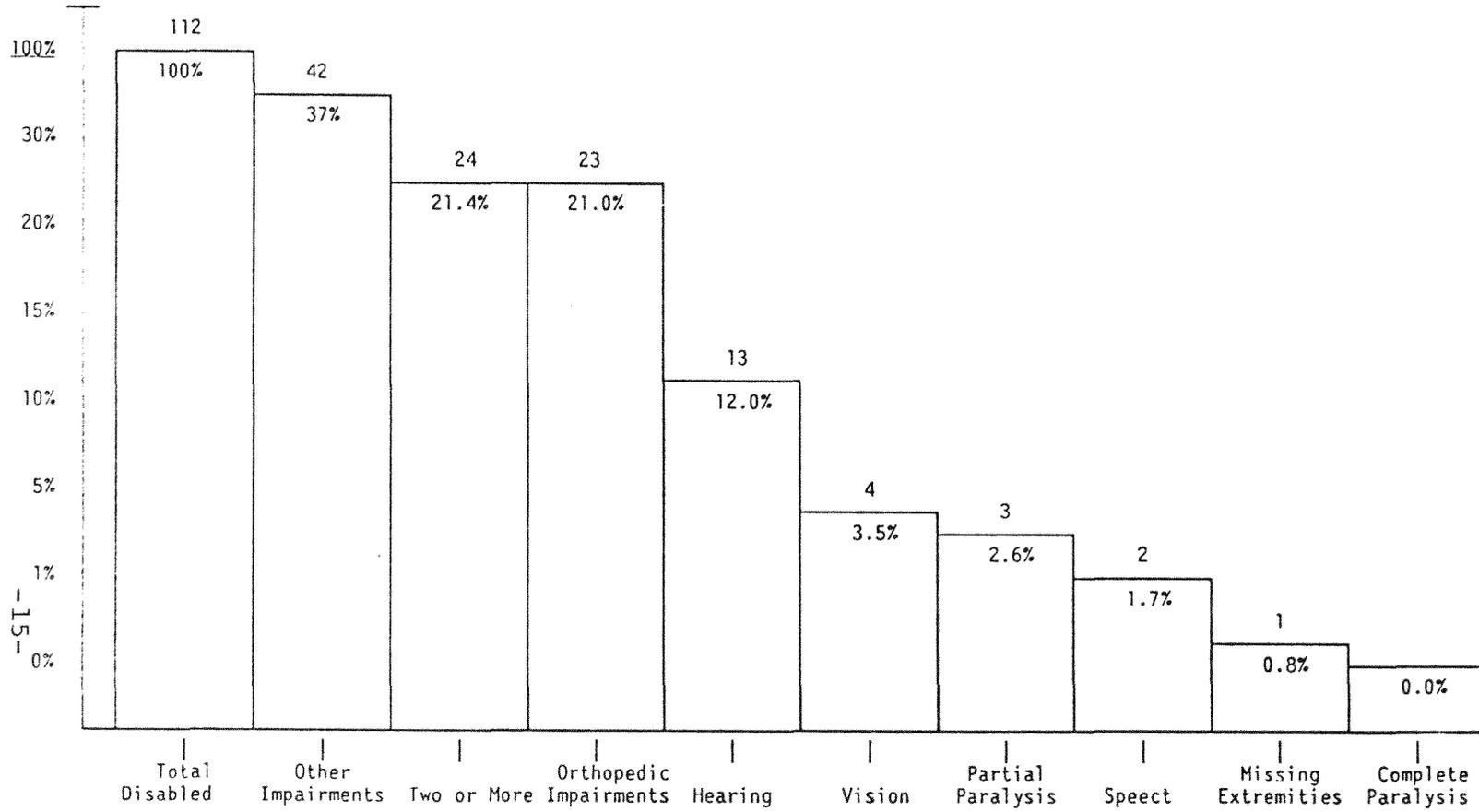
- CATEGORIES -

PERCENTAGE OF OVERALL RESPONDENCE
February 1990



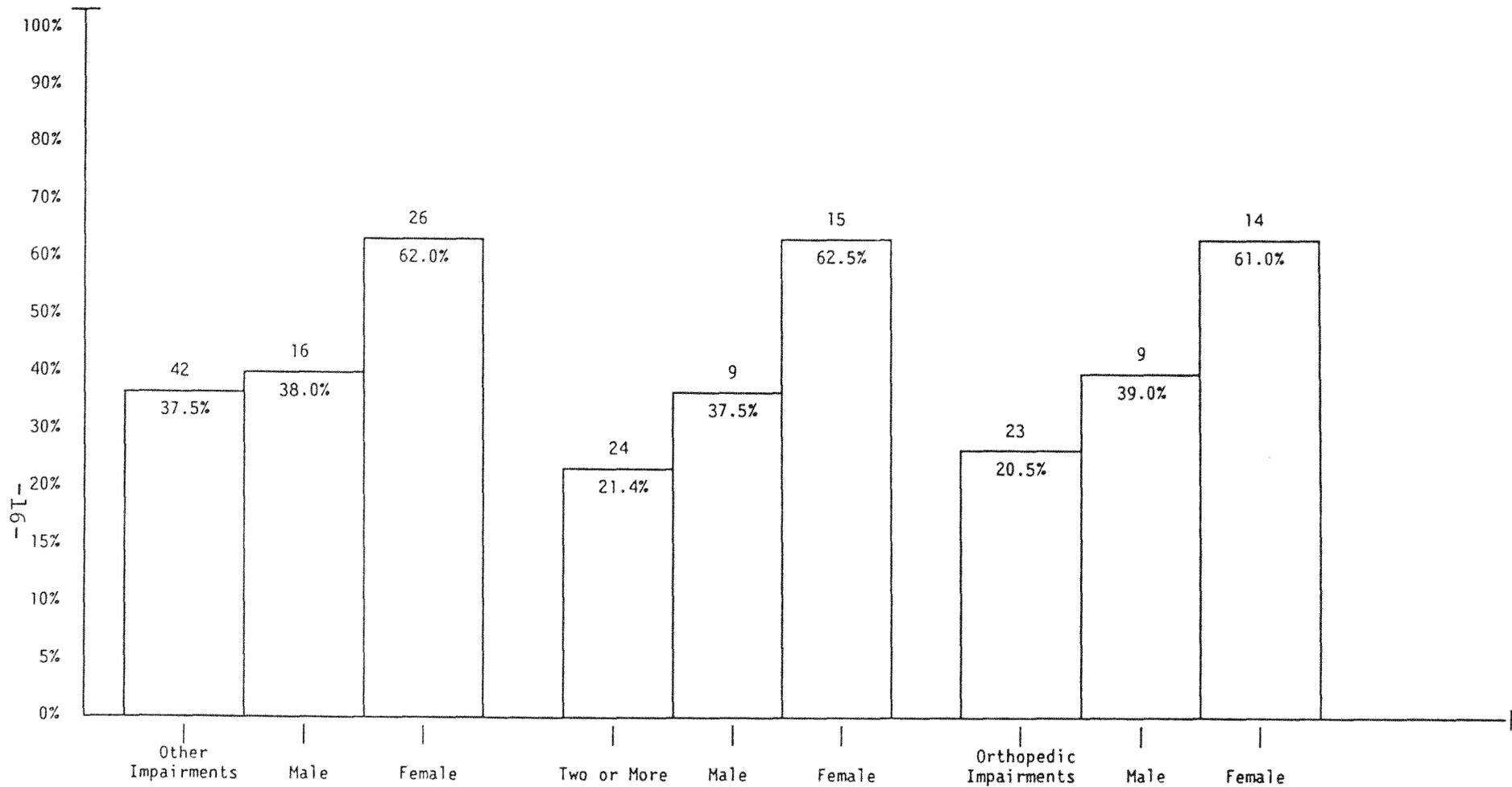
-14-

PERCENTAGE OF IDENTIFIED DISABLED PERSONS



- C A T E G O R I E S -

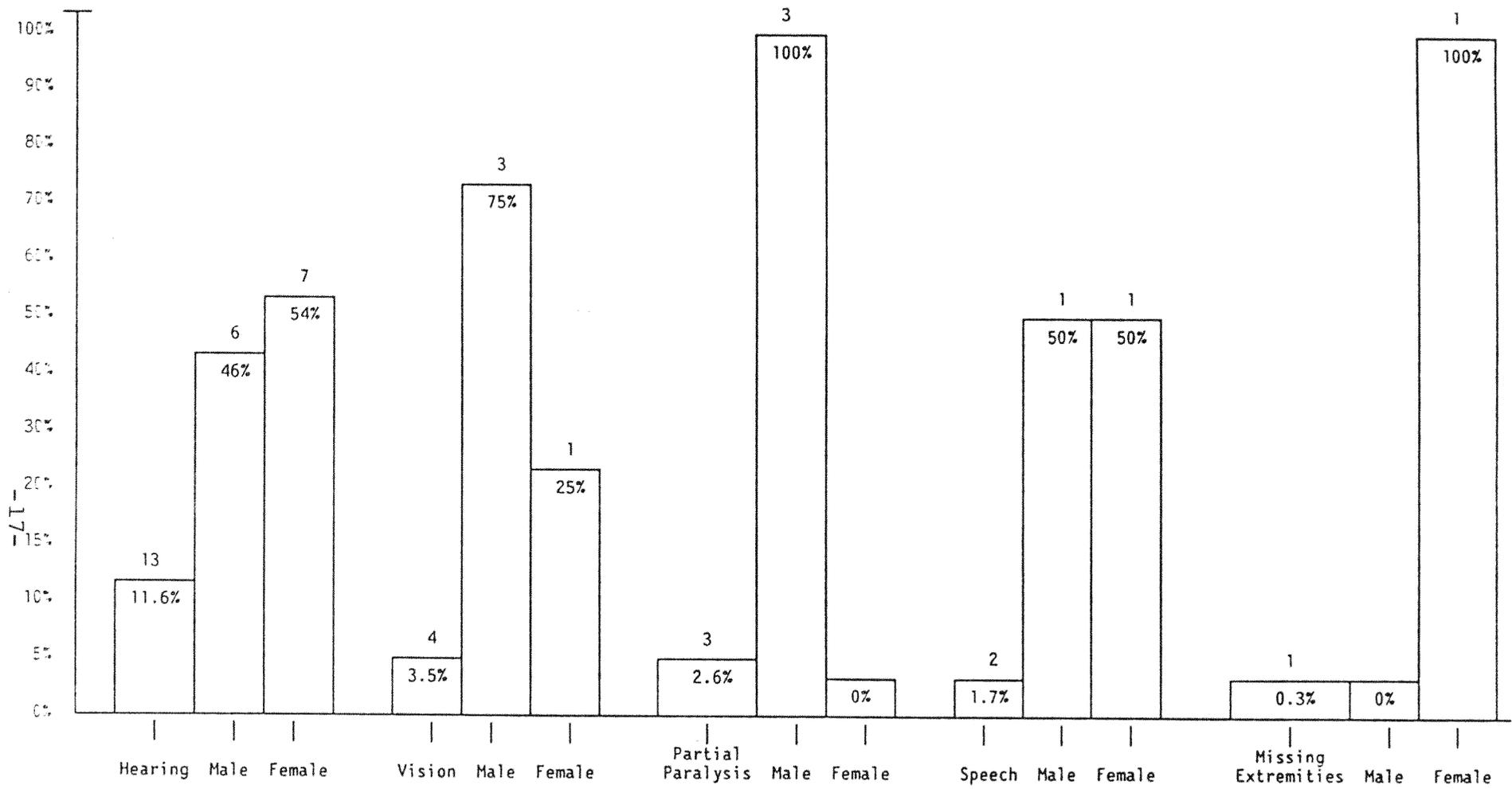
DISABLED IDENTITY BY SEX AND CATEGORY
February 1990



- CATEGORIES -

DISABLED IDENTITY BY
February 1990

SEX AND CATEGORY



- C A T E G O R I E S -

Rehabilitation Act Compliance Policy

Rehabilitation Act Compliance Policy

In compliance with the Rehabilitation Act of 1973, it is the policy of Multnomah County not to discriminate on the basis of disability against any qualified persons by excluding them from participation in, denying them the benefits of, or otherwise subjecting them to discrimination, under any program or activity and to make all decisions relating to personnel policies and practices including recruitment, hiring, training, and promotion on the basis of the disabled employee's or applicant's capacity to perform the particular job applied for and the consideration of any reasonable accommodation.

The County is committed to a firm policy of equal employment opportunity and affirmative action for disabled persons and expects each manager, supervisor, and employee to participate by actively supporting the implementation and advancement of this policy.

Multnomah County
Affirmative Action/EEO Policy



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 605, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308
PAULINE ANDERSON • DISTRICT 1 • 248-5220
GRETCHEN KAFOURY • DISTRICT 2 • 248-5219
RICK BAUMAN • DISTRICT 3 • 248-5217
SHARRON KELLEY • DISTRICT 4 • 248-5213
JANE McGARVIN • Clerk • 248-3277

EQUAL EMPLOYMENT OPPORTUNITY/ AFFIRMATIVE ACTION POLICY STATEMENT (41 CFR § 60-2.20)

As Chair of Multnomah County, I want to reaffirm our commitment to this County's Affirmative Action Program as adopted on February 9, 1989, and Policy of Equal Employment Opportunity, as adopted on July 31, 1975 by resolution of the Board of County Commissioners, declaring that:

"It is the policy of Multnomah County to provide equal employment opportunity to all persons."

"All County recruitment, hiring, training, promoting, and transferring shall be done without regard to race, color, religion, national origin, sex, political affiliation, age, or physical or mental disabilities not constituting bona fide occupational qualifications; and all personnel policies, procedures, and practices shall be administered accordingly."

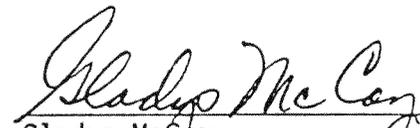
Multnomah County recognizes its moral and legal responsibility to provide equal employment opportunity, to take affirmative and direct action at all levels of County government to correct any currently existing and legally prohibited adverse and/or disparate impact discrimination.

The "Affirmative Action" Program and "Equal Employment Opportunity" Policy shall be adhered to by all staff of Multnomah County. Management and Supervisory Staff, in particular, shall assure that the intent as well as the stated requirements, are implemented in all employee relations and personnel practices.

In addition, it is the responsibility of each employee to ensure that the work environment is free of any form of discriminatory harassment.

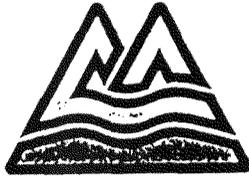
Additionally, appointing authorities and contractors doing business with Multnomah County are required to assure that equal employment opportunity concepts are supported by their organizations, and that they comply with appropriate sections of this Policy.

Any person having questions or concerns relevant to this policy, or Multnomah County's Affirmative Action Program are encouraged to contact Robert Phillips, Affirmative Action Officer, 248-5015, ext. 2916, for further information.


Gladys McCoy
Chair, Multnomah County

November 17, 1989
8840F/LW/lb

Nondiscrimination
in
Programs and Services Policy



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 605, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308
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NONDISCRIMINATION SERVICE POLICY RACE, COLOR, NATIONAL ORIGIN, HANDICAP, & AGE

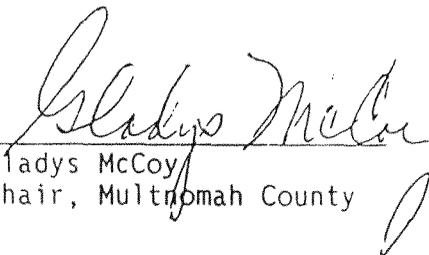
As a recipient of Federal financial assistance, Multnomah County, Oregon does not exclude, deny benefits to, or otherwise discriminate against any person on the ground of race, color, or national origin, or on the basis of handicap or age in admission to, participation in, or receipt of the services and benefits of any of its programs and activities or in employment therein, whether carried out by Multnomah County directly or through a contractor or any other entity with whom Multnomah County arranges to carry out its programs and activities.

This statement is in accordance with the provisions of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and Regulations of the U.S. Department of Health and Human Services issued pursuant to the Acts, Title 45 Code of Federal Regulations Parts 30, 34, and 91. (Other Federal laws and Regulations provide similar protections against discrimination on the basis of sex and creed.)

In case of questions concerning this policy, or in the event of a desire to file a complaint alleging violations of the above, please contact Robert Phillips, Affirmative Action Officer, 248-5015, or contact the following:

OFFICE FOR CIVIL RIGHTS
U.S. Department of Health and Human Services
Region X
Third & Broad Bldg., M/S 501, 2901 Third Avenue
Seattle, Washington 98121
Phone: (206) 442-0473
TTY: (206) 442-7486

Issued by:


Gladys McCoy
Chair, Multnomah County

12/15/89
Date

Definition
of
Disabled Person

Definition of Disabled

"A disabled person is anyone who: (1) has a physical or mental impairment which substantially limits one or more of such person's major life activities; (2) has a record of such impairment; or (3) is regarded as having such an impairment."

1. Interpretation of Terms in Definition

Physical or mental impairments are not, in general, defined by listing specific conditions and diseases because of the difficulty of ensuring the comprehensiveness of any such list. The term includes, but is not limited to:

- a. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; sense organs; respiratory; speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; endocrine; or any mental or psychological disorder such as mental retardation, emotional or mental illness, and specific learning disabilities.
- b. "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
- c. "Has a record of such impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.
- d. "Is regarded as having such an impairment" means (1) has a physical or mental impairment that may not substantially limit major life activities but that is treated by an employer as constituting such a limitation; (2) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or (3) has no impairments but is treated by an employer as having such an impairment.

Job Limitations
Associated With Type of Impairment

Type of Impairment**Typical Problems and Job Limitations Associated with Impairment**

AMPUTEES	<p><u>Problems:</u> Decreased mobility (especially on wet, slippery floors); limited types of physical activity; extremes of heat, cold, and humidity; decreased efficiency occurs with constant vibration where artificial limbs are involved and accentuate the vibration.</p> <p><u>Limitations:</u> Depends on the limb removed; depends on rehabilitation and ability to use prosthetic devices; should avoid heavy lifting or strain on limb.</p>
VISUAL	<p><u>Problems:</u> Different intensities of light; multiple or exposed electrical wiring and outlets; cramped quarters; activities requiring sudden movements.</p> <p><u>Limitations:</u> Should not drive vehicles; should not operate heavy machinery; should not work in crowded areas.</p>
HEARING	<p><u>Problems:</u> Where warning bells or alarms are used; sudden temperature changes; high places where need for constantly good equilibrium exists; older deaf often have serious reading deficiencies.</p> <p><u>Limitations:</u> Should not work in areas where lack of hearing would present safety problems.</p>
POLIO	<p><u>Problems:</u> Bending; running; activities requiring sudden movement; extreme work positions.</p> <p><u>Limitations:</u> Depends upon degree and extent of disability.</p>
PARALYSIS	<p><u>Problems:</u> Activities requiring sudden movement; random movement of heavy mechanical equipment; lifting; excessive exposure to dust and fumes because of inability to avoid.</p> <p><u>Limitations:</u> Depends upon degree of paralysis and portion of body affected.</p>
DIABETES	<p><u>Problems:</u> Long hours, especially late hours such as a "graveyard" shift; hazardous situations where bruises, cuts, or crushing wounds are likely to extremities; excessive activity for lean insulin users.</p> <p><u>Limitations:</u> Need opportunity (breaks) for medication administration if required.</p>
CARDIOVASCULAR	<p><u>Problems:</u> Excessive emotional and physical effort; cramped places; climbing; activities requiring high speed of personal performance.</p> <p><u>Limitations:</u> Should have minimum emotional or physical strain; should not drive vehicles; should avoid heavy machinery.</p>
PARAPLEGIA	<p><u>Problems:</u> Decreased mobility; dampness; carrying; reaching; throwing.</p> <p><u>Limitations:</u> Cannot stand; has limited reach and ability to move about; should not be placed in a multistory building without elevators or ramps.</p>

Type of Impairment Typical Problems and Job Limitations Associated with Impairment

<p>EPILEPSY</p>	<p><u>Problems:</u> Excessive tension; blinking lights; changing work shifts; dangerous equipment.</p> <p><u>Limitations:</u> Should avoid high places and machinery with moving parts.</p>
<p>TUBERCULOSIS</p>	<p><u>Problems:</u> Dust; rapid temperature changes; excessive heat; lifting.</p> <p><u>Limitations:</u> Should avoid foul or contaminated air; should avoid dust; extreme temperatures, dampness, and fumes.</p>
<p>ARTHRITIS/ RHEUMATISM</p>	<p><u>Problems:</u> Sudden temperature changes; even slight toxic conditions; long periods of standing; activity requiring pushing, pulling, or sudden movement.</p> <p><u>Limitations:</u> Depends on extent of disability; may have difficulty in performing precision type jobs; may have difficulty with heavy work, especially lifting and work requiring a firm grip.</p>

Taken from Participant's Handbook, Employment of the Handicapped, Texas Rehabilitation Commission.

276ES

Hidden Disabilities



UNITED STATES CONFERENCE OF MAYORS

1620 EYE STREET, NORTHWEST
WASHINGTON, D.C. 20006
TELEPHONE: (202) 293-7330

Overcoming Barriers:

Attitude Awareness and Hidden Disabilities

Disabilities can be visible or hidden. If they are visible they are more easy to identify and acknowledge. As such, an early recognition can facilitate making whatever accommodations are appropriate for that person's particular disability. Hidden disabilities may not be as easily recognized and, in fact, may go unnoticed for long periods of time. However, there is still a need to be knowledgeable about hidden disabilities, their characteristics and related types of accommodations. Since no two disabilities, hidden or visible, are exactly the same, it is important that the person with the disability be consulted directly and be a part of any decision making which affects him or her. This applies to general questions about the disability as well as specific inquiries about making necessary accommodations.

This fact sheet looks at various hidden disabilities and highlights certain characteristics with suggestions for appropriate types of accommodations. (A word of caution - the material should be used as a guideline only; it is not meant to be a medical text or complete analysis of the various disabilities.) Many of the accommodations are suggested for more than one type of disability and benefit nondisabled employees as well as their disabled colleagues. In addition to this brief summary, employers are encouraged to train their supervisors and other employees about the different types of disabilities so they too can be knowledgeable and prepared to make whatever adjustments are necessary. The information provided in the fact sheet is based on material from the D.C. Lung Association, Epilepsy Foundation of America, United Cerebral Palsy Associations, Inc., similar national organizations, and the "Handicapped Employment Resource Booklet" of the City of Tacoma Personnel Department.

- Arthritis

- Description : Inflammation of the joints and connective tissues.
- Characteristics : Muscle spasms; difficult and painful movement; limited mobility, dexterity and stamina.
- Accommodations : Barrier-free environment for people who use braces or a wheelchair; rest periods; comfortable furniture; uniform temperature control. Avoid heavy lifting, frequent changes in position, requirements for dexterity and stressful situations.

wheelchair or braces; limited requirements for quick, coordinated movements; assistive devices for reading and writing tasks; flexible hours; rest periods; limited heavy lifting and other physical activities leading to fatigue.

● Respiratory Impairments

Description : Normal breathing is made difficult by impairments to the windpipe or lungs. Respiratory ailments include emphysema, chronic bronchitis, asthma, and allergies.

Characteristics : Shortness of breath, coughing, sneezing and dizziness.

Accommodations : Barrier-free environments and close-in parking to minimize exertion; breaks for medication or treatment; smoke free environments and avoidance of asbestos and other chemical agents which may aggravate the impairment.

● Spinal Cord Injury

Description : Messages from the brain to the rest of the body are interrupted because of damage to the nerve fibers of the spinal cord.

Characteristics : Many people with spinal cord injuries use wheelchairs or similar assistive devices for improved mobility; dexterity and physical endurance may be limited.

Accommodations : Barrier-free environment, assistive devices for extending and reaching office equipment.

● Stroke and Brain Damage

Description : Strokes result from an interruption of the blood supply to the brain or the rupturing of blood vessels in the brain.

Characteristics : Paralysis; sensory loss of the opposite side of the body from which the stroke occurred; impaired vision; speech disorders; impaired memory; and hypertension.

Accommodations : Barrier-free environment; assistive devices for reading and writing requirements; limited heavy lifting or kneeling. Avoid hazardous work settings that require fast, coordinated movements for safety of employees.

If you would like additional information about the fact sheet, please contact Section 504 Program staff at (202) 293-7650.

Accommodations : Regular meal and snack schedules; available time for physician visits; if insulin-dependent, avoid driving or operating heavy machinery.

● **Epilepsy**

Description : Caused by injuries to the brain.

Characteristics : Three types of seizures may occur:

1. Petit mal - usually associated with children; short periods of blinking or staring which may continue into adulthood.
2. Grand mal - convulsions which last from one to twenty minutes but usually less than five minutes. If the seizure is brief, the person may be confused but can resume previous activity; if extended, the person may fall into a deep sleep.
3. Psychomotor - rapid onset of mental confusion followed by poorly coordinated movements. Disordered behavior or incoherent speech may ensue. After a short seizure, the person can return to previous activity with no knowledge of the attack. An extended seizure will result in a state of confusion.

Accommodations : Avoid blinking lights, continued exposure to heat, mental and physical exertion to the point of stress and dangerous equipment if the person is prone to seizures.

● **Mentally Retarded**

Description : May be caused by birth or head injuries, poor nutrition, disease or heredity.

Characteristics : There are four degrees of mental retardation: mild, moderate, severe and profound. Effects may include poor circulation; respiratory problems; heart and speech defects; dental and hearing impairments.

Accommodations : Will depend on severity of disability.

● **Multiple Sclerosis**

Description : Chronic disease of the central nervous system.

Characteristics : Weakness; numbness; difficult coordination, mobility and balance; tingling; paralysis; abrupt mood changes; seizures; vision and speech impairments.

Accommodations : Barrier-free environment for a person who uses a

Civil Rights and Affirmative Action
Provisions of the
Rehabilitation Act of 1973, as Amended

CIVIL RIGHTS AND AFFIRMATIVE ACTION
Provisions of the
Rehabilitation Act of 1973, as Amended

Section of Act	Title of Section	Coverage	Provisions	Administering Agency	Applicable Regulations
Section 101 (a) (6)	VR State Plan - Administration	State rehabilita- tion agencies and facilities	Agency to take affirma- tive action to employ and advance in employment qualified handicapped individuals	Rehabilitation Services Administration	Federal Register Vol. 40, No. 75 pp. 54696 - 54731 November 25, 1975
Section 501	Employment of Handicapped Individuals	Departments, agencies and instrumentalities in the executive branch of the Fed- eral Government	Agency to have affirma- tive action program for hiring, placement and advancement of handi- capped individuals. Plan to be updated, reviewed and approved annually.	Office of Personnel Manage- ment	Office of Personnel Management Federal Personnel Manual Chapter No. 306
Section 502	Architectural & Transportation Barriers Compliance Board	ATBCB of 21 members, composed of the heads (or designees) of 10 federal agencies and 11 from the general public	To insure compliance on accessibility & usability of buildings constructed with federal funds; to investigate, examine & recommend methods of elimination achitectoral, transportation & attitudinal barriers confronting handicapped persons.	Architectural and Transportation Barriers Compliance Board	Federal Register Vol. 41, No. 128 pp. 27192 - 27196 July 1, 1976
Section 503	Employment under Federal Con- tracts	Contractors of the Federal Government with contracts of \$2500 or more.	Contractor to take affirma- tive action to employ, ad- vance in employment and otherwise treat handi- capped individuals with- out discrimination based on their handicap in all employment practices.	Office of Federal Contract Compli- ance Programs, Department of Labor	Federal Register Vol. 41, No. 75 pp. 16147 - 16155 April 16, 1976
Section 504	Nondiscrimina- tion under Federal Grants	All programs and activities re- ceiving federal financial assistance	No qualified handicapped individual shall, on the basis of handicap, be ex- cluded from, be denied the benefits of, or other- wise be subjected to dis- crimination under any pro- gram or activity re- ceiving federal financial assistance.	Office for Civil Rights Department of Health & Human Services Department of Education	Federal Register Vol. 42, No. 86 pp. 22676 - 22702 May 4, 1977

Affirmative Action Requirements
for
Disabled Persons
(Key Elements)

Key Elements Of The Affirmative Action Clauses To Be Included In All Contracts

The following are the key elements of the affirmative action clause that contractors and subcontractors must include in each of their government contracts or subcontracts (and modifications, renewals, or extensions thereof). This clause appears in §60-741.4 of the OFCCP rules.

- The contractor will not discriminate against any employee or applicant for employment because of physical or mental handicap in regard to any position for which the employee or applicant for employment is qualified.
- The contractor agrees to take affirmative action to employ, advance in employment, and otherwise treat qualified handicapped individuals without discrimination based upon their physical or mental handicap in all employment practices.
- Employment practices covered by these provisions include: employment, upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeships.
- The contractor agrees to comply with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to Section 503.
- In the event of the contractor's noncompliance with the requirements of this affirmative action clause, actions for noncompliance may be taken in accordance with the rules, regulations, and relevant orders of the Secretary of Labor issued under Section 503.
- The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the Director of OFCCP, provided by or through the contracting officer. Such notices shall state the contractor's obligation under the law to take affirmative action in accordance with Section 503.
- The contractor will notify each labor union or representative of workers with which it has a Collective Bargaining Agreement or other contract understanding that the contractor is bound by the terms of Section 503 and is committed to take affirmative action to employ and advance in employment physically and mentally handicapped individuals.
- The contractor will include the provisions of this clause in every subcontract or purchase order of \$2,500 or more unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 503.
- With this inclusion in subcontracts and purchase orders, the provisions of the affirmative action clause will be binding upon each subcontractor or vendor.
- The contractor will take such action with respect to any subcontract or purchase order as the Director of OFCCP may direct to enforce such provisions, including action for noncompliance.

Affirmative Action Policy, Practices, and Procedures

The following is a summary listing of the key affirmative action program requirements contained in Section 503. These summary items are based on provisions included in §60-741.6 through §60-741.9 of the OFCCP rules.

- Contractors are required to take affirmative action to employ and advance in employment qualified handicapped individuals at all levels of employment, including the executive level.
- Such action shall apply to all employment practices, including, but not limited to, the following: hiring, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.
- Contractors shall review their personnel processes to determine whether present procedures assure careful, thorough, and systematic consideration of the job qualifications of known handicapped applicants and employees for job vacancies filled either by hiring or promotion, and for all training opportunities offered or available.
- To the extent that personnel procedures require modification, the development of new procedures should be incorporated into the contractor's affirmative action program.
- The OFCCP regulations include a set of procedures that a contractor may follow to comply with the requirements regarding the review of personnel processes.
- Contractors shall develop in their affirmative action programs (and adhere to) a schedule for the review of all physical and mental job qualification requirements. This review is to ensure that, to the extent qualification requirements tend to screen out qualified handicapped individuals, they are job-related and are consistent with business necessity and the safe performance of the job.
- Whenever a contractor applies physical or mental job qualification requirements in employee selection or other personnel decisions to the extent that the requirements tend to screen out qualified handicapped individuals, they shall be related to the specific job or jobs for which the individual is being considered and be consistent with business necessity and the safe performance of the job. The OFCCP regulations (§60-741.6(c)(2)) give contractors the responsibility of demonstrating that they have complied with Section 503 in applying physical or mental job qualification requirements.
- Nothing in Section 503 prohibits a contractor from conducting a comprehensive medical exam prior to employment, provided that the results of such an exam shall be used only in accordance with the requirements of Section 503.

- Whenever a contractor inquires into an applicant's or employee's physical or mental condition or conducts a medical exam, information obtained shall be kept confidential except that:
 - Supervisors and managers may be informed regarding restrictions on the work or duties of handicapped individuals and regarding accommodations.
 - First aid and safety personnel may be informed where and to what extent appropriate if the condition might require emergency treatment.
 - Government officials investigating compliance with Section 503 shall be informed.
- A contractor must make "reasonable accommodation" to the physical and mental limitations of an employee or applicant unless the contractor can demonstrate that such an accommodation would impose an "undue hardship" on the conduct of his business. In practical effect, the Section 503 concepts of "reasonable accommodation" and "undue hardship" are the same as those applied to Section 504. However, the Section 503 regulations provide guidance as to what factors may be considered as "undue hardship" on the contractor's business (i.e., factors of "business necessity" and "financial cost and expense") and the Section 504 regulations do not provide any guidance. So again, compliance with Section 504 will not necessarily determine compliance with Section 503.
- In determining the extent of a contractor's obligations regarding reasonable accommodation, the following factors may be considered: (1) business necessity, and (2) financial cost and expenses.
- In offering employment or promotions to handicapped individuals, a contractor may not reduce the amount of compensation offered because of any disability income, pension, or other benefit the applicant or employee receives from another source.
- Contractors shall review their employment practices to determine whether their personnel programs provide the required affirmative action for employment and advancement of qualified handicapped individuals.
- Based on findings of the above reviews, contractors shall undertake appropriate outreach and positive recruitment activities. The scope of the contractor's efforts shall depend on all circumstances, including the contractor's size and resources and the extent to which existing practices are adequate. Outreach and positive recruitment activities to be undertaken may include the following (It is not contemplated that contractors will necessarily undertake all the listed activities or that their activities will be limited to those listed):
 - Develop internal communication of the obligation to engage in affirmative action efforts in such a manner as to foster understanding, acceptance, and support among the contractor's executive, management, supervisory personnel and all other employees and to encourage such persons to take the necessary action to aid the contractor in meeting this obligation.

- Develop reasonable internal procedures to ensure that the obligation to engage in affirmative action is being fully implemented.
- Periodically inform all employees and prospective employees of the commitment to engage in affirmative action to increase employment opportunities for qualified handicapped individuals.
- Enlist the assistance and support of recruiting sources (e.g., state employment security agencies, state vocational rehabilitation agencies or facilities, sheltered workshops, college placement officers, state education agencies, labor organizations, and other organizations of or for handicapped individuals) for a commitment to provide meaningful employment opportunities to qualified handicapped individuals.
- Engage in recruitment activities at educational institutions that participate in training of the handicapped, such as schools for the blind, deaf, or retarded.
- Establish meaningful contacts with appropriate social service agencies, organizations of and for handicapped individuals, and vocational rehabilitation agencies or facilities, for such purposes as advice, technical assistance, and referral of potential employees. Technical assistance referred to above may include advice on proper placement, recruitment, and training accommodations. However, no resource providing such technical assistance shall have the authority to approve or disapprove the acceptability of a contractor's affirmative action program.
- Review employment records to determine the availability of promotable and transferable qualified handicapped individuals presently employed, and determine whether their present and potential skills are being fully utilized or developed.
- Include handicapped workers when employees are pictured in consumer, promotional, or help wanted advertising.
- Send written notification of company policy to all subcontractors, vendors, and suppliers requesting appropriate action on their part.
- Take positive steps to attract qualified handicapped individuals not currently in the workforce who have requisite skills and can be recruited through affirmative action measures. (These persons may be located through local chapters of organizations of and for handicapped individuals.)
- In order to assure employee cooperation and participation in the contractor's efforts, an internal policy should be adopted and implemented. A strong outreach program will be ineffective without adequate internal support. This internal policy shall be adopted, implemented, and disseminated as follows:
 - It shall be included in the contractor's policy manual.

- It shall be publicized in the contractor's newspaper, magazine, annual report, and other media.
- Special meetings with executive, management, and supervisory personnel shall be conducted to explain the intent of the policy and individual responsibility for effective implementation. These meetings should make the chief executive officer's attitude clear.
- Special meetings shall be scheduled with all employees to discuss policy and explain individual employee responsibilities.
- The policy shall be discussed thoroughly in both employee orientation and management training programs.
- Union officials shall be informed of the contractor's policy, and their cooperation shall be requested.
- Nondiscrimination clauses shall be included in all Union agreements, and all contractual provisions shall be reviewed to ensure nondiscrimination.
- Articles on accomplishments of handicapped workers shall be included in company publications.
- The policy shall be posted on company bulletin boards, including a statement that employees and applicants are protected from coercion, intimidation, interference, or discrimination for filing a complaint or assisting in an investigation under Section 503.
- Handicapped employees shall be included when employees are featured in employee handbooks or similar publications for employees.
- An executive of the contractor should be designated as director or manager of company affirmative action activities under Section 503. His or her identity should appear on all internal or external communications regarding the contractor's affirmative action program. This person should be given necessary management support and staff to oversee the implementation of this program, including the following activities:
 - Develop policy statements, affirmative action programs, and internal and external communications techniques, including regular discussions with local managers, supervisors, and employees to be certain the contractor's policies are being followed.
 - Advise supervisors that (1) their work performance is being evaluated on the basis of their affirmative action efforts and results as well as other criteria; and (2) the contractor is obligated to prevent harassment of employees placed through affirmative action efforts.
 - Identify problem areas in conjunction with line management and known handicapped employees in implementing the affirmative action programs (and making accommodations) and develop solutions.

- Design and implement audit and reporting systems that will (1) measure program effectiveness; (2) indicate the need for remedial action; (3) determine the degree to which the contractor's objectives have been attained; (4) determine whether known handicapped employees have had the opportunity to participate in all company-sponsored educational, training, recreational, and social activities; and (5) ensure that each location is in compliance with Section 503.
- Serve as liaison between the contractor and enforcement agencies.
- Serve as liaison between the contractor and organizations of and for handicapped persons, and arrange for the active involvement by company representatives in the community service programs of such local organizations.
- Keep management informed of the latest developments in the entire affirmative action area.
- Arrange for career counseling for known handicapped employees.
- Job qualification requirements (the subject of a review, as discussed earlier) should be made available to all members of management involved in the recruitment, screening, selection, and promotion processes.
- The contractor should evaluate the total selection process, including training and promotion, to ensure freedom from stereotyping handicapped persons in a manner which limits their access to all jobs for which they are qualified.
- All personnel involved in the recruitment, screening, selection, promotion, disciplinary, and related processes should be carefully selected and trained to ensure that the commitments of the affirmative action program are implemented.
- Formal briefing sessions should be held (preferably on the contractor's premises) with representatives from recruiting sources. An integral part of these briefings should be plant tours, clear and concise explanations of current and future job openings, position descriptions, worker specifications, explanations of the selection process, and recruiting literature. Formal arrangements should be made for referral of applicants, follow-up with sources, and feedback on disposition of applicants.
- A special effort should be made to include qualified handicapped persons on the personnel relations staff.
- Handicapped employees should be available to participate in career days, youth motivation programs, and related activities in their communities.
- Recruiting efforts at all schools should incorporate special efforts to reach handicapped students.

- An effort should be made to participate in workshop programs with rehabilitation facilities and schools which specialize in training or educating handicapped individuals.
- The contractor should use all available resources to continue or establish on-the-job training programs.
- Contracts with sheltered workshops do not constitute affirmative action in lieu of employment and advancement of qualified handicapped individuals in the contractor's own workforce. Contracts with sheltered workshops may be included within an affirmative action program if the workshop trains employees for the contractor and the contractor is obligated to hire trainees at full compensation when such trainees become "qualified handicapped individuals," as defined.

In terms of disputes, a contractor's affirmative action program should incorporate the following procedures:

- Handicapped individuals filing complaints with the Director of the OFCCP shall submit with each complaint a signed statement specifying the handicapping impairment or situation. Additional documentation may be required by the Director.
- Any contractor requiring a determination of an applicant's or employee's handicap may require the person to provide medical documentation of the impairment or may require the applicant or employee to undergo a medical exam at the contractor's expense. Such determinations of handicap must be for the purpose of affirmative action and proper job placement and must meet the requirements regarding the voluntary provision of information confidentiality and adverse treatment outlined in §60-741.5(c)(1). Information obtained from such determinations shall not be used to exclude or otherwise limit the employment opportunities of qualified handicapped individuals.
- All medical documentation required under Section 503 shall be based on the American Medical Association's Guides to the Evaluation of Permanent Impairment, provided that the Guides shall be used only to determine the existence of impairment without regard to the degree of impairment.
- Contractors should request state employment security agencies to refer qualified handicapped individuals for consideration under their affirmative action programs.
- Whenever performance in accordance with the affirmative action clause or any other matter related to Section 503 may necessitate a revision of a collective bargaining agreement, the labor union or unions which are parties to such agreements shall be given an adequate opportunity to present their views to the Director of OFCCP. The Director shall use his or her best efforts, directly or through contractors, subcontractors, and others, to cause any labor union, recruiting, and training agency or other representative of workers to assist in the implementation of Section 503.

Multnomah County
Personnel Rules Protecting
The Disabled

**Multnomah County
- Personnel Rules -**

RULE 1 OBJECTIVES AND SCOPE

1.01 AUTHORITY

These rules are promulgated under the authority of Chapter 3.10 of the Multnomah County Code. These rules and any amendments and revisions to them are adopted by the Personnel Officer pursuant to MCC 3.10.080 and applicable review procedures contained in existing collective bargaining agreements.

1.02 PURPOSE

It is the purpose of these rules to establish a system of uniform and appropriate personnel policies and procedures that shall improve the quality of personnel administration consistent with such merit principles as:

1. Recruiting, appointing, and promoting employees on the basis of their relative ability, knowledge, and skills, including open consideration of applicants for initial appointment;
2. Retaining employees on the basis of the adequacy of their performance, correction of inadequate performance, and separating employees whose inadequate performance cannot be corrected;
3. Assuring impartial treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, religion, color, sex, age, marital status, national origin, sexual orientation, or physical or mental handicap and with proper regard for their privacy and constitutional rights as citizens; and
4. Assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.

1.03 SCOPE

These rules shall govern and affect personnel administration for all employees of Multnomah County, unless specified otherwise. Nothing in these rules is intended to supersede provisions of existing collective bargaining agreements.

It is the intent of these rules that they be interpreted broadly as a fair and reasonable approach to specific problems and situations; that they be considered as a total rather than each phrase being interpreted in isolation and out of context; and that the general principles state will serve as a basis for personnel policy for Multnomah County.

DISABLED PERSON SELF-DISCLOSURE FORM

NOTE: Regulations issued pursuant to the Rehabilitation Act of 1973 require that federal contractors and subcontractors holding contracts of \$50,000 or more *and* with at least fifty employees invite all employees and applicants for employment to disclose their handicapped status as part of a mandated affirmative action effort.

CONFIDENTIAL

INVITATION TO SELF-IDENTIFY

AS A DISABLED PERSON

As a recipient of federal financial assistance, Multnomah County is subject to Section 504 of the Rehabilitation Act of 1973. As such, the County is required to reasonably accommodate the disabilities of otherwise qualified applicants for employment and promotion. Participation in the County's affirmative action program is entirely voluntary and failure to self-identify as a handicapped person will not adversely affect your opportunities for employment.

If you desire accommodation for a disability, please provide the following information:

1. If your disability could be interpreted as a barrier to performing the duties of the position for which you applied, please explain any special methods you employ to make performance of these duties possible.

2. Are there any accommodations such as special equipment, architectural modifications or job restructuring which would enable you to perform the duties of the position for which you have applied?

Signature

Print Name

Social Security Number

Examination Title

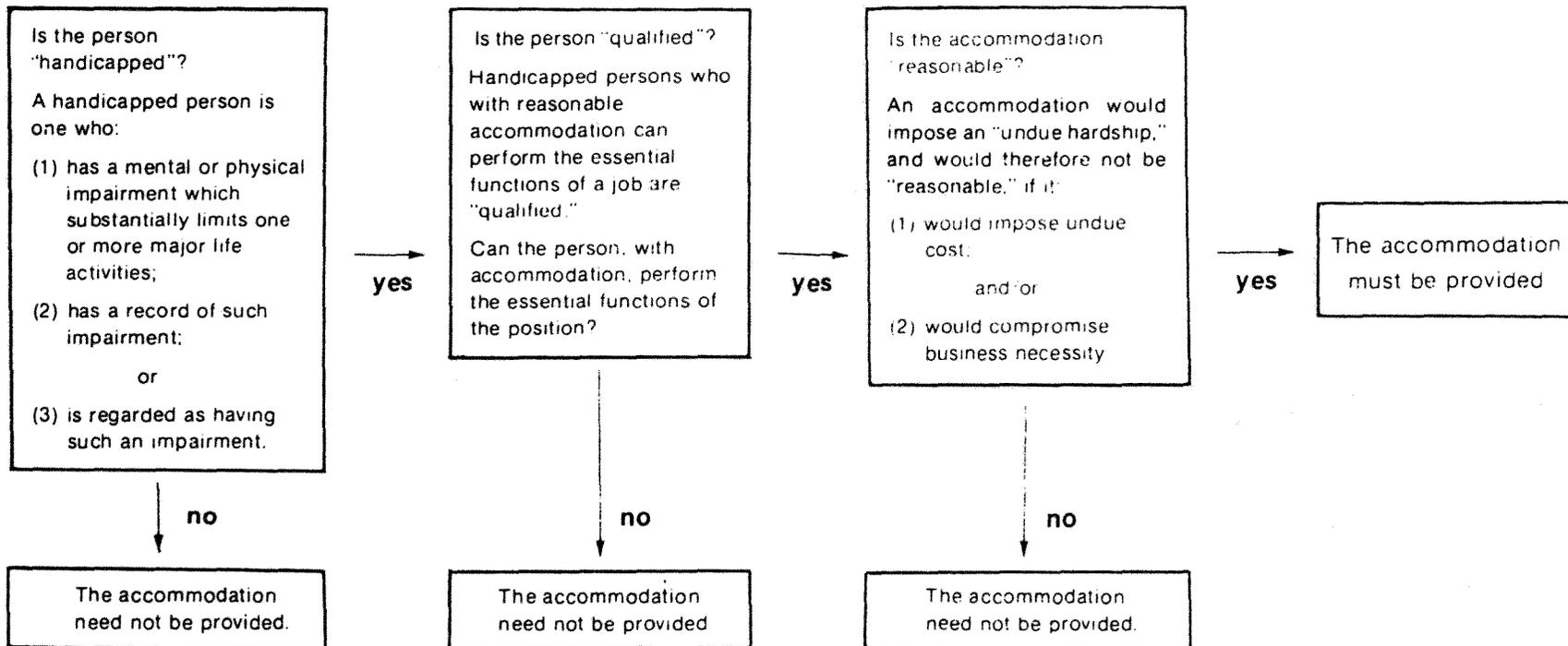
Examination Number

8456E/7-87

Accommodations Decision Chart

Accommodations Decisions Chart

If a request for accommodation is made, the following chart can assist the employer in the decision making process regarding provision of the accommodation.



Charts, Outlines and Forms

Disability	Possible Access Problem Areas	Possible Responses
<p>Blind and Visually Impaired <i>(includes not only those persons who are totally blind, but also those with limited vision)</i></p>	<ul style="list-style-type: none"> • Path of travel • Displays of information • Controls with written directions • Elevator operating buttons • Completion of written forms 	<ul style="list-style-type: none"> • Labeling in Braille • Provision of readers • Respond to questions orally • Air radio announcements • Avoid clutter in passageways • Use writing, drawing, optical aids (e.g., magnifiers)
<p>Deaf and Hearing Impaired <i>(includes not only those persons who are totally deaf, but also those with limited or partial hearing)</i></p>	<ul style="list-style-type: none"> • Information obtained through: <ul style="list-style-type: none"> —telephones —warning devices (e.g., fire alarms, public address systems) —equipment operating noises 	<ul style="list-style-type: none"> • Use of amplification devices • Installation of a TDD • Use of an interpreter • Publication of written announcements • Allow mail-in procedures to be used • Policy of accommodating lip-readers • Use visual cues for signage
<p>Mentally Impaired</p>	<ul style="list-style-type: none"> • Difficulty understanding: <ul style="list-style-type: none"> —signs —controls —operating instructions —directions 	<ul style="list-style-type: none"> • Use of visual cues for signage • Willingness of someone to assist and/or answer questions and provide directions
<p>Difficulty with Upper Body Movement <i>(includes those persons who have limited use of arms, shoulders; persons who are in wheelchairs or on crutches; people of short stature; those who cannot perform certain hand movements, or have difficulty controlling movement)</i></p>	<ul style="list-style-type: none"> • Difficulty operating (or locating or reaching) certain hardware: <ul style="list-style-type: none"> —hand controls on doors —toilet room fixtures —water fountains —telephones —vending machines —light fixtures 	<ul style="list-style-type: none"> • Relocate a program or service to accessible area • Use of adaptive equipment or modification of present hardware
<p>Mobility Impairments <i>(includes those persons having breathing difficulties, stamina limitations, as well as those in wheelchairs and on crutches)</i></p>	<ul style="list-style-type: none"> • No grab bars, handrails, other supports • No handicapped designated parking spaces • Distances from parking, public transit stops • Route of travel <ul style="list-style-type: none"> —outside: curbs, walks, unlevel surfaces —inside: unlevel surfaces, carpeting, textured tile • Entrances and doors • Restrooms, telephones, water fountains • Location of controls, general purpose hardware 	<ul style="list-style-type: none"> • Replace existing hardware, equipment • Make necessary structural changes to eliminate barriers

Guidelines For Assessing and
Providing Reasonable Accommodations

GUIDELINES FOR ASSESSING AND PROVIDING REASONABLE ACCOMMODATION

1. Overview. In some situations a particular handicapping condition may create a limitation that impedes an individual's ability to perform a particular job function. If such a limitation is known, it must be determined whether there is anything that reasonably can be done to remove the impediment to successful job performance.

The need for accommodation is determined on a case-by-case basis, taking into consideration: the applicant or employee; his/her specific handicapping condition and the existing limitations to the performance of a particular job function; the essential duties of the particular job; the work environment; and whether the proposed accommodation would create an undue hardship on the agency. In all cases, the applicant or employee must be consulted before an accommodation is made. Accommodations are highly individualized and what may have been successful for one handicapped person may not be appropriate for another. Also, in many cases the person may have made adjustments to his/her handicap so that no accommodation is needed or wanted.

The concept of reasonable accommodation does not apply only to selection and placement. It also is considered in recruitment, training, promotion, reassignment, and developmental assignments. For example, promotion vacancy announcements could be prepared in braille or taped to provide equal access to blind employees. In order to give handicapped employees opportunities to attend formal training programs, EEOC is authorized to use training funds to provide special services, such as interpreters, readers, and braille or taping of course materials. The responsibility to provide reasonable accommodation does not end when the handicapped person is placed in a position.

Although the concept of reasonable accommodation for handicapped employees is an area of concern to some people, accommodation is nothing new in an employment situation. When an employer purchases new equipment or functional office furniture, allows flexible working hours, coffee breaks, or provides anything that creates a more efficient or productive work place, an accommodation has been made. Providing accommodation for qualified handicapped employees simply means that the work-related needs of all employees will be considered. An accommodation must be job-related and not for personal use (e.g., personal hearing aids or eyeglasses will not be purchased).

2. Reasonable Accommodation Assessment. EEOC is required to make reasonable accommodation for a qualified handicapped person unless it can demonstrate that the accommodation

would impose an undue hardship on the operation of its program. These determinations must be made on an individual case-by-case basis.

Most accommodations need not be costly, nor need they adversely affect the operation of an EEOC program. All alternatives will be explored to determine that the reasonable accommodation proposed is the most effective one for both the employee and EEOC. Several factors must be considered in determining undue hardship.

The value and nature of a particular accommodation may be clarified by considering questions such as the following:

- . Is the accommodation necessary for performance of duties?
- . What effect will the accommodation have on the agency's operations and on the employee's performance?
- . To what extent does the accommodation compensate for the handicapped person's limitations?
- . Will the accommodation give the person the opportunity to function, participate, or compete on a more equal basis with co-workers?
- . Would the accommodation benefit others (non-handicapped as well as other handicapped individuals)?
- . Are there alternatives that would accomplish the same purpose?

There may be situations in which a supervisor perceives that an employee might improve his/her work situation with reasonable accommodation, but the employee has not raised a problem or asked for anything. It is appropriate for a supervisor to inquire of an employee whether the employee may need an accommodation, but it is not appropriate to independently initiate a request if the employee does not wish an accommodation.

3. Reasonable Accommodation Requirements for Alcohol and Drug Abusers. Alcohol and drug abusers have been determined to be handicapped individuals for purposes of reasonable accommodation. The Agency also has an obligation, under OPM Regulations Implementing the Alcohol and Drug Abuse Acts, where an employee has a possible alcohol or drug problem that affects work performance, to accommodate the employee by providing the opportunity for the employee to find assistance before disciplinary action is taken. (See EEOC Order No. 575, Employee Assistance Program. Note that this program also provides assistance to handicapped persons whose handicaps are in the area of mental or emotional illness.)

4. Examples of Reasonable Accommodation. This section contains specific examples of and authorities for Federal and EEOC policies regarding reasonable accommodations that may be made. It should be emphasized that accommodations not listed should be made where a need has been identified to overcome a particular limitation, and it is determined that the accommodation is both necessary and reasonable.

a. Modifying Worksites. In many cases, changes in the work environment enable handicapped persons to perform job duties more effectively. Alterations may include:

- . rearranging files or shelves for accessibility to wheelchair users;
- . widening access areas between fixtures to allow room for wheelchairs and maintaining hazard-free pathways for blind or mobility impaired employees;
- . raising or lowering equipment to provide required working heights;
- . moving equipment controls to one side or another or modifying them for hand or foot operation;
- . installing special holding devices on desks, machines, or benches;
- . placing braille labels on shelves so blind employees can identify contents;
- . installing telecommunication devices or telephone amplifiers for persons who are deaf or hearing impaired;
- . providing a speaker telephone or an extension arm or goose-neck to hold a phone receiver; and
- . providing special heating or air conditioning units for persons whose disabilities make them sensitive to environmental temperature.

Note: The Handicapped Program Manager and District Handicapped Program Representatives are available to provide assistance and guidance.

b. Making Facilities Accessible. The Architectural Barriers Act of 1968 requires that buildings subject to the Act must be made accessible. The Rehabilitation Act of 1973 requires, by implementing regulations, that buildings and work sites be made usable by applicants or employees. The Architectural Barriers Act of 1968 requires that buildings and facilities constructed or altered, leased in whole or in part, or financed in

whole or in part by the United States after August 12, 1968, comply with accessibility standards issued under the authority of that law. Reasonable accommodation under the Rehabilitation Act may include physical modification of facilities or relocation of particular offices or jobs so that they are in facilities or parts of facilities that are accessible to and usable by handicapped persons. In Section 24.03 of the CBA the agency agrees to survey our physical facilities on an annual basis to determine where modifications are required to meet the needs of handicapped employees. EEOC will not discriminate due to the inaccessibility of a facility, and EEOC's Affirmative Action Plan (AAP) contains provisions requiring the elimination of architectural barriers (29 CFR 1613.707).

Note: When barriers affecting individual handicapped employees/applicants are identified, managers should bring such problems to the attention of the Handicapped Program Manager or the District Handicapped Program Representative and Finance and Resource Management Services.

- c. Adjusting Work Schedules. Some handicapped individuals possess great productive potential that goes unused because they cannot meet the requirements of a standard 40-hour work week. By taking advantage of the flexibility of alternative work schedules, accommodations can be made for various disabilities, as follows:

- 1) workers requiring medical treatment may need a flexible schedule;
- 2) persons who need rest periods can have their schedules adjusted to make up the time at the beginning or end of the work day; and
- 3) employees who, because of particular handicapped conditions, such as diabetes and epilepsy, need to work a regular schedule can be allowed to do so even though others holding comparable jobs are required to work different shifts.

While the use of existing flexitour policies will meet many of the requirements in this section, management should also consider granting a change to part-time hours if the handicapped employee wishes such hours (see EEOC Order 535, Part-Time Career Employment Program; Appendix B to EEOC Order 560, Flexitime Program; EEOC Leave Policies and Procedures Directive).

- d. Restructuring Jobs. Job restructuring, one of the principal methods by which some qualified handicapped workers can be accommodated, permits a handicapped worker to

retain his/her own job. In order to determine whether job restructuring is appropriate, identify which factor, if any, makes a job incompatible with a worker's disability. If a barrier is identified in a nonessential job function, it should be eliminated so that the capabilities of the person may be used to the best advantage. Handicapped employees must be able to perform the essential functions of the position, not every function of the position. Job restructuring does not alter the essential functions of the job; the changes that are made should enable the handicapped person to perform these functions. In job restructuring, the handicapped individual to be accommodated should be consulted first. Supplementary information can be obtained through consultation with vocational rehabilitation specialists. Job restructuring should maximize the abilities of the handicapped employee. It should not stereotype or underemploy handicapped persons by limiting their job opportunities only to less skilled work.

Job restructuring often involves trading off non-essential job functions between a handicapped employee and non-handicapped co-workers. For example, if the essential function of a job is typing but a minimum amount of telephone answering is required, and if a deaf or hearing-impaired person qualifies for the typing position, reassign the telephone duty to another clerical person and give the deaf or hearing-impaired person additional typing. Where a manager or supervisor wishes to consider job restructuring, contact should be made with the Handicapped Program Manager or the District Handicapped Program Representative for guidance and assistance. They will coordinate with the local Personnel Management Specialist and Classification and Position Management Division. Any change, revision or amendment to a position description requires review and approval by a Position Classification Specialist before an employee may be placed in the position.

Note: Reasonable accommodation does not require the creation of a new position for a handicapped employee. If the employee can no longer perform the essential job functions then reassignment of the employee to another existing position (or placement in a lower position) should be considered.

- e. Reassignment. Reassignment should be considered when accommodations in the job and job restructuring are not effective in enabling the employee to perform all essential job functions. Such a reassignment should be to a vacant position at the same grade and salary level, and one for which the employee is qualified with or without reasonable accommodation. There is no requirement that the agency construct a new position for a handicapped

employee. The agency's reassignment responsibilities involve only existing positions. These reassignments will be made with the involvement of the appropriate office directors. The cost of a permanent change of station (PCS) move will be usually borne by the employee (e.g., hardship transfer, etc.).

Under the disability retirement procedures promulgated by OPM, reassignment must be considered whenever an employee seeks disability retirement. The agency must demonstrate that efforts were made to reassign the employee to a vacant position in the agency at the same grade or pay within the commuting area.

While the disability retirement scheme limits reassignment only to the commuting area, the Rehabilitation Act has no such specific limitations. Since in this agency vacancies in other offices outside of the commuting area can be ascertained, it is appropriate to consider vacancies which may exist in other offices, particularly for persons in higher-graded positions.

All reassignments, both inter- or intra- office, must be approved by headquarters. Reassignment possibilities under the Rehabilitation Act should be coordinated by the Handicapped Program Manager in headquarters. Reassignment possibilities under disability retirement procedures should be coordinated by Personnel Management Services, Employee Relations Division in headquarters.

- f. Placement In A Lower Graded Position. When an incumbent employee who prefers to continue working cannot perform in the present job as a result of a handicap, and reassignment to another job at the same grade is not possible, he/she may be considered for placement in a vacant lower graded position for which he/she is qualified. Before any action is proposed to downgrade an employee, the field Personnel Management Specialist or the Employee Relations Division, as appropriate, must be consulted. Even when an employee is applying for disability retirement, the agency may wish to offer this option to a valued employee. (An employee should not be placed in a lower-graded position before the disability retirement papers are submitted to OPM by the employee and agency. The agency must certify to OPM that the employee is unable to perform in the present job; which would no longer be true if the employee is successfully placed in a lower-graded position).

A short term reassignment or a detail may be considered for a handicapped employee while information is being collected and evaluated to determine whether or not there is an accommodation which will permit the employee to remain in the job.

The agency is not required to maintain handicapped employees in their positions if they cannot perform, once it has been determined that no reasonable accommodation is possible. When a handicapped employee who cannot perform his/her job because of the handicap, is not eligible for (or does not wish to apply for) disability retirement, if (a) there are no positions available for reassignment or placement, or (b) the employee refuses an offer of reassignment or placement, then as a last resort, the employee should be removed from his/her position for failure to perform.

9. Providing Equipment. Through new technologies, numerous assistive devices are available to aid handicapped individuals. As a general rule, EEOC will purchase equipment if it is determined that (a) the use of the equipment is necessary for transaction of the official business of the agency, (b) its purchase does not create an undue hardship to the agency and (c) the equipment is not a personal item that the employee could reasonably be expected to provide. Such equipment becomes the property of EEOC. Equipment will not be purchased simply for an individual's convenience.

Before purchasing any equipment, the handicapped employee will be consulted as to what is needed and/or wanted. In many cases, the person may have adapted to his/her handicapping condition in such a way that no specialized equipment is necessary.

Specific examples of specialized equipment that may be provided if warranted by particular job duties are:

- 1) For visually impaired persons: lamps; magnifiers; illuminated magnifiers; closed circuit television magnifiers; and large print systems for computers and word processors.
- 2) For legally blind and totally blind persons: Braille writers; Braille paper; tape recorders; dictating equipment; electronic correcting typewriters; talking calculators; devices that enlarge print on a screen; light-sensitive probes; paperless Braille devices; and "talking" computerized devices.
- 3) For deaf or hearing-impaired persons: telephone amplifying devices; portable or stationary telecommunication devices (TDDs); and lights that flash as an alarm system.

- 4) For orthopedically handicapped persons: special office chairs; special desks; speaker phones for those who cannot use a handset; dictating equipment for those who cannot type or write longhand; power wheelchairs, where office carpet makes it impossible to use a hand-push chair, or where EEOC creates a mobility problem because of the duty station to which an employee is assigned, and where prior headquarters approval has been obtained; and electric staplers, electric pencil sharpeners, electric date stamps, etc., for individuals with limited strength.

The Handicapped Program Manager is aware of the latest technology and of alternatives to expensive accommodations and will be contacted whenever equipment acquisition is under consideration. Purchases which cannot be covered by the district office budget shall be discussed with the HPM. When the HPM concurs in the request a Form 123 shall be completed and submitted to Financial and Resource Management Services. It is expected that minor costs will be borne by the individual office and high cost items will be handled on a case-by-case basis in Headquarters. For guidance on requesting such equipment, please see Appendix B.

- h. Flexible Leave Policies. EEOC may adopt flexible leave policies that will accommodate handicapped employees. These involve interpretations of excused absences, administrative leave, sick leave, and leave without pay. See also EEOC Orders 560, EEOC Flexitime Program and 561, EEOC Leave Policies and Procedures Directive.

- 1) Excused Absence With Pay.

- a) Training on Duty Time. A normal duty time absence may be granted when a handicapped employee must attend training on a job-related assistive device, such as a closed circuit magnification system which enlarges the size of printed materials or a paperless braille machine which converts printed images to tactile cues for blind and severely visually impaired persons.
- b) Inclement Weather. In inclement weather it is impossible for certain handicapped employees to report to work on time, or to report to work at all, even though EEOC offices are officially open. Managers and supervisors are authorized to grant annual leave up to 16 consecutive hours per storm when weather conditions make it extremely difficult or hazardous, not just inconvenient, for certain handicapped employees

to get to work. For example, a mobility-impaired employee may be unable to maneuver on ice; blind persons are often affected by snow and ice due to the muffling of sound and the inability to use a cane properly; persons with heart conditions and respiratory problems also have difficulty if they must walk long distances to get to public transportation. When a mobility impaired employee is assigned to a given supervisor (and before inclement weather begins), the supervisor should immediately interview the employee to obtain an explanation of how the employee usually gets to and from work and how adverse weather conditions affect the employee's commuting.

- c) Temporary Adverse Worksite Conditions. Excused absences (annual or administrative leave) may be granted when temporary building conditions, such as extremes of heat or cold, fumes from spraying, etc., adversely affect persons with neurological disorders or respiratory ailments and temporary relocation is not an option.
- 2) Extended Leave Without Pay. Extended leave without pay may be granted with the appropriate medical documentation for treatment of a handicapping condition and for retraining of an employee who becomes handicapped.
- 3) Annual or Administrative Leave. Managers and supervisors may grant annual leave or give administrative leave for meetings or conventions where it can reasonably be expected that attendance would increase the handicapped or non handicapped employee's knowledge, skills or potential.
- 4) Sick Leave. A handicapped individual who uses prosthetic devices, a wheelchair, crutches, a guide dog, or other similar systems should be allowed to use reasonable amounts of sick leave for equipment repair, guide dog and/or cane training or medical treatment. The Office of Personnel Management considers an assistive device, or a guide dog, to be an extension of the body.
1. Parking. Where employee parking is available, mobility handicapped employees will be assigned spaces convenient to an accessible entrance of the assigned worksite. GSA

regulations (Federal Property Management Regulations-- Temporary Regulations D-65) require that, after official vehicle needs are met, handicapped employees will be given a preference over all other employees. Non-handicapped drivers who provide transportation for handicapped EEOC employees will be given the same priority parking as handicapped drivers. The assignment of parking spaces in and around properties under the custody and control of the General Services Administration is triggered by a medical certification of a handicapped individual's need for parking privileges.

1. Meetings, Conferences, Seminars and Training Programs. All EEOC meetings, conferences, seminars and training programs held either in public or private facilities must be accessible to handicapped employees. Accessibility means access both to facilities and to programs and services so that individuals with sensory and mobility disabilities can participate in meetings, conferences, seminars and training programs. In addition to accessible facilities, the program will be made accessible to deaf or hearing impaired persons through an interpreter and to blind persons through a reader or Brailled or taped materials. See FPM Chapter 410.

5. Providing Readers, Interpreters and Personal Assistants.

- a. Readers for Blind and Severely Visually Impaired Persons. When a reader is assigned to provide reading assistance to a specific blind or severely visually impaired employee, the employee should be involved in the selection process, since the reader and employee must be compatible. Providing reading assistance to an employee in no way relieves EEOC of its responsibility to provide clerical, secretarial, and/or stenographic assistance to that employee in those instances where the employee's position entitles him/her to, or requires, such assistance. In most instances, the person providing clerical, secretarial, and/or stenographic assistance to the employee will also provide reading assistance (his or her position description will be adjusted as necessary). Also, the agency may contact organizations for the blind which provide volunteer readers.
- b. Interpreters for Deaf or Hearing-Impaired Persons. Employees who have gained sufficient skill in sign language may provide day-to-day communication services for their deaf or hearing-impaired co-workers. If a particular job performed by a deaf or hearing-impaired person requires a degree of interpreting skill not available through the use of co-workers, a qualified interpreter should be sought. In some offices, an interpreter may be on staff; in others, interpreter services should be sought through contract.

- c. Personal Assistants for Other Handicapped Persons. The need for assistant services varies among severely physically handicapped persons depending on the individual's circumstances. If an employee is so severely handicapped that he/she needs assistance during meals, arranging work materials, or transferring from a wheelchair to a taxi or other modes of transportation, this assistance may be provided by a personal assistant.
- d. Handicapped Employees Traveling on Official Business. If a blind, deaf or hearing-impaired, or other handicapped employee travels on official business, and if assistance is needed, such assistance shall be provided unless to do so presents an undue hardship to the agency. If a co-worker is not assigned, payment to such an assistant may be made either directly to that individual or by advancement/reimbursement to the handicapped employee (5 USC 3102 and see FPM 306, Subchapter 5-7).
- e. Additional Resources. When the immediate office personnel and staff support are insufficient, the office may be able to draw on agency-wide resources.
- 1) Staff Assistant Pool. EEOC has established a central pool of staff assistant slots to provide readers, interpreters and personal assistants throughout the agency. Creation of this pool removes disincentives caused by ceiling constraints to hiring and promoting handicapped individuals who may need such assistants. The staff assistance pool is in no way meant to relieve managers of their ongoing statutory obligation to provide reasonable accommodation. For procedures, see Appendix C.
 - 2) Intermittent Services.
 - a) Headquarters Only.

Offices which require reader, interpreter or personal assistant services only on an intermittent basis may obtain services by the following:

- (1) Make requests for services through the EEO Planning and Evaluation Branch of EEO Staff.

Requests for formal meetings or conferences should be made one week in advance.

Requests for routine office-related activities should be made one or two days in advance, to be scheduled at the convenience of those involved.

- (2) When requesting a reader, interpreter or personal assistant please provide the following:

Date and time of the activity
Place of the activity (directions if out of the agency)
Name of the individual(s) requiring the service
Purpose of the activity
Contact person's name and phone number, in case additional information is needed
Other pertinent information

- (3) If the activity is cancelled or rescheduled, please give a two (2) day notice to the EEO Staff office.
- (4) On the day of the activity, be prepared to provide the participant(s) with copies of charts, overheads and any materials to be presented on the board. These copies can be made in large print using the copy machine in Room 386.

b) Headquarters and Field Offices.

Offices which require reader, interpreter, or personal assistant services only on an intermittent basis should explore the following:

- (1) Obtain volunteers;
- (2) Coordinate to share resources with other agencies;
- (3) Contract with local referral agencies to hire readers, interpreters, or personal assistants by means of a blanket purchase order.

Once services are found, every effort should be made to provide them with the information listed in (a) for Headquarters.

Contact the following organizations for current information and possible resources in your local area:

For Readers:

Recordings for the Blind, Inc.
20 Roszel Road
Princeton, NJ 08540
(609) 452-0606

National Library Services for the Blind
and Physically Handicapped
Reference Section
Library of Congress
Washington, DC 20542
(202) 287-9275

For Interpreters:

Registry of Interpreters for the Deaf, Inc.
814 Thayer Avenue
Silver Spring, MD 20910
(301) 588-2406

National Association of the Deaf
814 Thayer Avenue
Silver Spring, MD 20910
(301) 587-1788

The above steps are only for intermittent need. If services are needed on a daily basis or several times a week, supervisor may consider requesting a part-time or ceiling position slot.

To identify local agencies, such as vocational rehabilitation or private non-profit organizations, consult your local telephone directories.

The Handicapped Program Manager can also be contacted for additional information.

6. Medical Documentation.

- a. Medical documentation may be necessary so that EEOC can:
 - 1) determine if the employee is handicapped under the meaning of the Act;
 - 2) determine whether an accommodation is needed, and if so,
 - 3) assess what kind of accommodation is necessary.
- b. Documentation may be unnecessary when both the handicap and the accommodation are obvious.
- c. Usually the supervisor will advise the employee requesting an accommodation of a need for medical documentation, but this should not be done without clearing the advice with the HPM.
- d. If a supervisor and DHPR believe that the medical documentation presented in support of a request for reasonable accommodation is not adequate, either may advise

the employee and request submission of appropriate documentation. The HPM should be consulted in all such cases. Where appropriate, the employee may be provided a memorandum from the supervisor to take to the physician explaining the information required and why it is necessary.

- e. The OPM standards for Medical Documentation which appear at 5 CFR Part 339.102 (attached as Appendix E) may be used to define the documentation needed to support a reasonable accommodation request. The DHPR/HPM should be consulted before placing the medical documentation requirement upon the employee, in the event supplemental documentation, not appearing in the OPM regulations, is required.

Architectural Barriers

architectural barriers

Section I

PARKING, STAIRS, CURBS, GRASS

Architectural Barriers

Solutions

1. Narrow parking spaces
2. Parking spaces not reserved for disabled
3. Parking spaces not level
4. Parking spaces blocked by parked cars and other obstacles
5. Gravel parking lot
6. Parking spaces located at great distance from facility
7. Parking meters out of reach
8. Drain grates
9. No access from parking to facility
10. Curbs or steps
11. Stairs
12. Stairs without handrails or with handrails difficult to grasp
13. Stairs with projected nosing
14. Ramps too steep
15. Ramps too narrow
16. Ramps without handrails
17. Ramps without level landings
18. Slick paving or concrete surfaces
19. Non-paved, natural barriers
 - a. Sand
 - b. Grass
 - c. Gravel
 - d. Mud
 - e. Bark dust, Saw dust

1. 1/50 + every fraction thereof of parking spaces must be reserved for disabled.
2. Reserved spaces must be:
 - a. level
 - b. clearly marked
 - c. 12 feet wide, open on one side
 - d. located close to the facility
 - e. have clear, unobstructed access to facility
3. Curb cuts/ramps must have:
 - a. 1 in 12 gradient, 1 in 10 maximum
 - b. a 48" width
 - c. a location where they cannot be obstructed by automobiles
4. Ramps must have:
 - a. Maximum gradient of one in eight (1/8)
 - b. 44 inches in width (36" min.)
 - c. landings provided per gradient (Table 31-A)
 - d. Handrails 30-34 inches in height (min. 2) which are continuous the full length of the stairs and shall extend 1 foot, 6" min., and shall return to the wall.
 - e. Handrails shall not have a space less than 1½" between the wall and handrail.
5. Stairs must have:
 - a. No overhanging lip—unless other access is provided, i.e., elevator.
 - b. Handrails: 30-34" from riser, continuous with stairs and return to wall after extending 1', min. 6"; shall not have less than 1½" between wall and handrail

Section II
DOORS, WATER FOUNTAINS, PHONES, LIGHT SWITCHES, FIRE ALARMS
VENDING MACHINES, VISUAL AND AUDIO WARNING DEVICES, ETC.

Architectural Barriers

Solutions

20. Doors without adequate landing to open door
21. Revolving doors
22. Heavy doors
23. Narrow doors
24. Door knobs which require turning
25. Door knobs without knurling to indicate dangerous areas to blind persons
26. Doors without kick plates
27. Door thresholds higher than $\frac{1}{2}$ inch
28. Turnstyles
29. Elevators with entrances too narrow
30. Elevators with cab floor out of alignment with building floor
31. Elevators with controls out of reach
32. Elevators with controls which do not have raised letters or braille
33. Rapidly closing elevator doors
34. Elevators without audio signals
35. Elevator stops without raised letters to indicate floor level.
36. No reacher stick provided to reach controls out of reach.
37. Water fountain spout and controls out of reach.
38. Water fountains in alcove too narrow
39. Coin operated telephones in enclosed booths with narrow doors.
40. Telephone coin slot, dial and handset out of reach
41. Telephones without amplifiers.
42. Vending machine coin slots out of reach
43. Light switches located too high
44. Low electrical outlets
45. Fire alarms and extinguishers out of reach
46. Fire alarms without visual warning devices
47. Windows too high
48. Heat controls located too high
49. Hair dryers out of reach

1. Doors must have:
 - a. a 5' landing which shall extend 1 foot beyond door jamb.
 - b. 36" clearance width to enter
 - c. 8 lbs. pressure to pull open
2. Automatic doors are preferred
3. Doors with handles which are opened easily and without grasping and turning are preferred (no slippery knobs or thumb operated catch)
4. Doors must be identified by visual and tactile labels with raised letters or numerals.
5. Elevators:
 - a. Minimum entrance clearance 32"
 - b. Control panels at height 24-48" (pref. 40")
 - c. Identify floor buttons and floors with raised letters.
6. Water fountains, spout within 33" of floor, up front, hand operated controls, 32" wide alcove access.
7. Telephone specs: handset dial, coin receiver within 54" of floor, unobstructed access within 12" of the telephone minimum 30" wide.
8. Switches & controls for light, heat, ventilation, windows, draperies, fire alarms & similar control must be located at height between 24-48" from floor, preferably 40".

Section III
BATHROOMS

Architectural Barriers

Solutions

50. Bathrooms inaccessible due to:
- a. No raised letters on or beside door
 - b. Narrow door
 - c. Heavy door
 - d. Two doors placed too close
 - e. Privacy wall
 - f. Awkward turns
 - g. No space to enter stall (no turning radius)
 - h. Narrow stall door
 - i. Narrow stall
 - j. No grab bars, short grab bars, grab bars placed in awkward position, grab bars less than $1\frac{1}{2}$ inch in diameter
 - k. Low toilet
 - l. Foot flushing device
 - m. Urinal out of reach
 - n. Slippery floor
 - o. Enclosed sink
 - p. Inadequate room to reach sink
 - q. No insulation on hot pipes
 - r. Self-closing faucets
 - s. Faucet controls with small knobs
 - t. Foot lever device to turn on water
 - u. Dispensers out of reach
 - v. Mirrors mounted too high
 - w. Towel dispenser mounted too high
 - x. Trash receptacle out of reach
51. Showers with curbs
52. Showers with narrow entrances
53. Shower rooms with slippery floor surfaces
54. Controls mounted too high in shower stalls

- I. Accessible bathrooms include the following:
- 1) A 32-36" clearance entrance door which has a maximum 8 lbs pressure.
 - 2) Minimum of 44" between entrance door and privacy wall or second door (if doors open in same direction). 88" between 2 doors if they open into the same space
 - 3) A 60" turning radius
 - 4) Clear space 42" x 48" in front of toilet
 - 5) Porous floor
 - 6) An accessible stall shall have:
 - a) A 32" clearance entrance
 - b) An outswinging, self-closing door
 - c) 2 grab bars mounted parallel to the floor
 - 1) $1\frac{1}{2}$ - $1\frac{1}{2}$ " in diameter
 - 2) $1\frac{1}{2}$ " clearance to wall
 - 3) 42" long, 24" in front of toilet (side)
 - 4) 30" long if mounted behind toilet
 - 5) 33" from floor
 - d) Toilet 18-19" from floor
 - e) Foot controls for flushing devices are prohibited
 - 7) Sink must be
 - a) 26" wide
 - b) 27" clearance height from floor
 - c) 12" deep - to pipes
 - d) Hot pipes must be protected by insulation
 - e) Foot operated water controls are prohibited. Also self closing water controls.
 - 8) One urinal must be floor mounted or 16" from the floor
 - 9) Mirrors, soap dispensers, towel racks & other dispensers must be placed at 40" from floor.
 - 10) The wastebasket should be placed in a location not to block use of any facility and nearest the lowest towel dispenser

Section III

BATHROOMS

Solutions cont'd.

II. Accessible showers will have

- 1) A stall 42" deep x 30" wide
- 2) No curb at entry
- 3) Rounded sill not more than $\frac{1}{2}$ " in height
- 4) A seat 15" deep, 20" wide
- 5) Slip resistant floor
- 6) Water operating controls not higher than 54" from floor
- 7) Grab bars (1 on side, 1 on back)
 - a) back: 18" long, installed horizontally 10" above seat
 - b) side: 24" long, installed vertically 18" from edge of shower seat extending upward from 36" above floor
 - c) grab bars shall be $1\frac{1}{2}$ " in diameter

Section IV

AISLES, DESKS, TABLES, CHAIRS,
ASSEMBLY AREAS

Architectural Barriers

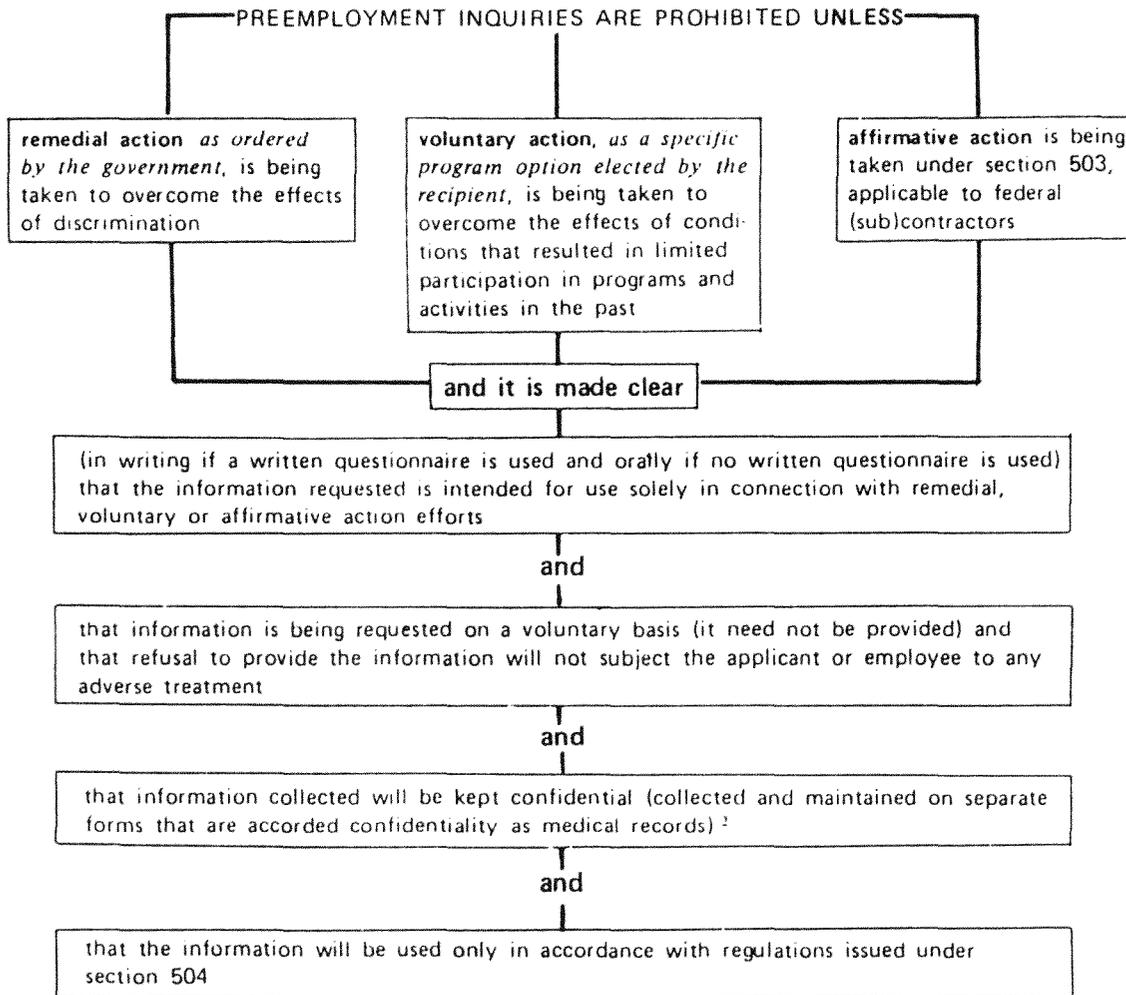
Solutions

55. Narrow aisles and hallways
56. Tight turns in aisles and hallways
57. Crowded aisles
58. Shag carpeting
59. Slippery floor surfaces
60. Hallways/Floors between different parts of building not level, connected by steps or steep ramps
61. Narrow check stands
62. Banking/registration windows too high
63. Room numbers flush, without raised lettering
64. Desk and table clearances too low
65. Auditoriums, theatres, office space, etc., without seating for people who use wheelchairs
66. Swimming pools without ramps or lifts
67. Appliance knobs located in back of appliance
68. Crowded rooms
69. Storage areas too high
70. Bed/mattress too low for transfer
71. Lavatories too high with handles out of reach
72. Aisles/Hallways with obstacles protruding over 4"

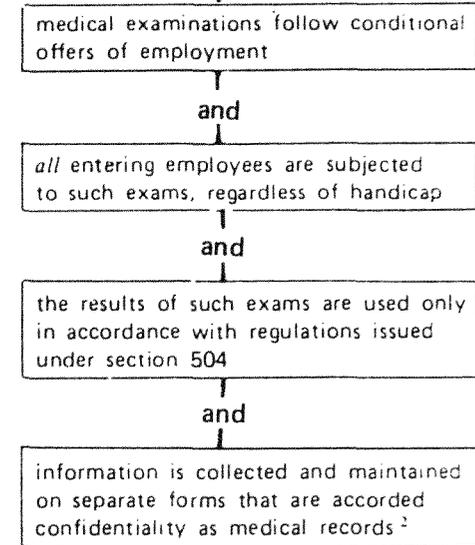
- 1) Aisles & hallways must be a minimum of 60" wide to allow 2 people in wheelchairs to pass
- 2) Hallways & floors between different parts of the building must be level or connected by ramps
- 3) Visual and tactile labels with raised letters or numerals shall be used to identify rooms on public corridors
- 4) School room desks and language class desks shall have 30" clearance to the floor
- 5) Tables must have a 26" clearance to floor
- 6) Counters shall be 33-38" from the floor
- 7) Vending machine slots will be 33-48" from the floor
- 8) Coat racks shall be mounted within 48-55" from the floor
- 9) Wall lockers will be 48" high
- 10) Reception desks in libraries shall be 33"
- 11) Check stand aisles shall have a 32" clearance
- 12) Space shall be provided for use by people in standard wheelchairs at the rate of 1 space for each 100 seats or fraction thereof, but not less than 2 spaces. Wheelchair spaces shall be level and shall not project into required exits.

Section 504
Preemployment Medical Examinations
and
Inquiries Related to
Nature and Severity of Handicap

**SECTION 504¹ PREEMPLOYMENT MEDICAL EXAMINATIONS AND INQUIRIES
RELATED TO NATURE AND SEVERITY OF HANDICAP**



PREEMPLOYMENT MEDICAL EXAMINATIONS ARE ALLOWED PROVIDED THAT



Charts, Outlines and Forms

¹ Section 503 requirements in this area are generally consistent with section 504 rules (see 60-741.6(c)(3) in Appendix III:F:iv).

² The following exceptions to strict confidentiality are included: (1) **Supervisors and managers** may be informed regarding restrictions on the work or duties of handicapped persons and regarding necessary accommodations; (2) **First aid and safety personnel** may be informed, where appropriate, if the condition might require emergency treatment; and (3) **Government officials** investigating compliance with the act shall be provided relevant information upon request.

CIVIL RIGHTS OF PHYSICALLY AND MENTALLY HANDICAPPED

659.400 Definitions for ORS 659.400 to 659.435. As used in ORS 659.400 to 659.435, unless the context requires otherwise:

(1) "Employer" means any person who employs six or more persons and includes the state, counties, cities, districts, authorities, public corporations and entities and their instrumentalities, except the Oregon National Guard.

(2) "Handicapped person" means a person who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such an impairment or is regarded as having such an impairment.

(3) As used in subsection (2) of this section:

(a) "Major life activity" includes, but is not limited to self-care, ambulation, communication, transportation, education, socialization, employment and ability to acquire, rent or maintain property.

(b) "Has a record of such an impairment" means has a history of, or has been misclassified as having such an impairment.

(c) "Is regarded as having an impairment" means that the individual:

(A) Has a physical or mental impairment that does not substantially limit major life activities but is treated by an employer or supervisor as having such a limitation;

(B) Has a physical or mental impairment that substantially limits major life activities only as a result of the attitude of others toward such impairment; or

(C) Has no physical or mental impairment but is treated by an employer or supervisor as having an impairment. [1973 c.660 §2; 1979 c.640 §1]

659.405 Policy. (1) It is declared to be the public policy of Oregon to guarantee handicapped persons the fullest possible participation in the social and economic life of the state, to engage in remunerative employment, to use and enjoy places of public accommodation, resort or amusement, and to secure housing accommodations of their choice, without discrimination.

(2) The right to otherwise lawful employment without discrimination because of handicap where the reasonable demands of the position do not require such a distinction, and the right to use and enjoy places of public accommodation, resort or amusement, and to purchase or rental of property without discrimination because of handicap, are hereby recognized and declared to be the rights of all the people of this state. It is hereby declared to be the policy of the State of Oregon to protect these rights and ORS 659.400 to 659.435 shall be construed to effectuate such policy. [1973 c.660 §3; 1979 c.640 §2]

659.410 Discrimination against workers applying for workers' compensation benefits prohibited. It is an unlawful employment practice for an employer to discriminate against a worker with respect to hire or tenure or any term or condition of employment because the worker has applied for benefits or invoked or utilized the procedures provided for in ORS 656.001 to 656.794 and 656.802 to 656.807; or of 659.400 to 659.435 or has given testimony under the provisions of such sections. [1973 c.660 §4]

659.415 Reinstatement of worker receiving compensable injuries; certificate of physician evidencing ability to work; effect of collective bargaining agreement.

(1) A worker who has sustained a compensable injury shall be reinstated by the worker's employer to the worker's former position of employment upon demand for such reinstatement, provided that the position is available and the worker is not disabled from performing the duties of such position. If the former position is not available, the worker shall be reinstated in any other position which is available and suitable. A certificate by a duly licensed physician that the physician approves the worker's return to the worker's regular employment shall be prima facie evidence that the worker is able to perform such duties.

(2) Such right of reemployment shall be subject to the provisions for seniority rights and other employment restrictions contained in a valid collective bargaining agreement between the employer and a representative of the employer's employees.

(3) Any violation of this section is an unlawful employment practice. [1973 c.660 §5; 1979 c.813 §3; 1981 c.874 §14]

659.417 Right of reinstatement protected. The rights of reinstatement afforded by ORS 659.415 and 659.420 shall not be forfeited if the worker refuses to return to the worker's regular or other offered employment without release to such employment by the worker's attending physician. [1987 c.884 §45]

659.420 Employment of injured worker in other available and suitable work; certificate of physician; effect of collective bargaining agreement. (1) A worker who has sustained a compensable injury and is disabled from performing the duties of the worker's former regular employment shall, upon demand, be reemployed by the worker's employer at employment which is available and suitable.

(2) A certificate of the worker's attending physician that the worker is able to perform described types of work shall be prima facie evidence of such ability.

(3) Such right of reemployment shall be subject to the provisions for seniority rights and other employment restrictions contained in a valid collective bargaining agreement between the employer and a representative of the employer's employees.

(4) Any violation of this section is an unlawful employment practice. [1973 c.660 §6; 1979 c.813 §4]

659.425 Discrimination against mentally or physically impaired persons in employment or public accommodation prohibited; mental disorder treatment not evidence of inability to work or manage property. (1) For the purpose of ORS 659.400 to 659.435, it is an unlawful employment practice for any employer to refuse to hire, employ or promote, to bar or discharge from employment or to discriminate in compensation or in terms, conditions or privileges of employment because:

(a) An individual has a physical or mental impairment which, with reasonable accommodation by the employer, does not prevent the performance of the work involved;

(b) An individual has a record of a physical or mental impairment; or

(c) An individual is regarded as having a physical or mental impairment.

(2) It is an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise discriminate against, any individual because that individual is a handicapped person, or to classify or refer for employment any individual because that individual is a handicapped person.

(3) It is an unlawful employment practice for a labor organization, because an individual is a handicapped person, to exclude or to expel from its membership such individual or to discriminate in any way against such individual.

(4) It is an unlawful practice for any place of public accommodation, resort or amusement as defined in ORS 30.675, or any person acting on behalf of such place, to make any distinction, discrimination or restriction because a customer or patron is a handicapped person.

(5) Receipt or alleged receipt of treatment for a mental disorder shall not constitute evidence of a person's inability to perform the duties of a particular job or position, or of a person's inability to acquire, rent or maintain property. [1973 c.660 §7; 1979 c.640 §3]

659.430 Discrimination against handicapped persons in real property transactions prohibited; advertising discriminatory preference prohibited; assisting discriminatory practices prohibited. (1) No person because the purchaser, lessee or renter is a handicapped person shall:

(a) Refuse to sell, lease or rent any real property to a purchaser, lessee or renter who is a handicapped person;

(b) Expel a purchaser, lessee or renter who is a handicapped person from any real property;

(c) Make any distinction, discrimination or restriction against a purchaser, lessee or renter who is a handicapped person in the price, terms, conditions or privileges relating to the sale, rental, lease or occupancy of real property or the furnishing of any facilities or services in connection therewith; or

(d) Attempt to discourage the sale, rental or lease of any real property to a handicapped person.

(2) No person shall publish, circulate, issue or display or cause to be published, circulated, issued or displayed any communication, notice, advertisement, or sign of any kind relating to the sale, rental or leasing of real property which indicates any preference, limitation, specification or discrimination against a handicapped person.

(3) No real estate broker or salesperson shall accept or retain a listing of real property for sale, lease, or rental with an understanding that the purchaser, lessee or renter may be discriminated against with respect to the sale, rental or lease thereof solely because a person is a handicapped person.

(4) No person shall assist, induce, incite or coerce another person to permit an act or engage in a practice that violates this section.

(5) Any violation of this section is an unlawful practice. [1973 c.660 §8; 1979 c.640 §4; 1983 c.225 §6]

659.435 Enforcement powers of commissioner. Any person claiming to be aggrieved by an unlawful employment practice may file a complaint under ORS 659.040, and any person claiming to be aggrieved by an unlawful practice may file a complaint under ORS 659.045. The Commissioner of the Bureau of Labor and Industries may then proceed and shall have the same enforcement powers, and if the complaint is found to be justified the complainant shall be entitled to the same remedies, under ORS 659.050 to 659.085 as in the case of any other complaint filed under ORS 659.040 or 659.045. [1973 c.660 §9]

Injured Worker



BUREAU OF LABOR AND INDUSTRIES

Mary Roberts, Commissioner

Prepared by the Technical Assistance Unit

ANSWERING YOUR QUESTIONS ON INJURED WORKER LAW

The State of Oregon has a set of laws (ORS 659.400 to 659.435) which establish certain rights for those who report or incur an on-the-job injury. These laws are enforced by the Bureau of Labor and Industries in the same manner as other types of alleged employment discrimination through formal complaint, investigation and settlement.

THERE ARE THREE PARTICULAR SECTIONS OF THE LAW THAT AN EMPLOYER NEED BE FAMILIAR WITH:

First, a section of the law forbids retaliation against employees who file an injured worker claim or otherwise use or testify in the workers compensation system. An employer could not, for example, treat such an employee differently than non-injured employees in hiring, treatment on-the-job or discipline because they filed a claim.

The second section relates to a worker disabled by an on-the-job injury. If the worker has a full medical release from his doctor and has made a demand for reinstatement on the employer, the employer must reinstate the worker to his former job, or if it is not available, to any other position which is available and suitable.

A third and final section concerns workers who have been released by their doctor, but continue to be disabled from performing the former job. Once this worker makes demand for reinstatement on the employer, the employer has to reinstate the worker to employment which is available and suitable.

MOST COMMONLY ASKED QUESTIONS CONCERNING INJURED WORKERS:

1. Q. What is the definition of "employer" for the purposes of Oregon's injured worker laws?
 - A. An employer is defined to be an employer who employed at least six (6) employees (whether full-time, part-time or seasonal) either at the time of injury or at the time the injured worker demands reemployment or reinstatement rights, or at the time the employee alleges discrimination under the anti-discrimination section.
2. Q. What must the injured worker do to be eligible for reinstatement?
 - A. To be eligible for reinstatement under either of the reinstatement sections, the injured worker must be physically able to perform the job in question. This is most commonly indicated by a physician's certificate approving the worker's return. Next, the injured worker must demand reinstatement from the employer by one of two methods:

PORTLAND
1400 SW 3th Avenue
Portland, Oregon 97201

MEDFORD
701 E. Main
Medford, Oregon 97504

SALEM
3865 Wolverine Ave. NE, E. 1
Salem, Oregon 97310

COOS BAY
455 Third Street, Room 7
Coos Bay, Oregon 97420

BEND
1230 NE Third, Suite A244
Bend, Oregon 97701

EUGENE
165 E. 7th Street, Suite 22
Eugene, Oregon 97401

PENDLETON
700 NE Emigrant, Suite 101
Pendleton, Oregon 97150

- 1) Under the employer's written report-in policy (such as a disability policy), provided the policy does not treat on-the-job injuries less favorably, or
 - 2) If the employer has no such policy, then the worker must make demand, to a supervisor, personnel officer or manager (who has authority to act on the demand) no later than five (5) days after the return date listed on the doctor's release. The one circumstance which extends the five-day period for demand is an intervening medical disability.
3. Q. What must an employer do when an injured worker makes a demand for reinstatement?
- A. The employer must reinstate the worker to his or her former job, provided the worker is physically able to perform the job per the physician. If the former job is either not available or the employee cannot physically perform the job, then the employer must reinstate the worker to another job which is available and suitable.
4. Q. What does the term "available" mean?
- A. "Available" means that a job meets one of two conditions:
- 1) The job is vacant at the time the worker makes demand or becomes vacant sometime after the demand, or
 - 2) The job is filled, but still available to the worker under the employer's policy or past practices. (An example would be if the worker had "bumping rights" under a seniority system in a union contract.)
5. Q. What does the term "suitable" mean?
- A. "Suitable" has two definitions. One definition for fully-released workers and one definition for those so physically incapacitated by their injury that the physician will not release them to perform the former job.

For workers fully released to perform the former job, "suitable" means a job that is substantially similar to the former job in the following particulars:

1. Compensation,
2. Duties,
3. Responsibilities,
4. Skills,
5. Location,
6. Duration, and
7. Shift.

For workers disabled from performing the former job, "suitable" means a job that the worker is physically capable of performing as determined by the physician and that is substantially similar to the former job in:

1. Compensation,
2. Location,
3. Duration, and
4. Shift.

6. Q. Do I have to pay the returning worker the same pay as before the injury, even in a different job?

A. No. Substantially similar compensation simply means that the employer pays the worker the normal compensation for the position the worker is reinstated to. This means the pay may be greater than, the same as, or lesser than the pay the worker made in his or her former job. However, if the employer deliberately pays less to prevent the worker's reinstatement, this would violate the law.

7. Q. Do I have to give the worker the same job location, shift and job duration as before the injury?

A. Substantially similar location means that the job given is in Oregon and within reasonable commuting distance from the worker.

The shift to be given is the same shift the worker was regularly assigned to at the time of injury. If this shift is not available, any other shift is sufficient.

Duration means the employer gives the worker a job of the same nature as the former job's length. A regular, full-time employee is entitled to a regular, full-time position.

8. Q. What if I don't have the former job available, or if there's no available and suitable job?

A. The employer's obligation to reinstate the worker continues until the employer offers the worker the next available job which is suitable. Since the employee will not be at work, the employer can offer this next available and suitable job to the employee according to a written, non-discriminatory policy. If the employer has no such notification policy, the employer must mail, by both regular and certified mail, a written offer to the worker's last-known address, describing the job and informing the worker to report on a specific date.

9. Q. I have heard the Oregon courts are requiring reinstatement even if the job has been filled by a replacement.

9. A. A 1984 Oregon Supreme Court case, Shaw v. Doyle Milling Co., held that the fact an injured worker had been replaced was not "just cause" for refusing to reinstate the injured worker. The Oregon statute upon which this case is based has since been changed by the Legislature. The enforcement position of the Bureau of Labor and Industries is that the employer need not "bump" the replacement employee. Because of this caselaw, an employer may wish to fill injured worker's positions on a "temporary" basis.
10. Q. What if the injured worker claims the job is not "suitable"?
- A. After the employer makes a job offer, the injured worker has the right to discuss and receive written clarification of the specific duties of the position prior to commencing work. The fact that the worker accepts the job does not mean the job is suitable. If the worker believes the job unsuitable, the worker must give the employer written notification within ten (10) "calendar" days of the job offer or his acceptance, that the worker considers the job unsuitable. The written notice must specify the reason the worker considers the job unsuitable. If a civil rights complaint is filed by the worker, the Civil Rights Division of the Bureau of Labor and Industries will determine what is suitable.
11. Q. What must the worker do to report to the employer during the interim between an injured worker's demand and the time a job is offered?
- A. If a suitable job is not available, the injured worker must follow the employer's written, non-discriminatory report-in policy provided that policy has been made known by the employer to the workforce and is in practice. If there is no such policy, the injured worker must inform the employer of any change in their address or telephone number within ten (10) days of the change.
12. Q. What if the employee accepts a job with another employer while waiting to be reinstated; does this mean they abandon their right to reinstatement?
- A. No. The injured worker rules require the injured worker to make reasonable effort to obtain such interim employment.
13. Q. Can I discipline an employee for absenteeism related to an occupational injury?
- A. No. Employers cannot count the time a worker is off the job because of an occupational injury in calculating the employee's absenteeism rate as long as the lost time is covered by what the Workers Compensation Department calls "time loss compensation" or some other doctor certified absence in connection with the occupational injury. (An example of this would be when the employee is examined by an insurer or employer's physician after release from time loss status).

14. Q. What if I have legitimate, non-discriminatory reasons to discharge the employee, unrelated to the on-the-job injury at the time of injury?
- A. As with all fair, effective disciplinary procedures, discipline should be made at the time of the employee's misconduct; delay merely makes it difficult to determine an employer's motive - was it the injury or the rule violation? The Oregon Supreme Court has stated that the legislature did not intend, in passing the injured worker laws, "...to change the existing law regarding an employer's right to discharge an employee for cause." An employer could discharge an injured worker, if non-injured workers were discharged for the same reason, such as theft.
15. Q. What if the injured worker who demands reinstatement was only a temporary worker?
- A. Workers in seasonal, limited duration or temporary positions have the same reinstatement rights as other injured workers, except as affected by the nature of the original employment. For example, if a season ends prior to the worker's demand for reinstatement, the reinstatement may be deferred until the next season. Workers employed for a definite period of time, or until a task is accomplished, must be reinstated until the original time period expires or the task is accomplished.
16. Q. Under what circumstances does an injured worker lose their right to reinstatement?
- A. An injured worker loses his or her right to reinstatement for any of the following reasons:
- 1) the employer discharges the worker for reasons unrelated to the injury (for which non-injured workers are discharged);
 - 2) the worker refuses an "available and suitable" job offer;
 - 3) the worker clearly abandons future employment with the employer (e.g. a letter stating "I will not be returning to work for you, ever.");
 - 4) the worker fails to make a timely demand within five (5) working days from the date listed on the doctor's note;
 - 5) the worker fails to follow the employer's report-in policy or the policy specified in the injured worker rules (refer to Question 2); or,
 - 6) the worker fails to report for work as specified in the employer's suitable job offer.

NOTE: THESE MATERIALS WERE PREPARED AS A GENERAL SUMMARY AND TEACHING GUIDE. THE TECHNICAL ASSISTANCE UNIT ANSWERS QUESTIONS TO INFORM THE PUBLIC REGARDING THE POLICIES AND PROCEDURES OF THE BUREAU OF LABOR AND INDUSTRIES AND TO GENERALLY INFORM THE PUBLIC REGARDING THE LAW OF EMPLOYER-EMPLOYEE RELATIONS. THE TECHNICAL ASSISTANCE UNIT MAY NOT AND DOES NOT GIVE LEGAL ADVICE. IN ORDER TO DETERMINE THE LEGALITY OF ANY MATTER OR TO PROTECT YOUR LEGAL RIGHTS, YOU SHOULD OBTAIN THE ASSISTANCE OF A LAWYER. CONSULT THE YELLOW PAGES OF YOUR TELEPHONE DIRECTORY OR CONTACT THE OREGON STATE BAR LAWYER REFERRAL SERVICE AT 224-6580 OR 1-800-452-7636.

If you would like more explanation on these and other labor laws, you may wish to attend our seminars on "Employer Rights and Responsibilities"; "Supervisory Practices and the Law"; "Policy Writing"; and Advanced EEO Law. Call 229-5841 (Portland) for more information.

If you wish to purchase "A Handbook of Oregon Civil Rights Laws", which contain the full text of the injured worker rules, this publication may be obtained by mailing a check or money order in the amount of \$5.00 to:

Bureau of Labor and Industries
Business Office
1400 S.W. 5th, Room 308
Portland, OR 97201

TA586

**Injured Workers: Prohibited
Discrimination (ORS 659.410) and
Reinstatement/Reemployment Rights
(ORS 659.415 and 659.420)**

Purpose and Scope

839-06-100 The Bureau of Labor and Industries is responsible for enforcing the provisions of ORS 659.410 — 659.420. The Bureau does this through its Civil Rights Division. The purpose of this part of these rules is to make available in one place the interpretations of ORS 659.410 — 659.420 which the Division uses in enforcing these sections. These rules apply to all complaints and inquiries relating to ORS 659.410 — 659.420 received on or after the effective date of these rules.

Stat. Auth.: ORS Ch. 659
Hist.: BL 1-1983, f. & ef. 1-26-83

Definitions

839-06-105 As used in these rules unless the context requires otherwise:

(1) "Demand" means the injured worker informs the employer that the worker seeks reinstatement/reemployment.

(2) "Invoke" for the purposes of ORS 659.410 includes a worker's reporting of an on-the-job injury to his/her employer.

(3)(a) "Physician" means a person duly licensed to practice one or more of the healing arts (Chiropractor, Dentist, Medical Doctor, Naturopath, Osteopath, or Podiatrist) in Oregon within the limits of the authorized license. (ORS 656.005(13)).

(b) "Attending Physician" means a physician who is primarily responsible for the treatment of a worker's compensable injury. (ORS 656.005(13)).

(4)(a) "Worker" means any person, including a minor whether lawfully or unlawfully employed, who engages to furnish services for a remuneration, subject to the direction and control of an employer

and includes salaried, elected and appointed officials of the state, state agencies, counties, cities, school districts and other public corporations but does not include any person whose services are performed as an inmate or ward of a state institution. (ORS 656.005(23)).

(b) For purposes of ORS 659.410, a worker also includes an applicant for a job with an employer who is subject to the Oregon Workers' Compensation Law.

(c) "Injured Worker" means a worker who has had a compensable injury as determined by the Employer's acceptance of the claim under the Oregon Workers' Compensation Law, by stipulation of the parties, by a finding of the Oregon Workers' Compensation Board or by a judicial opinion regarding a finding of the Board.

(5) "Supervisor" means a person who exercises direct supervisory authority over the position and who has the authority to hire and discharge, or to effectively recommend hiring and discharge.

(6) As used in these rules the terms "disabled", "physically able" and "physical ability" include mental disability, mentally capable and mental ability, where the compensable condition is mental in nature. Example: job related stress that is found compensable.

Stat. Auth.: ORS Ch. 659
Hist.: BL 1-1983, f. & ef. 1-26-83

Protections and Rights Under ORS 659.410 — 659.420

839-06-110 (1) ORS 659.410 provides:

(a) Protection from employment discrimination for workers who apply for benefits under, give testimony in connection with, invoke, or use the Oregon Workers' Compensation procedures; and

(b) Protection from employment discrimination for workers who give testimony relating to or use the civil rights procedures under ORS 659.400 — 659.435.

(2) ORS 659.415 and 659.420 provides reinstatement/reemployment rights to injured workers.

Stat. Auth.: ORS Ch. 659
Hist.: BL 1-1983, f. & ef. 1-26-83

Employers Covered by ORS 659.410 — 659.435

839-06-115 Limits the employers covered by ORS 659.410 — 659.435 to those "who employ six or more persons". "Employ six or more persons" means that an employer has employed at least six employes in Oregon on a full-time, part-time or seasonal basis either at the time of the compensable injury, or at the time of the injured worker's demand under ORS 659.415 or 659.420, or at the time of the discriminatory act alleged under ORS 659.410.

Stat. Auth.: ORS Ch. 659
Hist.: BL 1-1983, f. & ef. 1-26-83

Persons Protected by ORS 659.410 — 659.420

839-06-120 The Division uses the Workers' Compensation definitions as a basis for describing the persons protected by ORS

to report to work on a specific date, providing that the injured worker receives the offer prior to this specified date;

(b) The injured worker shall have the right to discuss and receive clarification in writing of the specific duties of the position with the employer prior to actually commencing work.

(6) If, at the time of the injured worker's demand to return to work, the employer has no suitable jobs available, the injured worker should make reasonable effort to obtain employment for which the worker is qualified and which the worker is able to perform.

(7) When the employer has made it known to the worker prior to the injured worker's demand that reinstatement/reemployment will not be considered even if a suitable position is available and that an actual demand would therefore be futile, the Division may consider the worker to have made timely demand for the purpose of these rules.

Stat. Auth.: ORS Ch. 659

Hist.: BL 1-1983, f. & ef. 1-26-83 amended 4-7-86

Injured Worker and Employer Responsibilities Under ORS 659.420

839-06-135 (1) ORS 659.420 deals with the reemployment rights of injured workers who are able to return to work, but who are disabled from performing the duties of their former jobs. To exercise rights under ORS 659.420, the injured worker must:

(a) Be physically able to perform suitable work:

(A) Prima facie evidence of the injured worker's physical ability to perform suitable work is the attending physician's certificate that the injured worker can perform described types of work. ORS 659.420 does not require the injured worker to present this written description at the time he/she demands reemployment. If the injured worker only tells the employer the kinds of work he/she can perform, the employer may require the certificate before reemploying the injured worker.

(B) Although the attending physician's certificate is prima facie evidence, the employer may question it. The employer may require, within a reasonable period of time, further evidence of the injured worker's physical ability to perform the job if:

(i) The employer has a basis of fact to believe that the injured worker cannot perform the suitable job without probable risk of injury or incapacitation to him/herself or others,

(ii) The employer has other evidence or basis in fact which raise questions about the validity of the certificate.

(C) The employer may not use questioning of the attending physician's certificate as a subterfuge to avoid its responsibilities under ORS 659.420.

(b) Make demand for suitable work:

(A) The injured worker will make demand for reemployment according to the employer's non-discriminatory and written policy which has been effectively made known to the employer's workforce and is practiced by the employer. If the employer has no such policy, the injured worker's demand:

(i) May be written or oral,

(ii) Must be made to a supervisor, personnel officer or someone in management who has the authority to act on this demand, and

(iii) Must be made immediately, but no later than the fifth work day following the date specified on the certificate for the worker's return to work, providing that the worker has received a copy of the certificate on or prior to the date specified.

(B) Extenuating circumstances may extend the requirement for timely demand. Extenuating circumstances are limited to those instances where the injured worker has an intervening, medically verifiable disability which prevents the demand.

(2) At the time of the injured worker's demand for reemployment, the employer may have no suitable jobs available. When this occurs the injured worker must follow the employer's nondiscriminatory and written reporting policy which has been effectively made known to the employer's workforce and is practiced by the employer until the employer offers the injured worker a suitable job. If the employer has no such reporting policy, the injured worker must inform the employer of any change in his/her address and telephone number within 10 days of the change.

(3) When the injured worker makes demand, the employer must determine if it has a job which is suitable for the injured worker. If it is available the employer must reemploy the injured worker in the suitable job.

(4)(a) If, at the time of the injured worker's demand to return to work, the employer has no suitable jobs available, the employer's obligation to reemploy the injured worker continues until the employer offers the injured worker the next suitable job which becomes available. The employer can offer an available and suitable job to the injured worker according to the employer's nondiscriminatory and written policy which has been effectively made known to the employer's workforce and is practiced by the employer. If the employer has no such policy, the employer can satisfy this obligation by mailing, by regular and certified mail, a written offer to the injured worker's last known address. This written offer must generally describe the suitable job which is available and must tell the injured worker to report to work on a specific date, providing the injured worker receives the offer prior to this specified date;

(b) The injured worker shall have the right to discuss and receive clarification in writing of the specific duties of the position with the employer prior to actually commencing work.

(5) If, at the time of the injured worker's demand to return to work, the employer has no suitable jobs available, the injured worker should make reasonable effort to obtain suitable employment for which the worker is qualified and which the worker is able to perform.

(6) When the employer has made it known to the worker prior to the injured worker's demand that reinstatement/reemployment will not be considered even if a suitable position is available and that an actual demand would therefore be futile, the Division may consider

the worker to have made timely demand for the purpose of these rules.

Stat. Auth.: ORS Ch. 659
Hist.: BL 1-1983, f. & ef. 1-26-83 amended 4-7-86

Available

839-06-140 (1) Except as limited by sections (2) and (3) of this rule, a job is available if it is:

(a) Vacant at the time of the injured worker's demand or becomes vacant after the injured worker's demand for reinstatement/reemployment; or

(b) Filled but available under a provision of the employer's policy and practices or a provision of a valid collective bargaining agreement.

(2) A job is not available if another worker has a prior right to that job:

(a) Under a provision of a valid collective bargaining agreement; or

(b) Under an employer's recall from lay off system which identifies a method for determining layoff and recall rights and places workers on a list in a specific order.

(3) The employer has no duty to create a job for the returning injured worker.

Stat. Auth.: ORS Ch. 659
Hist.: BL 1-1983, f. & ef. 1-26-83

Suitable

839-06-145 (1) ORS 659.415 and 659.420 require employers to reinstate/reemploy the injured worker in work that is suitable. The employer does not have to offer the injured worker a selection of suitable jobs or the most suitable job. If the employer has several available jobs that would be suitable, the employer may offer the injured worker his/her choice of jobs. In determining whether a particular job offer is suitable the Division will consider the employer's size, diversity, nature, and pattern of job openings and whether the injured worker is qualified to perform the job. Qualified means:

(a) The injured worker meets minimum standards used by the employer in filling a job(s);

(b) The injured worker has previously done the job in an acceptable manner; or

(c) The injured worker would be qualified for the job with the same training given a new hire in an entry level position;

(d) The Division will consider the injured worker qualified if he/she meets one of these provisions unless the employer can offer evidence to show that the worker is, in fact, not qualified.

(2) An employer is neither required to offer nor prohibited from offering an alternative position which would promote the returning injured worker above his/her former position in authority, duties, or responsibilities. A managerial or supervisory position is suitable for a returning injured worker whose former position was managerial or

supervisory. Nothing in this rule shall allow the employer to discriminate against a returning worker because of the compensable injury should the worker compete or bid for a managerial or supervisory position.

(3) For purposes of ORS 659.415 a suitable job is one that is substantially similar to the former job in compensation, duties, responsibilities, skills, location, duration, and shift.

(4) For purposes of ORS 659.420 a suitable job is one that the injured worker is physically capable of performing and is substantially similar to the former job in compensation, location, duration, and shift.

(5) For purposes of sections (3) and (4) of this rule:

(a) Substantially similar location means that the job is in Oregon and within reasonable commuting distance, except where the former job site is no longer in operation or the nature of the employer's business routinely involves the transfer of employees. A job outside of Oregon is suitable if the worker and employer mutually agree on it.

(b) Substantially similar shift means the same shift the injured worker was regularly assigned to at the time of the injury. If that shift is not available, any other shift that is available is suitable.

(c) Substantially similar duration means that the job is of the same nature as the former job as to length; thus, a regular or permanent employee is entitled to a regular or permanent position. (See also OAR 839-06-146).

(6) For the purposes of section (3) of this rule, substantially similar compensation is the normal compensation the employer pays to others of the same education, skill, and seniority who are employed to do that job. This compensation may be greater than, the same as, or less than the rate the injured worker was earning at the time of injury, provided that it is not a subterfuge to avoid the employer's responsibilities under ORS 659.415.

(7) For purposes of section (4) of this rule, substantially similar compensation is the normal compensation the employer pays to others of the same education, skill, and seniority who are employed to do that job. This compensation may be greater than, the same as, or less than the rate the injured worker was earning at the time of the injury, provided that it is not a subterfuge to avoid the employer's responsibilities under ORS 659.420.

(8) The employer may assign the injured worker to substantially different duties at the worker's former compensation provided that:

(a) The assignment is temporary and is part of a return-to-work program;

(b) The worker is returned to available and suitable work when he/she is physically capable; and

(c) The assignment is not a subterfuge to avoid the employer's responsibilities under ORS 659.415 or 659.420.

(9)(a) An employer may (but is not required to) offer and an injured worker may (but is not required to) accept a job which is not suitable. In this case, the employer has not met its obligation under

ORS 659.415 to 659.420, and the employer must offer a suitable job, or the former job, whichever is appropriate, when it becomes available.

(b) The fact that an injured worker accepts a job does not mean the job is suitable; however, an injured worker who does not believe that an offered job is suitable, whether or not the job is accepted, must notify the employer in writing within 10 calendar days of the job offer, or the job acceptance, that the worker considers the job unsuitable, and the worker must identify in the notification the reason that the worker considers the job unsuitable.

(c) If the employer and the injured worker disagree about the suitability of a job, and the worker files a complaint as provided by statute and these rules the Division will determine its suitability according to the standards in this section.

Stat. Auth.: ORS Ch. 659

Hist.: BL 1-1983, f. & ef. 1-26-83

Injured Temporary Workers and Employer Responsibilities Under ORS 659.415 and 659.420

839-06-146 Subject to these rules regarding availability and suitability, and except as otherwise provided in a valid collective bargaining agreement:

(1) A worker serving on probationary or trial service status, whether due to initial hire, promotion, or disciplinary measures, when a compensable injury occurs, has the same rights under ORS 659.415 and 659.420 as other injured workers except that upon return to work after timely demand the injured worker resumes his/her former status unless waived by the employer.

(2) Subject to these rules regarding availability and suitability, and except as otherwise provided in a valid collective bargaining agreement.

(a) A worker employed in a seasonal position when a compensable injury occurs has the same rights under ORS 659.415 and 659.420 as other injured workers except as affected by the seasonal nature of the employment. Example: If the worker makes timely demand under these rules prior to the end of the season, the worker must be reinstated/reemployed. If the season ends prior to the worker's timely demand, and the worker's employment thus would have ended, the reinstatement/reemployment is deferred until the next seasonal period of employment following the timely demand.

(b) A worker employed in a limited duration or temporary position when a compensable injury occurs has the same rights under ORS 659.415 and 659.420 as other injured workers except as affected by the nature of the original employment.

(A) A worker employed for a definite period of time, must be reinstated/reemployed from the date of timely demand until the original time the employment expires.

(B) A worker employed for a temporary position, that ends upon the accomplishment of a defined task, must be reinstated/reemployed from the date of timely demand until the task is accomplished.

(c) Nothing in this rule shall prevent an employer from extending the original period of employment in the worker's favor.

Stat. Auth.: ORS Ch. 659

Hist.: BL 1-1983, f. & ef. 1-26-83

Loss of Reinstatement/Reemployment Rights

839-06-150 (1) Every injured worker has the right to reinstatement/reemployment under ORS 659.415 and 659.420.

(2) An injured worker loses this right if:

(a) The employer discharges the worker for reasons not connected with the injury and for which others are or would be discharged, except as provided in subsections (3)(a) and (b) of this rule;

(b) The worker refuses an available and suitable job offer under either ORS 659.415 or ORS 659.420;

(c) The worker clearly abandons future employment with the employer; or

(d) The worker fails:

(i) To make timely demand;

(ii) To follow the employer's reporting policy or, in the absence of such policy, these rules reporting policy; or

(iii) To report to work as specified in the employer's suitable job offer.

(3) An injured worker who is not subject to the terms and conditions in a valid collective bargaining agreement to the contrary does not lose his right if:

(a) The employer discharges all employees who are off the job for a certain amount of time. The employer may discharge the injured worker under this policy. The injured worker does not lose his/her reinstatement/reemployment rights.

(b) The employer discharges the injured worker other than for cause or the injured worker quits or resigns involuntarily or under mistake of fact.

(c) After making timely demand for reinstatement/reemployment, he/she takes a job while waiting for a suitable job to become available.

(4) An injured worker who accepts the employer's suitable job offer under ORS 659.415 has no further rights under this statute based on the compensable injury involved.

(5) An injured worker who is physically unable to perform the duties of his/her former job and who accepts a suitable job under ORS 659.420 and these rules, retains reinstatement/reemployment rights under ORS 659.415. If the injured worker recovers to the point that he/she can perform the duties of the former job, the injured worker may make timely demand for the former job, subject to the requirements of OAR 839-06-130. The employer is then also subject to that section of these rules.

Stat. Auth.: ORS Ch. 659

Hist.: BL 1-1983, f. & ef. 1-26-83

Disciplining for Excessive Absences

839-06-155 Employers who discipline workers for excessive absenteeism cannot count the time an injured worker is off the job because of a compensable injury in calculating the injured worker's absenteeism rate, so long as the time off the job is covered by time loss compensation or other medically certified absence in connection with the compensable injury.

Stat. Auth.: ORS Ch. 659
Hist.: BL 1-1983, f. & ef. 1-26-83

Effect of Vocational Rehabilitation

839-06-160 An injured worker does not lose reinstatement/reemployment rights under ORS 659.415 and 659.420 by participating in a Vocational Rehabilitation Program. However, an injured worker cannot refuse a suitable job which is available in order to participate or to continue to participate in Vocational Rehabilitation. If the injured worker refuses the available and suitable job, the injured worker loses his/her reinstatement/reemployment rights under ORS 659.415 and 659.420.

Stat. Auth.: ORS Ch. 659
Hist.: BL 1-1983, f. & ef. 1-26-83

Effect of a Bargaining Agreement

839-06-165 The reinstatement/reemployment rights under ORS 659.415 and 659.420 are subject to seniority and other employment restriction provisions of a valid collective bargaining agreement.

Stat. Auth.: ORS Ch. 659
Hist.: BL 1-1983, f. & ef. 1-26-83

Physical and Mental Handicap — Employment Effective February 1, 1984

Policy

839-06-200 Public policy of the State of Oregon is to guarantee handicapped persons the fullest possible participation in the social and economic life of the state, including engaging in remunerative employment. The people of the state have a right to lawful employment without discrimination because of handicap. The Bureau of Labor and Industries has the responsibility of protecting this right through enforcement of ORS 659.400 to 659.435. The Bureau does this through its Civil Rights Division.

Purpose and Scope

839-06-201 These rules contain the interpretation of ORS 659.400, 659.405, 659.425, and 659.435, which the Civil Rights Division uses in enforcing these sections. These rules apply to all complaints and inquiries relating to these sections received on or after the effective date of these rules.

Definitions

839-06-205 As used in these rules, unless the context requires otherwise:

(1) "Accommodation" means a modification by the employer of the work site, job duties, or other requirements of a position for the purpose of enabling a handicapped person to perform the work involved. See 839-06-240.

(2) "The attitude of others toward such impairment" means an opinion, evaluation, or belief, held by another person or persons toward the individual's perceived or actual physical or mental impairment.

(3) "Duly licensed health professional," in addition to physicians and osteopathic physicians, includes psychologists, occupational therapists, clinical social workers, dentists, audiologists, speech pathologists, podiatrists, optometrists, chiropractors, naturopaths, physiotherapists, and radiologic technicians insofar as any opinion or evaluation within the scope of the relevant license applies or refers to the individual's physical or mental impairment.

(4) "Employment" means remunerated personal service for another, who reserves the right to control the means by which the service is or will be performed.

(5) "Medical" means authored by or originating with a medical or osteopathic physician or duly licensed health professional, as defined.

(6) "Misclassified," as used in ORS 659.400(3)(b), means an erroneous or unsupported medical diagnosis, report, certificate, or evaluation, including an erroneous or unsupported evaluation by a duly licensed health professional.

(7) "Physical or mental impairment" means an apparent or medically detectable physical or mental condition which substantially limits one or more major life activity, as defined in 659.400(3).

(8) "Reasonable accommodation" means a modification as defined in (1) above, which can be made without undue hardship to the employer. See 839-06-240.

(9) "Receipt or alleged receipt of treatment for a mental disorder" means actual treatment of an individual for a mental condition, or an assertion that the individual received such treatment.

(10) "Supervisor" means a person who exercises direct supervisory authority over the position and who has the authority to hire and discharge, or to effectively recommend hiring and discharge.

(11) "Treatment" includes not only examination, evaluation, diagnosis, and therapy by a physician, but also such services when performed by a duly licensed health professional within the scope of the applicable license.

Employers, Employment Agencies and Labor Organizations Prohibited from Handicap Discrimination

839-06-210 (1) ORS 659.400(1) limits the employer subject to ORS 659.400 to 659.435 to those "who employ six or more persons." "Employ six or more persons" means that an employer employs at least six employees in Oregon on a full-time, part-time, or seasonal basis at the time of the discriminatory act alleged under ORS 659.425.

(2) "Employment agency" has the same meaning as in ORS 659.010(7).

(3) "Labor organization" has the same meaning as in ORS 659.010(9).

Persons Protected from Employment Discrimination Based on Handicap

839-06-215 (1) As it pertains to employment, ORS 659.425 protects a handicapped person, as defined in ORS 659.400, from discrimination by an employer because of a perceived or actual physical or mental impairment which, with reasonable accommodation, does not prevent the performance of the work involved.

(2) As it pertains to referral or classification for employment, or to labor organization membership, ORS 659.425 protects a handicapped person, as defined in ORS 659.400, from discrimination by an employment agency or labor organization because the individual is a handicapped person.

Procedures Regarding Violation of ORS 659.425

839-06-220 An individual described in OAR 839-06-215 as protected by ORS 659.425, who claims a violation of ORS 659.425, may file a complaint with the Civil Rights Division (see OAR 839-03-025 — Filing a complaint and ORS 659.435).

Ability to Perform; Employe Duties

839-06-225 (1) To come within the protection of ORS 659.425, a handicapped individual must be able to perform the duties of the position occupied or sought. "Able to perform" shall mean, subject to the provisions of 839-06-230:

(a) Possessing the training, experience, education, and skill necessary to perform the duties of the position and normally required by the employer of other candidates for the position.

(b) Possessing the ability to perform the job safely and efficiently, with reasonable accommodation and without present risk of probable incapacitation to him/herself.

(A) An individual occupying a particular position may at any time be evaluated to determine if there is a present risk of probable incapacitation to him/herself.

(2) An employer may not use the provisions of this section as a subterfuge to avoid the employer's duty under ORS 659.425.

Exception: Enhanced Risk to Others

839-06-230 (1) Notwithstanding other provisions of these rules, a position which by its very nature includes an inherent risk of injury or incapacitation to co-workers or the general public need not be filled by a handicapped individual if, even with reasonable accommodation, the inherent risk is materially enhanced because of the individual's impairment.

(2) To meet the provisions of subsection (1) of this rule it must be demonstrated that, as it affects the performance of the actual job

duties, the individual's impairment with reasonable accommodation would result in a greater risk of injury or incapacitation to co-workers or the general public than is true for others qualified to perform such work and not so impaired.

Inquiries Regarding Ability to Perform; Medical Evaluation

839-06-235 (1) An employer may inquire whether an individual has the ability to perform the duties of the position sought or occupied.

(2) An employer may not use this type of inquiry with the intent or result that a handicapped person is barred from a position without regard to:

(a) The individual's ability or capacity to safely and efficiently perform the duties of the position, and

(b) The effect of a reasonable accommodation on the individual's ability to so perform.

(3) An employer may require a medical evaluation of an individual's physical or mental ability to perform the work involved in a position.

(a) The individual seeking or occupying a position must cooperate in any medical inquiry or evaluation, including production of medical records and history relating to the individual's ability to perform the work involved.

(b) If the employer requires a medical evaluation as a condition of hire or job placement and the evaluation verifies a physical or mental impairment affecting the ability to perform the work involved, or verifies a present risk of probable incapacitation, the employer may not refuse hire or job placement based on the individual's impairment unless no reasonable accommodation is possible.

(c) Nothing in this rule shall be construed to alter or modify the provisions of ORS 659.330.

(4) Where an employer relies on medical evidence to determine whether an individual is able to perform the work involved, the Division will consider only medical evidence available to the employer at the time the employment decision was made, including:

(a) Medical evidence known to the employer, and

(b) Medical evidence which should have been known to the employer through reasonable diligence.

Temporary or Mutable Impairments/Particular Conditions

839-06-240 (1) Some impairments may be temporary or mutable in nature. Short-term physical or mental impairments leaving no residual disability or impairment are not handicaps within the meaning of the statute and these rules, except where they are erroneously perceived by the employer as disabling or impairing. Examples include but are not limited to flu, common cold, or sunburn.

(2) Conditions which are mutable only upon long-term treatment, and which either do not impair the individual's ability to perform the work involved as defined in 839-06-225 or with reasonable accommodation would not impair the individual's ability to perform the work

involved as defined in 839-06-225 may not form the basis for rejection of the individual for a position. Examples include but are not limited to obesity, overweight, underweight.

(3) Conditions which are controllable by diet, drug therapy, psychotherapy, or other medical means may not form a basis for rejection of the individual for a position so long as the individual is able to perform the work involved as defined in 839-06-225 in the position occupied or sought. An individual with a controlled condition as described who abandons or ignores the controlling therapy loses the protection of ORS 659.425 if the absence of the control removes the ability to perform, as defined. Examples include but are not limited to arrested alcoholism, controlled diabetes mellitus, or controlled epilepsy.

Reasonable Accommodation/Undue Hardship

839-06-245 ORS 659.425 imposes an affirmative duty upon an employer to make reasonable accommodation for an individual's physical or mental impairment where the accommodation will enable that individual to perform the work involved in the position occupied or sought.

(1) Accommodation is a modification or change in one or more of the aspects or characteristics of a position including but not limited to:

- (a) Location and physical surroundings;
- (b) Job duties;
- (c) Equipment used;
- (d) Hours, including but not limited to:
 - (A) Continuity (extended breaks, split shifts, medically essential rest periods, treatment periods, etc.), and
 - (B) Total time required (part-time, job-sharing); and
- (e) Method or procedure by which the work is performed.

(2) Accommodation is required where it does not impose an undue hardship on the employer. Whether an accommodation is reasonable will be determined by one or more of the following factors:

- (a) The nature of the employer, including:
 - (A) The total number in and the composition of the work force, and
 - (B) The type of business or enterprise and the number and type of facilities;

(b) The cost to the employer of potential accommodation and whether there is a resource available to the employer which would limit or reduce the cost. Example: funding through a public or private agency assisting handicapped persons;

(c) The effect or impact of the potential accommodation on:

- (A) Production,
- (B) The duties and/or responsibilities of other employees, and
- (C) Safety;

(i) Of the individual in performing the duties of the position without present risk of probable incapacity to him/herself, and

(ii) Of co-workers and the general public if the individual's performance, with accommodation, does not present a materially

enhanced risk to co-workers or the general public; (See OAR 839-06-230)

(d) Medical approval of the accommodation; and

(e) Requirements of a valid collective bargaining agreement including but not limited to those governing and defining job or craft descriptions, seniority, and job bidding, but this rule shall not be interpreted to permit the loss of an individual's statutory right through collective bargaining.

(3) A handicapped person who is an employee or candidate for employment must cooperate with an employer in the employer's efforts to reasonably accommodate the person's impairment. A handicapped person may propose specific accommodations to the employer, but an employer is not required to accept any proposal which poses an undue hardship. Nor is the employer required to offer the accommodation most desirable to the handicapped person, except that the employer's choice between two or more possible methods of reasonable accommodation cannot be intended to discourage or to attempt to discourage a handicapped person from seeking or continuing employment.

Customer Preference; Co-Worker Preference

839-06-250 The attitude or preference of employers, managers, supervisors, co-workers, customers, clients, or the general public toward the individual's perceived or actual impairment may not be considered by the employer in evaluating the individual's ability to perform the work involved.

Effect of Law

839-06-255 Where a law or regulation of this state or of the United States prevents the employment in a particular position of an individual with a specified impairment or specified severity of impairment an employer is not required to employ the individual in that position if the individual has the described, medically verified impairment. Nothing in this rule shall be construed to permit denial of employment to such individuals in positions which are not subject to the law or regulation.

Rehabilitation Act of 1973
Notice Procedures

Rehabilitation Act of 1973 Notice Procedures

Various sections of the regulations implementing Section 504 of the Rehabilitation Act of 1973 and Title VI of the Civil Rights Act of 1964 require that a recipient of Federal financial assistance notify its employees, beneficiaries, potential beneficiaries, and other participants of the availability of its programs to all persons without regard to race, color, national origin, or handicap. These sections of the regulations require (1) that an appropriate policy statement of nondiscrimination be developed, and (2) that the statement be distributed so that all persons, regardless of handicap or limited English-speaking ability, receive effective notice.

Although the various sections of the regulations require a number of specific actions on the part of the recipient, full compliance can be achieved by appropriate dissemination of one notice which includes all the required components. These components and the corresponding implementing regulation citations are:

- a. Notification to participants, beneficiaries, applicants, and employees that the recipient does not discriminate on the basis of handicap in violation of Section 504 in the areas of access, admission, treatment, or employment (Section 504 - 84.8(a)).
- b. Notification of the above to those persons with impaired vision or hearing (Section 504 - 84.8(a)).
- c. Identification of the recipient's staff person responsible for implementing Section 504 (Section 504 - 84.8(a)).
- d. Include notification of all of the above in publications which contain general information about the recipient's programs (Section 504 - 84.8(b)).
- e. Notification of the location of recipient facilities which are accessible to the handicapped (Section 504 - 84.22(f)).
- f. Notification of the above to persons with impaired vision or hearing (Section 504 - 84.22(f)).
- g. Notification to persons with sensory or speech impairments of any general notices of the recipient's services or benefits or of written materials concerning waivers of rights or consent to treatment (Section 504 - 84.52(b)).
- h. Notification to participants, beneficiaries, and other interested persons of the provisions of the Title VI Regulation and how it applies to the recipient's program (Title VI - 80.6(d)).
- i. Notification to all persons concerning their right to file a complaint of discrimination and the procedure for filing such a complaint (Title VI - 80.6(d)).

How To Conduct A Self-Evaluation

SECTION 504: HOW TO CONDUCT A SELF-EVALUATION

Section 504 of the Rehabilitation Act of 1973 requires any individual, organization, or agency that receives or benefits from federal financial assistance to extend equal opportunity to handicapped people. The law protects both physically and mentally handicapped people, including alcohol and drug addicts, and it requires both equal opportunity in employment and equal opportunity to participate in a recipient's programs and services.

Each federal agency is responsible for issuing regulations that specify how recipients of its funds are to comply with the law. In May of 1977, the Department of Health, Education, and Welfare issued its regulations. These regulations cover all recipients of HHS financial assistance, including any individual or group that provides services to Medicaid patients, participates in a Health Maintenance Organization or Independent Practitioner's Association, contracts with the Department of Public Aid, or operates a clinic, group practice, or business that receives HHS funds. Anyone whose services are in whole or in part paid for by Part A Medicare funds is also covered by the Regulations.

The HHS regulations require all recipients to carry out a self-evaluation. That is, recipients must examine their policies, procedures, and physical facilities to assure that they afford equal opportunity to handicapped people. They must conduct the self-evaluation with the assistance of handicapped people or organizations representing them. If they identify areas that discriminate against handicapped people generally or any class of handicapped people, then they must write a plan for changing these areas.

A thorough self-evaluation will include a great many items, such as job descriptions, consent-to-treatment forms, accessible parking lots and elevators.

SELF-DEFINITION

The first step you should take is to document who you are, what you do, and how large your organization is.

Document the type of recipient you are. Are you an individual physician receiving Medicaid payments? Are you a hospital that receives federal grants? Are you a nursing home with patients who receive Part A Medicare support?

Document the programs and services that you provide. Does your institution provide acute care, long-term care, or counseling? Does it treat a variety of conditions or does it specialize, for example, in burns? In this area of documentation, you should include any requirements for eligibility for your programs or services.

Document the number of people you employ, both full-time and part-time, the number of buildings or facilities involved, and the size of your annual budget. This area of documentation is particularly important for smaller recipients, since there are generally fewer requirements for those with fewer than fifteen employees.

SELF EVALUATION

The next step is the self-evaluation proper. Paragraph 84.6 (c) of the Section 504 regulations states that "a recipient shall evaluate...its current policies and practices and the effects thereof that do not or may not meet the requirements." An effective method for conducting the self-evaluation is to begin with a "laundry list" of the areas and issues to be evaluated and then systematically to investigate each. The following questions are offered as a guide.

Are your programs and services accessible to handicapped people? This means are they physically accessible as described in Subpart C of the regulations. In conducting this part of the evaluation, you will have to examine many aspects of the facility, including parking lots, walkways, entryways and doors, interior doors, and means of traveling from one floor to another. You will also have to examine such standard amenities as rest rooms, phone booths, and drinking fountains. In evaluating accessibility, you should bear in mind the various physical limitations that result from different handicaps, particularly mobility handicaps.

Do handicapped people have access to information about your programs and services? For example, if I am blind, can I obtain information about your services in braille, large print, on cassette, or from a special information officer verbally? If I am deaf, can I receive the information in printed form? Are there assistants available to direct me to the office where I can obtain the information I need and to help me get there if necessary?

Do handicapped people receive public notification of job vacancies? This is an extremely important area to evaluate because it concerns "employment," one of the major areas of discrimination against handicapped people, which Section 504 is intended to prevent. The whole of Subpart B deals with employment. Paragraph 84.11 (B) lists all the "specific activities" included in the area of employment policies and practices. The first of the "specific activities" is "Recruitment, Advertising and Processing of Applications for Employment." Notification of job vacancies provided in a medium that can reach handicapped people is, of course, the first requisite for a non-discriminatory recruitment policy. The second is that job announcements specifically notify handicapped people of the employer's non-discrimination policy.

Do current job descriptions and announcements specify basic skill areas or essential job functions? The fourth paragraph under 84.11 (B) deals with the vitally important area of job assignments, job classifications, organizational structures, position descriptions, line of progression, and seniority lists. While all these items are important, the concept is that all positions must be described in terms of essential functions that the employee must perform, rather than in terms of the capacities that are conventionally considered necessary to perform them.

Evaluation in this area requires an examination of the objectives of each particular job. For example, a traditional job description for a caseworker might include the requirement that the applicant have a valid driver's license. In reality, however, the job may require that the caseworker be able to visit all the clients in the case load. There is a tremendous difference between the two requirements. The first excluded blind persons, as well as other applicants who do not, for whatever reason, possess a valid driver's license. The second requires an applicant to be able to see clients in their homes on a scheduled basis, but does not say how he/she must get there or assume that a blind applicant could not do so.

Do you use a non-discrimination notice? Paragraph 84.8 requires that "a recipient that employs 15 or more persons shall take appropriate initial and continuing steps to notify participants, beneficiaries, applicants, and employees,

including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipient that it does not discriminate on the basis of handicap in violation of Section 504 and this part. The notification shall state, where appropriate, that the recipient does not discriminate in admission or access to, or treatment or employment in, its programs and activities. The notification shall also include an identification of the responsible employe designated pursuant to Section 84.7 (A)." Methods of initial and continuing notification may include posting notices, publishing the notification in newspapers, magazines, and your own publications, and distributing memoranda and other similar communications.

Does your organization deliver "equally effective services" to handicapped people? What does this mean? The regulations state that "aids, benefits and services, to be equally effective, are not required to produce the identical results or level of achievement for handicapped and non-handicapped persons, but must afford handicapped persons equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement, in the most integrated setting appropriate to the person's needs." If only separate or different programs can be equally effective, a recipient must provide them. However, despite the existence of separate or different programs or activities, a recipient may not require that a qualified handicapped person participate in them instead of in integrated programs and activities.

ASSISTANCE OF THE HANDICAPPED

Section 504 regulations require you to conduct your self-evaluation with the assistance of "interested persons, including handicapped persons or organizations representing handicapped persons." The regulations also require you to consult with handicapped persons before you modify your policies or practices or take remedial steps to eliminate their discriminatory effects.

Seek out handicapped people qualified to assist you in the self-evaluation process, particularly organizations that represent handicapped people. There are national organizations of blind people, of deaf people, of mobility handicapped people. Many have local affiliates in most parts of the country. These organizations

have given careful thought to the problems and procedures involved in the implementation of Section 504. They can suggest a range of solutions based on their own experience as members of the groups about whom you are concerned. They also can often suggest more cost-effective methods of achieving compliance.

In seeking the assistance of handicapped people, it would be well to consider the establishment of an advisory committee composed of handicapped people representing each of the major classes of handicap--blindness, deafness, mobility impairments, and so forth. Ask your advisory committee to help you identify and solve problems and also to suggest additional resources. Get the committee involved early in your self-evaluation.

APPOINTMENT OF A COORDINATOR

One requirement of the Section 504 regulations is the appointment of an employe specifically responsible for coordinating the implementation of your compliance plan. The employe should be high enough in the organizational structure to have an impact on decision making and should work closely with the advisory committee.

COST

As you complete each portion of your self-evaluation, list the costs that will be required to bring your organization into compliance. This list will be the basis for a budget and for requests to obtain the necessary funds. Cost should be detailed and keyed to each of the evaluation areas and issues involved. The advisory committee of handicapped persons can assist you by recommending cost effective approaches, particularly in the areas of physical accessibility and "reasonable accommodation" in employment.

TRANSITION PLAN

Draw up a detailed plan showing the steps your organization will take to achieve compliance. The plan should include goals and objectives, target dates for each, and the individuals responsible for achieving them. If your self-evaluation has identified the need for any structural changes to facilities, you

should draw up a separate plan for them, detailing the steps necessary to complete such changes and the schedule for taking them. Maintain a record of who is responsible and the names of the handicapped people who participated in the various compliance activities. You may be required to show this record to HHS officials or to the public.

Self-evaluation is a necessary first step toward compliance with Section 504. It is itself a legal requirement. It is, moreover, the only way to assure that your organization has considered all the areas covered by the law. If you follow the steps outlined above, you will be making a sensible and systematic approach to eliminating discrimination against handicapped people and achieving voluntary compliance with Section 504.

(This article has been reviewed by the Office for Civil Rights, U. S. Department of Health, and Human Services (OCR). It should not, however, be construed as OCR policy.)

Self-Evaluation (Sample)

Division

Department of Human Resources
CIVIL RIGHTS COMPLIANCE REVIEW

Name of Provider Organization: _____

Address: _____

Name/Title of Person
Completing Form: _____

Name of Organization's
Administrator

Signature of Administrator

Date

SECTION I: GENERAL REQUIREMENTS

1. Number of Employees on the payroll at the date of review:

Full-Time _____ Part-Time _____

2. Compliance of Sub-Contractors: Describe your monitoring methods, if any, to ensure compliance of sub-contractors with all applicable regulations. **【84.4(b)(4)】**

3. SELF-EVALUATION: **【84.6(c)】**

A. Describe how the review process was properly carried out, or your plans to implement a review process with dates for completion.

B. List by name, address, phone number, and handicapping condition, the handicapped persons, or organizations representing such persons, who reviewed your policies and procedures:

- 1) _____

- 2) _____

- 3) _____

C. Describe areas examined, any problems identified, and any resulting modifications made or remedial steps taken. (Attach if necessary.)

4. Section 504 Coordinator: [84.7(a)]

Name of Organization's Section
504 Coordinator _____

_____ Title _____ Phone # _____

*5. Grievance Procedures: Please attach a copy of your current client and employee grievance procedures, identifying those parts which fulfill the stated minimum due process provisions. [84.7(b)]

If you do not have a procedure, or if it is lacking required provisions, please give dates for adopting a procedure which meets the intent of the law.

Please describe the methods you use to publicize or communicate the grievance procedures for Title VI and 504 to the staff, governing boards, and beneficiaries, or describe how you intend to comply with this provision and by what date.

*Identifies items for which a copy should be attached.

6. Notice: Please describe methods you currently use to publicize your organization's nondiscrimination policy under Title VI and 504, or describe and give dates for methods you plan to utilize to comply with this provision. (Point out how you are/will be reaching those with impaired vision or hearing.) Please attach a copy. [84.8]

7. Data Collection: Please describe the method you currently use, or describe plans and give dates for methods you will use in meeting this requirement. [Title VI incorporated by reference in 84.61]

Current Employee/Service Beneficiary Population:

DATE:	NUMBER OF EMPLOYEES	NUMBER OF SERVICE BENEFICIARIES	NUMBER IN SERVICE POPULATION
a. Asian/Pacific Islander			
b. Black			
c. Native American			
d. Hispanic			
e. White			
f. Total			
g. Handicapped (See reqs)			

*Identifies items for which a copy should be attached.

SECTION II. EMPLOYMENT PRACTICES REQUIREMENTS

8. Reasonable Accommodation: Please describe the "reasonable accommodations" you have made to the known physical or mental limitations of qualified handicapped applicants or employees. [84.12]

What are your procedures for identifying individuals entitled to "reasonable accommodation" and for providing them with the reasonable accommodation?

- *9. Employment Test or Selection Criteria: Please attach a labeled copy or description of the test or criteria used for your various employee positions. [84.13]

- *10. Pre-Employment Inquiries: Do you ask for information relating to applicant's physical ability or disability and race, color, or national origin on job applications or in any part of the pre-employment process? Yes No . If yes, please attach a copy of your questionnaire. [84.14]

- A. If the answer is yes, is the inquiry made to make a "remedial effort"? Yes No . Is that reason clearly stated? Yes No

Is the information voluntary, kept confidential, and duly noted that failure to provide non-job related information will not result in adverse treatment? Yes No

- B. If any answer in "A" is no, please give a timeline for changing the process in order to bring it into compliance with this requirement.

*Identifies items for which a copy should be attached.

SECTION III. PROGRAM ACCESSIBILITY REQUIREMENTS

11. Accessibility: Please fill in the accessibility checklist which follows. Did the survey reveal structural barriers? Yes No .

If your response is yes, describe the actions which will be taken to remove structural barriers which prevent "program access" in existing structures. Specify timelines and responsible parties by name, title and phone number. [84.21-23]

List by name, address and phone number the mobility and vision impaired persons who helped you assess the physical accessibility of your programs?

12. Access Notice: Describe your procedures for providing information as to the existence and location of services, activities, and facilities that are accessible to and usable by handicapped persons, noting particularly how you provide notice to interested persons with impaired vision or hearing. [84.22(f)]

BARRIER SURVEY

- | | | | | |
|----|----|--|-----|----|
| A. | 1. | Is parking adequate for mobility handicapped and clientele in general? | Yes | No |
| | 2. | Are there spaces designated for disabled parking? | Yes | No |
| B. | | IS THERE AN ACCESSIBLE ENTRANCE? | Yes | No |
| | 1. | Are curbs ramped? | Yes | No |
| | 2. | Are doors easily opened? | Yes | No |
| | 3. | Are entrances level or ramped? | Yes | No |
| C. | | ELEVATORS | | |
| | 1. | Are elevators present or not needed? | Yes | No |
| | 2. | Are controls easily reached by handicapped persons? | Yes | No |
| | 3. | Are there braille or raised identifying marks on controls? | Yes | No |
| | 4. | Is the elevator cab large enough for a wheelchair? | Yes | No |
| D. | | IS THE OFFICE AREA IN GENERAL BARRIER-FREE? | Yes | No |
| | 1. | Is there adequate maneuvering room for a wheelchair? | Yes | No |
| | 2. | Can office/interview room doors be closed when two wheelchairs are inside? | Yes | No |
| | 3. | Is furniture arrangement flexible if adjustments are needed to accommodate handicapped employees or service beneficiaries? | Yes | No |
| E. | 1. | Are restrooms accessible to and usable by wheelchair users? | Yes | No |
| | | How do you know? _____ | | |

SECTION IV: HEALTH, WELFARE AND SOCIAL SERVICES REQUIREMENTS

13. Notice: How do you provide for handicapped persons, including those with impaired sensory or speaking skills, concerning: [84.52(b)]

A. Notifications of benefits or services _____

B. Written waivers of rights _____

C. Written consent to treatment _____

*14. Emergency Treatment for the Hearing Impaired: If your facility is a hospital, attach a copy of your "procedures for effective communication with persons with impaired hearing for the purpose of providing emergency health care." [84.52(c)]

If you do not yet have such procedures, please specify by name, title and phone number the person designated to develop them and an anticipated completion date.

15. Auxiliary Aids: When you have persons with impaired sensory, manual, or speaking skills, what auxiliary aids do you provide to afford such persons an equal opportunity to benefit from your services? [84.52(d)]

What is your TTY number? _____

Where is it publicized? _____

If unrealistic to maintain your own TTY, state why and explain your procedure for sharing a TTY.

*16. Drug and Alcohol Addicts. If your facility is a hospital, attach a copy of your policy for admitting and treating a person who is a drug or alcohol abuser or an alcoholic suffering from a medical condition. [84.53]

*Identifies items for which a copy should be attached.

2.1;CRCR6

Self-Identification Survey

SELF-IDENTIFICATION OF DISABILITY

Last Name, First Name, Middle Initial	Birth Date (Mo/Yr)	Social Security Number	Circle the appropriate number(s)
---------------------------------------	--------------------	------------------------	----------------------------------

DEFINITION OF A DISABLED (under the Act): A person is disabled if he or she has a physical or mental impairment which substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment.

TO THE EMPLOYEE: Self-identification of disability status is essential for effective data collection and analysis. The information you provide will be used for statistical purposes only and will not in any way affect you individually. While self-identification is voluntary, your cooperation in providing accurate information is critical.

01 I do not wish to identify my disability status.

05 I do not have a disability.

06 I have a disability, but it is not listed below. (Please list your disability.)

SPEECH IMPAIRMENTS

13 Severe speech malfunction or inability to speak; hearing is normal (Examples: defects of articulation (unclear sounds); stuttering; aphasia (impaired language function); laryngectomy (removal of the "voice box".))

HEARING IMPAIRMENTS

15 Hard of hearing (Total deafness in one ear or inability to hear ordinary conversation, correctable with a hearing aid).
 16 Total deafness in both ears, with understandable speech.
 17 Total deafness in both ears, and unable to speak clearly.

VISION IMPAIRMENTS

22 Ability to read ordinary size print with glasses, but with loss of peripheral (side) vision (Restriction of the visual field to the extent that mobility is affected -- "Tunnel vision").
 23 Inability to read ordinary size print, not correctable by glasses (Can read oversized print or use assisting devices such as glass or projector modifier).
 24 Blind in one eye.
 25 Blind in both eyes (No usable vision, but may have some light perception).

MISSING EXTREMITIES

27 One hand
 28 One arm
 29 One foot
 32 One leg
 33 Both hands or arms
 34 Both feet or legs
 35 One hand or arm and one foot or leg
 36 One hand or arm and both feet or legs
 37 Both hands or arms and one foot or leg
 38 Both hands or arms and both feet or legs

NONPARALYTIC ORTHOPEDIC IMPAIRMENTS

(Because of chronic pain, stiffness, or weakness in bones or joints, there is some loss of ability to move or use a part or parts of the body.)

44 One or both hands 47 One or both legs
 45 One or both feet 48 Hip or pelvis
 46 One or both arms 49 Back
 57 Any combination of two or more parts of the body

PARTIAL PARALYSIS

(Because of a brain, nerve, or muscle problem, including palsy and cerebral palsy, there is some loss of ability to move or use a part of the body, including legs, arms, and/or trunk.)

61 One hand 67 One side of body, including one arm and one leg
 62 One arm, any part
 63 One leg, any part
 64 Both hands 68 Three or more major parts of body (arms and legs)
 65 Both legs, any part
 66 Both arms, any part

COMPLETE PARALYSIS

(Because of a brain, nerve, or muscle problem, including palsy, there is a complete loss of ability to move or use a part of the body, including legs, arms, and/or trunk).

70 One hand 76 Lower half of body, including legs.
 71 Both hands 77 One side of body, including one arm and one leg.
 72 One arm
 73 Both arms 78 Three or more major parts of the body (arms and legs).
 74 One leg
 75 Both legs

OTHER IMPAIRMENTS

80 Heart disease with no restriction or limitation of activity (History of heart problems with complete recovery).
 81 Heart disease with restriction or limitation of activity.
 82 Convulsive disorder (e.g., epilepsy).
 83 Blood diseases (e.g., sickle cell anemia, leukemia, hemophilia).
 84 Diabetes
 86 Pulmonary or respiratory disorders (e.g., tuberculosis, emphysema, asthma).
 87 Kidney dysfunctioning (e.g., if dialysis (use of an artificial kidney machine) is required).
 88 Cancer - a history of cancer with complete recovery.
 89 Cancer - undergoing surgical and/or medical treatment.
 90 Mental retardation (A chronic and lifelong condition involving a limited ability to learn, to be educated, and to be trained for useful productive employment as certified by a State Vocational Rehabilitation agency under section 213.3102(t) of Schedule A).
 91 Mental or emotional illness (A history of treatment for mental or emotional problems).
 92 Severe distortion of limbs and/or spine (e.g., dwarfism, kyphosis (severe distortion of back)).
 93 Disfigurement of face, hands or feet (e.g., distortion of features on skin, such as those caused by burns, gunshot injuries, and birth defects (gross facial birthmarks, club feet, etc.)).
 94 Learning disability (a disorder in one or more of the processes involved in understanding, perceiving, or using language or concepts (spoken or written), e.g., dyslexia).
 95 Alcoholism
 96 Drug Addiction
 97 HIV

Accommodations - Needed/Being Provided - Identify

Resource List of
Handicapped Organizations

Arthritis Foundation Oregon Chapter
4445 SW Barbur Boulevard
Portland, Oregon 97201
Telephone: 222-7246

National Foundation of the Blind of
Oregon
Dace Hyde, State President
3645 Portland Road NE, Space 8
Salem, Oregon 97303

Oregon Association for Children with
Learning Disabilities
PO Box 751
Portland, Oregon 97207
Telephone: 229-4439

Association for Retarded Citizens of
Oregon
3085 River Road North
Salem, Oregon 97303
Telephone: 390-0330

Cystic Fibrosis Foundation
425 SE 11th
Portland, Oregon 97214
Telephone: 231-4015

Oregon Council on Alcohol Problems
1033 NE 6th
Portland, Oregon 97232
Telephone: 239-2819

Diabetic Association of Oregon
3607 SW Corbett
Portland, Oregon 97201
Telephone: 228-0849

Oregon Council of the Blind
3655 Monroe Ave. NE
Salem, Oregon 97301
Telephone: 378-8676
(School for the Blind)

Disabled American Veterans
Portland Chapter #1
536 SE 78th
Portland, Oregon 97215
Telephone: 252-6852

American Cancer Society of Oregon
5757 SW Macadam Ave.
Portland, Oregon 97201

1940 McGilchrist Street SE
Salem, Oregon 97302
Telephone: 581-4577

Easter Seal Society of Oregon
5757 SW Macadam
Portland, Oregon 97201
Telephone: 228-5108

Oregon Heart Association
1500 SW 12th
Portland, Oregon 97201
Telephone: 226-2575

Epilepsy of Oregon Association
Telephone: 228-7651

Oregon Lung Association
1020 SW Taylor
Portland, Oregon 97205

Mental Health Association of Oregon
718 W. Burnside
Portland, Oregon 97209
Telephone: 228-5690

Also:

Willamette Region
1890 State St.
Salem, Oregon 97301
Telephone: 364-0131

Mental Retardation Association
718 W. Burnside, Room 316
Portland, Oregon 97209
Telephone: 223-7279

Multiple Sclerosis National Society
Oregon Central Chapter
117 SW Taylor, Suite "B"
Portland, Oregon 97204
Telephone: 223-9511

Oregon Paralyzed Veterans
Association
Doug Calley, President
Oregon Chapter
3602 SE Powell
Portland, Oregon 97202
Telephone: 234-6782

Muscular Dystrophy Association of
America
2828 SW Corbett #212
Portland, Oregon 97201
Telephone: 223-3177
Patient Service: 223-9427

People First
PO Box 12362
Salem, Oregon 97309
Telephone: 362-0336

Oregon Ostomy Association
PO Box 40026
Portland, Oregon 97240
Telephone: 286-8998

United Cerebral Palsy Association
7117 SE Harold
Portland, Oregon 97206
Telephone: 777-4167

E.E.O.C. Enforcement Procedure

EEOC's Enforcement Procedure

The EEOC would enforce the employment section of the proposed Americans with Disabilities Act (ADA) with the same administration procedures that it currently uses to investigate job discrimination. These procedures are outlined below.

1. An employee or job applicant who believes he or she is the victim of job discrimination files a complaint with the EEOC, or, alternatively, the State Fair Employment Practices Agency.
2. The EEOC or state investigates the complaint to determine whether there is reasonable cause of discrimination. If the commission or state finds that the employer had violated the law, then it attempts to negotiate an agreement between the employee and employer.
3. If the conciliation fails, the employee can sue in federal court for equitable relief (back pay, reinstatement, and injunctions against further discrimination).

Or -

4. An employee can forgo the administration route and proceed directly to federal court. The EEOC must issue a right-to-sue letter within 180 days of receiving the request to sue from the employee. The remedies are the same as in step No. 3.

State of Oregon
Disability Services Changes

Oregon puts wheelchair activist to work for disabled

By GORDON OLIVER

of The Oregonian staff

SALEM — Laurie Schwartz-Knee once got so mad at the federal government that she rolled from Portland to Washington, D.C., to complain about the lack of help for disabled people.

Now the cerebral palsy victim works in government. Her new job is to help the state Senior and Disabled Services Division expand its work with the disabled.

Schwartz-Knee, 31, knows of what she speaks.

She cannot move her legs or walk without help, and the cerebral palsy forces her body to twitch involuntarily. Her speech is slow but understandable.

She still uses an electric wheelchair to get around. To use her computer, Schwartz-Knee knocks out words with a red-tipped pointer held between her teeth. She takes and makes phone calls on a speaker phone, since she is incapable of

holding the receiver to her ear.

The problems aren't overwhelming for a former aerobics instructor who, as a Portland State University student nine years ago, spent 64 days in a wheelchair journey from Portland to Washington. She is eager for challenges.

Now her job is to get disabled Oregonians involved in government by helping organize local advisory councils for them in every Oregon county. The councils are intended to provide a voice for the disabled about issues affecting their lives.

"We want them to become advocates for the disabled," said Tom Williams, field operations manager for Senior and Disabled Services Division.

The state estimates up to 400,000 Oregonians experience disabilities ranging from loss of hearing, alcohol or drug abuse problems, or have physical or mental handicaps. Most receive no public assistance.

The state is in the midst of changing the way it serves the disabled.

The major shift is the transfer of public assistance programs for the disabled out of the Adult and Family Services Division and into the Senior and Disabled Services Division. The transfer began in June in some rural counties, and should be completed statewide by Aug. 1.

The change adds 300 employees to Senior and Disabled Services, increasing the size of its staff by one-third. The change brings 37,000 disabled clients to the agency, in addition to the 17,000 senior citizens it already serves.

The most immediate affect of the new arrangement is to give disabled Oregonians more attention from state government, said Georgena Carrow, executive assistant for the Senior and Disabled Services Division. The needs of the disabled were getting lost in the huge Adult and Family Services, since that agency is focused mostly on the needs of parents and families, she said.

"The people with disabilities just

weren't getting what they wanted from government," Carrow said.

The effect of the change could eventually be felt in county governments throughout the state.

Each county can choose whether to offer services to the disabled through its Area Agency on Aging, or whether to let the state run the programs.

So far, only Clackamas County has agreed to bring disabled services into its senior citizen programs.

The lack of money prevents many counties offering help for the disabled, said Don Keister, program services manager for Multnomah County's Aging Services Division.

He estimated that Multnomah County would have had to spend \$600,000 this year and \$200,000 next year in order to add services for the disabled to its senior citizen programs.

The state is working to open branch offices in other counties, Carrow said. It has to live within budget constraints imposed by the

1989 Legislature, which said the change should not increase cost within the Department of Human Resources. Both AFS and the Senior and Disabled Services Division are under the human resources department.

If Clackamas County is successful, other counties are likely to reconsider adding disability service into their aging programs, Carrow predicted.

"We think that within a year they'll look at it again," she said.

Schwartz-Knee hopes that activism will help the disabled get help with services and jobs.

She cites her own history as proof that the system can work. The government helped pay her way through Portland State University and now she has a job to pay her own way.

"If I didn't get a degree, I would probably be on public assistance the rest of my life," she said. "And I'm going to live a long life, so it would cost a lot of money."

MULTNOMAH COUNTY, OREGON
SCHEDULE OF FEDERAL FINANCIAL ASSISTANCE
For the fiscal year ended June 30, 1989

MULTNOMAH COUNTY, OREGON
SCHEDULE OF FEDERAL FINANCIAL ASSISTANCE
For the fiscal year ended June 30, 1989

FINANCING DEPARTMENT

U.S. DEPARTMENT OF AGRICULTURE:

Passed through State Department of Human Resources:

- Food Distribution
- Food Stamps
- National School Lunch Program
- Special Supplemental Food Program for Women, Infants, and Children

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES:

Direct Programs:

- Project Grants for Health Services to the Homeless
- Community Health Centers
- Medicare - Supplementary Medical Insurance

Passed through State Department of Human Resources:

- Project Grants and Cooperative Agreements for T.B. Control Programs
- Acquired Immune Deficiency Syndrome (AIDS)
- Mental Health Plan and Demonstration
- Alcohol, Drug Abuse Treatment, and Rehabilitation Block Grant
- Mental Health for the Homeless Block Grant
- Family Planning Services
- Administration of Developmental Disabilities
- Basic Support and Advocacy Grants
- Special Programs for the Aging Title III, Parts A & B
 - Grants for Supportive Services and Senior Centers
- Special Programs for the Aging Title III, Part C
 - Nutrition Services
- Special Programs for the Aging Title III, Part D
 - Social Services Grant
- Special Programs for the Aging Title IV Training
 - Research and Discretionary Projects and Programs
- Child Support Enforcement
- Medical Assistance Program
- State Legalization Impact Assistance
- Refugee and Entrant Assistance - State Programs
- Low-Income Home Energy Assistance
- Community Services Block Grant
- Preventive Health Services - Sexually Transmitted Disease Grant
- Health Programs for Refugees
- Preventive Health and Health Services Block Grant
- Alcohol, Drug Abuse, and Mental Health Block Grant
- Maternal and Child Health Services Block Grant

Passed through National Institute on Drug Abuse:

- Drug Abuse Research Programs
- Total Department of Health and Human Services

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT:

Direct Programs:

- Housing Counseling Assistance Program
- Community Development Block Grants/Entitlement Grants
- Section 312 Rehabilitation Loans
- Urban Homesteading
- Community Development Block Grant/Secretary's Discretionary Fund/Special Projects

Passed through State Executive Department:

- Community Development Block Grants/Small Cities Program
- Rental Housing Rehabilitation
- Emergency Shelter Grants Program (ESPG)

Passed through State Department of Human Resources:

- Solar Energy and Energy Conservation Bank

U.S. DEPARTMENT OF JUSTICE:

Direct Programs:

- Criminal Justice Block Grants

Passed through Intergovernmental Research Institute:

- Criminal Justice Block Grants

Passed through State Department of Justice:

- Crime Victim Assistance

State and Local Control Assistance (Anti-Drug Abuse Act of 1986)

Passed through National Street Law Program - Georgetown University:

- Juvenile Justice and Delinquency Prevention
- Special Emphasis and Technical Assistance

Passed through Pretrial Services Resource Center:

- Law Enforcement Assistance - Narcotic and Dangerous Drugs Lab Analysis

U.S. DEPARTMENT OF LABOR:

Passed through Private Industry Council:

- Job Training Partnership Act
- Occupational Safety and Health

U.S. DEPARTMENT OF TRANSPORTATION:

Passed through Oregon State Marine Board:

- Boating Safety Financial Assistance

Passed through State Public Utility Commission:

- Motor Carrier Safety Assistance Program

Passed through State Department of Transportation:

- State Highway and Community Safety

U.S. ENVIRONMENTAL PROTECTION AGENCY:

Passed through State Department of Human Resources:
State Public Water System Supervision
Total Environmental Protection Agency

U.S. DEPARTMENT OF ENERGY:

Passed through State Department of Human Resources:
Weather Assistance for Low-Income Persons

FEDERAL EMERGENCY MANAGEMENT AGENCY:

Direct Programs:
Emergency Management Institute Training Assistance

Passed through State Executive Department:
Emergency Management Assistance

U.S. DEPARTMENT OF EDUCATION:

Passed through State Department of Human Resources:
Education of Handicapped Children in State Operated or Supported Schools
Rehabilitation Services - Service Projects
Handicapped - Preschool Grants
Drug Free Schools and Communities - State Grants

OTHER FEDERAL ASSISTANCE:

Department of Agriculture:
U.S. Forest Service - Patrol Contract

Department of Interior:
Payment in Lieu of Tax
O & C Grant
Sale/Lease Federal Land

Passed through State Executive Department:
Forest Yield Tax

Department of Justice:
U.S. Marshall Contract
U.S. Marshall - Forfeiture
U.S. Immigration and Naturalization

Department of Transportation - Passed through State Department of
Transportation:
FAU Engineering Contracts
Hawthorne Bridge Contract
Emergency Management Assistance

Passed through Emergency Local Food and Shelter Board:
FEMA - Emergency Local Food and Shelter

We work with builders to build better homes

The OSU Extension energy staff are really up on the latest techniques. Their seminars have given me a broader understanding of energy-efficient building techniques. One of the best things about their recommendations is that they're not expensive and often save on labor costs.

Rod Street, Builder, Rod Street Construction, North Bend, Oregon

We support utility conservation efforts

The educational role is an area where Energy Extension particularly shines. We had our first contact with the Commercial Energy Analysis program at one of your workshops. Energy Extension also has had a major impact on builders in our area, providing some logical, scientific basis for changing how they build. It's been unusually successful. It really shows the kind of influence that Energy Extension programs have had.

John Ball, Micro-Computer Manager and Systems Analyst, Central Lincoln PUD, Newport, Oregon

We help schools save on operating costs

The training got us to think about the rationale for things, like how we set the time clocks. The information was clear and understandable. I found discrepancies that have been going on for years, like timer settings, fan motor adjustments....I came out of the training with a list of things I could do. I did them right away.

Tom Robson, Building Engineer, Thompson School, Bend, Oregon



We help people save on energy bills

Your help in educating our low-income clients is extremely important. I can tell you, "Get it simple and basic," and you come back with very graphic materials that our clients respond to. It really works!

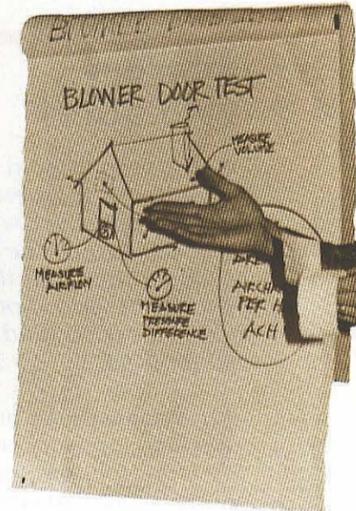
Peggy Renz, Emergency Services Manager, Neighborhood House, Portland, Oregon



We work for a healthy tomorrow

Oregon Extension energy staff make technical information usable. They bring it home. They emphasize indoor air quality issues because they always consider that you live in your home. They integrate technical performance, home economics, and health issues to help homeowners compare choices.

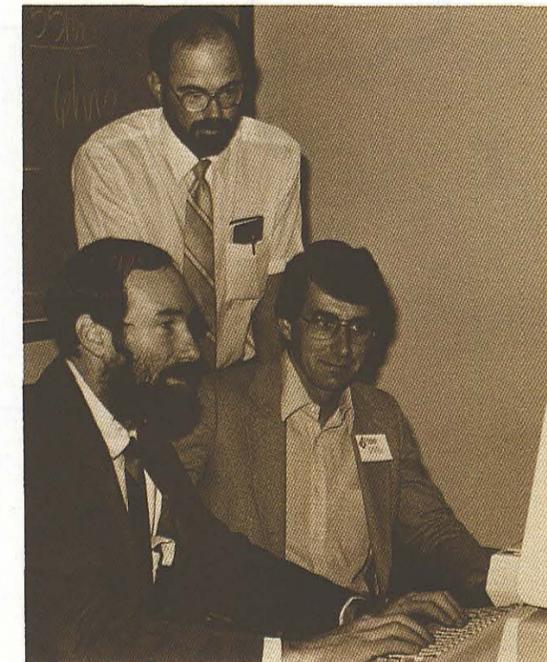
Phil Ralston, Senior Environmental Analyst, Air Quality Division, Department of Environmental Quality, Portland, Oregon



We work with homeowners to improve housing

I called (the energy agent) because two of our double-wide mobile homes had major moisture damage in the attic. He came out and spoke to our homeowners meeting. There was a big turnout. I have looked at our homes and 32 out of 180 followed through. Some people put in whirlybirds, some put on roof caps or vents or new insulated roofs. The agent provided the specifications. I'm real pleased with the service.

Daphne Campbell, Mobile Home Owner, Tigard, Oregon



We offer professional development opportunities

The Commercial Energy Forums give you good exposure to what's being done and what's available. They're a good place to make contacts and to learn.

Mira Vowles, SJO Consulting Engineers, Portland, Oregon

We help Oregon business and industry be competitive

The plant energy audit report was clear and concise and is sure to be helpful in our efforts to drive down energy costs.

Bruce Hodges, Plant Manager, Darigold, Inc., Medford, Oregon

Thank you for a job well done. Your analysis of the situation at Crater Lake confirmed our research into the energy needs of the operation, now and in the future.

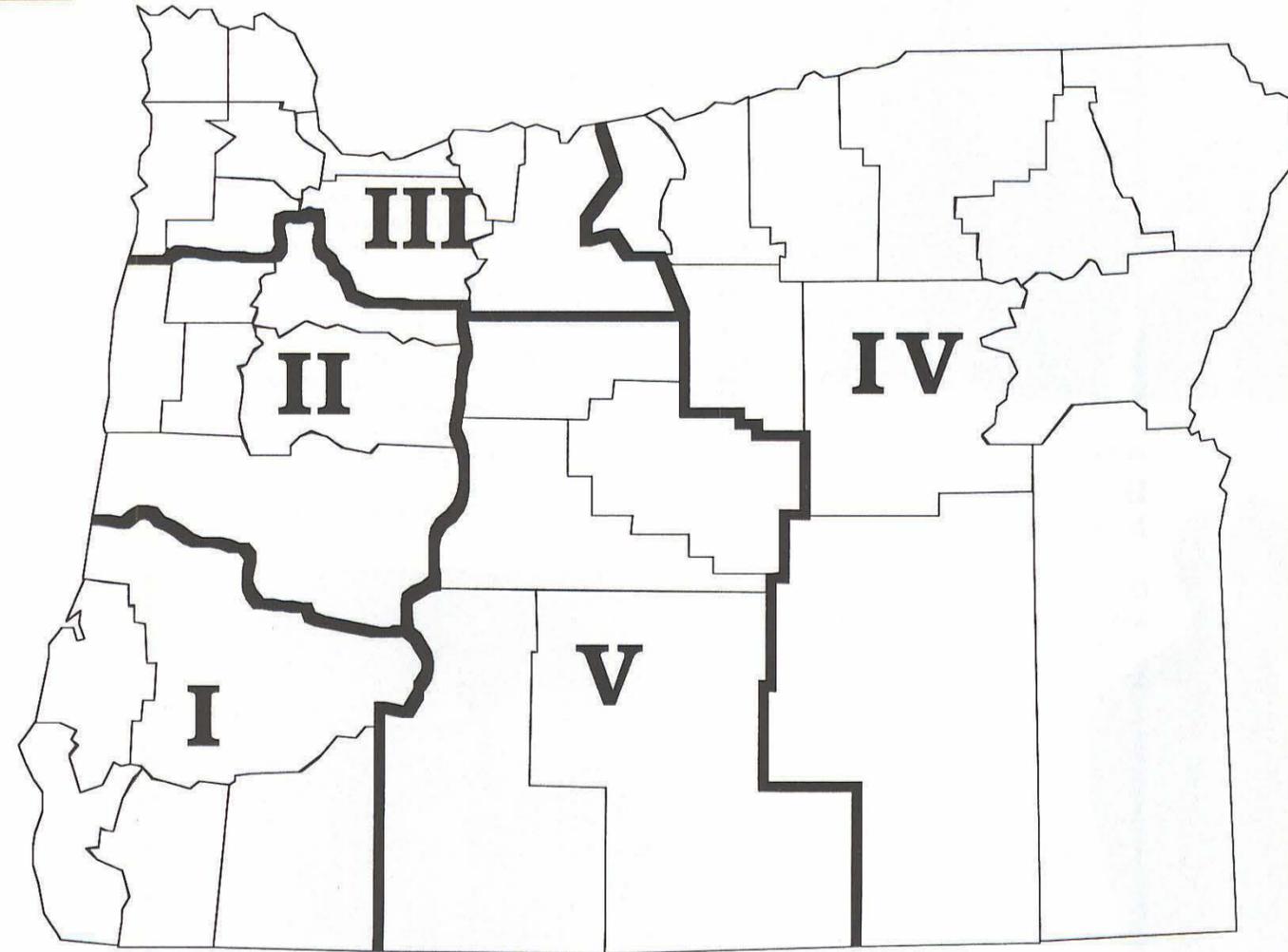
Barry Diskin, Chief Engineer, Crater Lake Lumber Co., Portland, Oregon

**We serve you
where you live
and work**

We have Extension energy
agents in five area offices:

- I. Southwest Oregon
OSU Extension Service
1301 Maple Grove Dr.
Medford, OR 97501
(503) 776-7371
- II. West Central Oregon
OSU Extension Service
950 West 13th St.
Eugene, OR 97402
(503) 687-4243
- III. Northwest Oregon
OSU Extension Service
TERA One
3821 SW Canyon Rd.
Portland, OR 97221
(503) 241-9172
- IV. Eastern Oregon
OSU Extension Service
Rt. 1, Box 1705
La Grande, OR 97850
(503) 963-1010
- V. Central Oregon
OSU Extension Service
1128 NW Harriman
Bend, OR 97701
(503) 388-6436

Extension Energy Program
State Office
Oregon State University
Batcheller Hall 344
Corvallis, OR 97331-2405
(503) 754-3004



We can help you learn

- how to make your home or business more comfortable.
- how to save money on your home or business energy bills.

**We can provide
you with**

- energy publications and video tapes on a variety of topics.
- training in your area for builders, building operators, farm operators, and energy professionals.
- trained professionals from our speakers bureau.
- information on the best energy-saving products and practices based on current research.

**Our program
is a team effort**

Energy programs in Oregon are carried out jointly by the OSU Extension energy program and the Oregon Department of Energy. The Bonneville Power Administration and the U.S. Department of Energy support our work. Utilities directly fund some of our special projects.

Community organizations and advisory groups help us focus on local needs. We work with professional organizations to provide continuing education for energy professionals.

**We're part of the OSU
Extension Service**

Other programs offered by the OSU Extension Service include agriculture, home economics, 4-H and youth, forestry, community development, and marine resources.

The Oregon State University Extension Service helps people help themselves by delivering research-based, objective information to solve problems, develop leadership and manage resources wisely.



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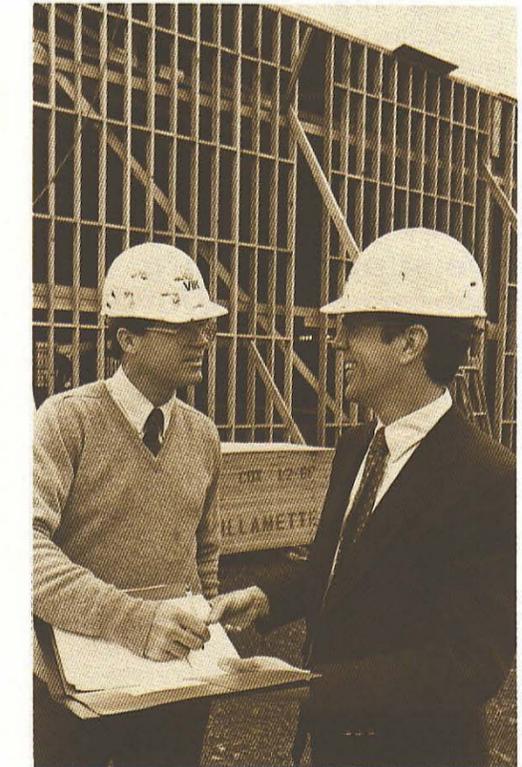
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Handout #5
Prof # 3
8-28-90

OREGON STATE UNIVERSITY
EXTENSION SERVICE

**ENERGY
PROGRAM**



Oregon State University Extension Service
and Oregon Department of Energy
EM 8271
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