SPECIAL REPORT
DEPARTMENT OF VETERANS ASSISTANCE

AUDIT OVERVIEW

Seven Office Facilities Used by the Department of Veterans Assistance Fail to Meet Federal Accessibility Guidelines and/or Privacy Standards When Providing Services to West Virginia Veterans

The Department's Website Is User-Friendly and Transparent and Only Needs Modest Improvements

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CONTENTS

EXECUTIVE SUMMARY

The Legislative Auditor conducted a Performance Review of the Department of Veterans Assistance authorized pursuant to West Virginia Code §4-2-5. The objectives of this review are to determine whether field office facilities meet federal accessibility and privacy standards, and to analyze the Department's website. The findings of this review are highlighted below.

Report Highlights

Issue 1: Seven Office Facilities Used by the Department of Veterans Assistance Fail to Meet Federal Accessibility Guidelines and/or Privacy Standards When Providing Services to West Virginia Veterans.

➢ In West Virginia, 25.2 percent of the working-age veteran population has a service-connected disability. The seven offices where inaccessibility and lack of privacy are issues can have a significantly negative impact on the standard of care these veterans receive.

➢ Many of the offices have been in the same location for decades, and one lease has existed for over 49 years. Many of the older leases were established before the creation of the Americans with Disabilities Act, and one lease was established before the Privacy Act of 1974.

Issue 2: The Department's Website Is User-Friendly and Transparent and Only Needs Modest Improvements.

➢ The Department's website has many user-friendly features such as help links, a FAQ page, a search tool, and a site map. Only modest improvements are recommended.

➢ The Department's website is generally transparent. Users can find contact information, the Department's mission statement, and information on upcoming events. The Department could add features such as budgets, annual reports, audits, complaint forms, and FOIA information to improve transparency.

PERD Evaluation of the Department's Written Response

PERD received a written response to the report from the Department of Veterans Assistance on June 9th, 2014. The full response is provided in Appendix G. The Department of Veterans Assistance's comments do not disagree with the report findings. The Department indicates in its response that it is working with the West Virginia Real Estate Division to find suitable offices. The Department indicates that commercial grade air filters will be used in the Moorefield office to mitigate secondhand cigarette smoke, and that the Moorefield office is a top priority for relocation. The Department has instructed all field offices to secure existing veterans claims files, and will replace all filing cabinets that do not lock. In addition, the Department indicates that it will work to improve its website in the areas of transparency and user-friendliness.

Recommendations

1. *The Department of Veterans Assistance should consider either relocating, or retrofitting offices that fail to meet accessibility or privacy standards in order to meet the Americans with Disabilities Act Accessibility Guidelines and the Privacy Act of 1974 standards.*

2. *The Department of Veterans Assistance should consider each field office's compliance with the Americans with Disabilities Act Accessibility Guidelines and the Privacy Act of 1974 standards when renewing or initiating lease agreements.*

3. *The Department of Veterans Assistance should ensure that all office locations provide a smoke-free environment for its employees and the veterans they serve.*

4. *The Legislative Auditor recommends that the West Virginia Department of Veterans Assistance should consider making modest additions for the user-friendliness and transparency of its website by incorporating more of the website elements identified.*

ISSUE1

Seven Office Facilities Used by the Department of Veterans Assistance Fail to Meet Federal Accessibility Guidelines and/or Privacy Standards When Providing Services to West Virginia Veterans.

Issue Summary

West Virginia's 200,000 veterans use 16 field offices established across the state by the Department of Veterans Assistance (Department) to file claims for pensions, compensation and other benefits with the U.S. Department of Veterans Affairs (see Appendix C). Many of these veterans are disabled. The Legislative Auditor visited each of the field office locations and found:

- Thirteen (13) of the 16 offices do not have an automatic door entrance into the building where the field office is located, making it less accessible for disabled veterans to enter the building.
- Handicap parking spaces are either non-existent or far from the entry-way of two field offices.
- Handicap bathroom facilities are not available in six field offices.
- Doorways and hallways are too narrow for wheelchairs to navigate and turn in three field offices.
- Private spaces to report personal information required for making claims are unavailable in four offices, and limited in two offices.
- Cigarette smoke from a bar located inside the same building where one field office is located causes ongoing problems for field office staff and veterans with chronic health problems.

The Legislative Auditor concludes that seven field offices fail to comply with federal accessibility guidelines or privacy standards and recommends that the Department of Veterans Assistance consider relocating or retrofitting these offices.

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One in Four Working-Age West Virginia Veterans Lives With a Service-Connected Disability.

A large and growing contingent of the West Virginia veteran population is dealing with service-connected disabilities. Therefore, accessibility and privacy are of particular importance to these veterans who seek claims assistance from the Department of Veterans Assistance.

A service-connected disability is one that has been determined by the U.S. Department of Veterans Affairs as being the result of disease or injury received during one's military service. **As of 2012, one in five working-age (21-64 years old) U.S. veterans has a service-connected disability.** West Virginia is above the national average with 20,300 veterans, or 25.2 percent of the working-age veteran population living with a service-connected disability. **Furthermore, 8,500 (41.8 percent) West Virginia veterans with a service-connected disability have the most severe disability rating of 70 percent or above.**

West Virginia is above the national average with 20,300 veterans, or 25.2 percent of the working-age veteran population living with a service-connected disability.

The number of West Virginia veterans with a service-connected disability is on the rise. As Table 1 shows, West Virginia veterans with a service-connected disability were 25.2 percent in 2012, up from 18.2 percent in 2008. Additionally, veterans whose service-connected disability rating is 70 percent (or above) has risen from 30 percent in 2008 to nearly 42 percent in 2012.

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Table 1					
West Virginia Working-Age Veterans with a Service-Connected Disability Five-Year Trend					
Service-Connected Disability	**Percent in 2008**	**Percent in 2009**	**Percent in 2010**	**Percent in 2011**	**Percent in 2012**
Veterans w/ service-connected disability	18.2	20.8	19.4	19.4	25.2
Disability Rating of Veterans with a Service-Connected Disability					
0 %	6.1	2.4	3.8	5.4	2.6
10 or 20 %	30.4	25.7	29.0	30.0	15.0
30 or 40 %	14.9	12.8	17.1	15.2	21.6
50 or 60 %	14.2	11.8	10.6	13.3	11.6
70 % or above	30.1	32.4	29.9	31.1	41.8
Rating not reported	4.3	14.9	9.7	5.0	7.3
Source: Disability Statistics from the 2008 through 2012 American Community Survey (ACS) as reported by the Cornell University Employment and Disability Institute (EDI).					

While the number of disabled veterans served by the Department is not tracked, the number of veterans with a service-connected disability is growing, and locations where disabled veterans receive services need to be accessible. Table 2 shows the total number of telephone calls, emails, and walk-in visits received by all of the Department's field offices during FY 2011, 2012, and 2013. The Department does not track unduplicated individual contacts, and does not break down its contact numbers between calls, walk-in, and in-person visits.

Table 2 Total Number of Contacts by Field Offices FY 2011 through FY 2013			
Fiscal Year	2011	2012	2013
Calls, Emails, and Walk-ins	64,744	66,800	140,727

Source: Governor's Proposed FY 2015 Executive Budget—Volume II Operating Detail.

Veterans Receive Aid Through Department Field Offices

The mission of the West Virginia Department of Veterans Assistance is to:

. . .aid, assist, counsel, and advise veterans who have served in and have been honorably discharged or separated under honorable conditions from the Armed Forces of the United States as well as their widows, widowers, and dependents.

The Department currently rents and operates 16 field office locations throughout the state (see Appendix C). These offices provide assistance to West Virginia veterans by filing federal claims (pension, health, disability, compensation, death benefits, etc.) with the U.S. Department of Veterans Affairs. The claims process requires veterans to verbally disclose personal identification information (date of birth, social

security numbers, address, etc.) and confidential medical information to Veteran Service Officers (VSOs) filling out the forms. However, some field office locations have accessibility and privacy barriers to providing these services to disabled veterans.

Three Field Offices Do Not Meet Federal Guidelines for Accessible Design

The Legislative Auditor began a review of field office facilities in October 2013. In November 2013, the Legislative Auditor issued a brief letter-report of the conditions found in 6 of the 16 field office facilities, based on a cursory review of those locations. The report concluded that some office facilities failed to meet the Americans with Disabilities Act (ADA) Accessibility Guidelines and federal Privacy Act of 1974 standards. These federal statutes form the basis for this further review of all 16 field offices. The first condition to be examined is the compliance of actual accessibility with federal accessibility guidelines.

Public entities, such as government programs, must operate their programs and services so that they are accessible and usable to individuals with disabilities.

The ADA was signed into law in 1990. ADA Title II regulations barring discrimination on the basis of disability by state or local government services became effective one year later, in 1991. Public entities, such as state government programs, must operate their programs and services so that they are accessible and usable to individuals with disabilities. While the regulations do not require states to engage in construction or alteration projects, compliance with the requirements may be met through the reassignment of services to accessible buildings. Buildings or facilities in conformance with the ADA Accessibility Guidelines are deemed to be in compliance with the law.

The ADA Checklist measures accessibility in terms of four measures, listed as priorities:

- I-Accessible Approach and Entry
- II-Access to Goods and Services
- III-Usability of Restrooms
- IV-Additional Access.

The Performance Evaluation and Research Division (PERD) conducted on-site visits at each field office location to measure the office facilities against the ADA Accessibility Standards contained in the ADA Checklist (Appendix D) which is shown in Table 3.

Table 3
Americans with Disabilities Act Checklist

Priorities	Accessibility Measurements
I-Accessible Approach and Entry	• Route of Travel • Ramps • Parking/Drop-Off Areas • Entrance
II-Access to Goods and Services	• Maneuvering Space • Doors • Rooms and Spaces • Signage • Seats, Tables, and Counters • Stair, Elevators, and Lifts
III-Usability of Restrooms	• Access • Doorways and Passages • Stalls • Lavatories
IV-Additional Access	• Drinking Fountains • Telephones

Source: The Americans with Disabilities Act Checklist for Readily Achievable Barrier Removal published by the Adaptive Environments Center Inc.

Thirteen (13) of the field offices are located in buildings that do not have an automatic door at the entrance into the building.[1] These 13 field offices either have no other issues with ADA Accessibility Guidelines, or they have issues that are easily mitigated by staff. PERD staff's visit to the Morgantown office after the initial letter-report revealed major accessibility issues. However, the office was relocated to a fully accessible location during the current audit. The remaining three offices (Beckley, Lewisburg, and Moorefield) have major accessibility issues[2] for West Virginia's growing population of veterans with service-connected disabilities, and they can have a negative impact on the Department's ability to meet the standard level of care for veterans and their loved ones.

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[1] *Automatic doors are not a requirement under ADA Accessibility Guidelines but are a common feature for many public accommodations, and are important for individuals with a disability who are unaccompanied by a non-disabled person.*
[2] *In our November 2013 report, we reviewed the conditions in the Beckley and Lewisburg field offices. These conditions have not changed but are reported again to provide information for new readers.*

- The downtown **Beckley** field office is located in a two-room facility in a Department of Administration office complex. The office location is responsible for serving the 14,357 veterans who reside in Fayette and Raleigh counties. The office does not meet Priority I standards because it provides only two accessible parking spaces, both metered, and the parking spaces are located at a distance from the building entrance (See Figure 1 in Appendix E). Consequently, a veteran using a wheelchair must travel a distance to the building entrance. The office's limited wheelchair maneuvering space and narrow access aisles fail to meet Priority II standards (Figure 2 in Appendix E). Additionally, office staff reported to PERD that it was difficult to get power-wheelchairs through the office doorway. While the doorway met the required minimum measurements contained in the ADA Checklist, the doorway is a very narrow entry point into the office space. In order to provide adequate maneuvering space inside the office, furniture has to be removed and placed into the hallway. Finally, the office's lack of a wheelchair accessible bathroom stall does not meet Priority III standards.

In order to provide adequate maneuvering space inside the Beckley office, furniture has to be removed and placed into the hallway.

- The **Lewisburg** field office is located in the basement of the Greenbrier County Courthouse. The office is responsible for serving the 6,560 veterans who reside in Greenbrier, Pocahontas, and Monroe counties. The office has accessibility issues with Priority II because a number of doorways and access routes were found to be too narrow, and the office space does not provide enough maneuvering space for wheelchairs (Figure 3 in Appendix E).

- The **Moorefield** office is located in the American Legion Post 64. The office is responsible for serving the 9,641 veterans who reside in Grant, Hardy, Pendleton, Mineral, and Hampshire counties. The office does not meet Priority I standards because it does not provide any handicap accessible parking spaces. The office further fails to comply with Priority III standards because the small restroom is not fully accessible, in that the doorway is too narrow, does not provide maneuvering space, does not meet the ADA measurement guidelines for accessible restroom stalls, and provides no grab bars (Figures 4 and 5 in Appendix E).

Six Field Offices Fail to Provide an Adequate Level of Privacy and May Fail to Meet Federal Privacy Standards

The claims process requires veterans to meet with a Veteran Service Officer and verbally disclose personal identification information (date of birth, social security numbers, address, etc.) and confidential medical information in these offices. The nature of claims is such that all files, records, reports, and other papers and documents shall be confidential and privileged, and the disclosure of this information is prohibited, according to 38 C.F.R. §5701.

Furthermore, each claim form that is filled out by a veteran at one of the Department's field offices bears a Privacy Act of 1974 Notice, stating that the information collected will not be disclosed under the Privacy Act of 1974. This Act prohibits an agency from disclosing any records by any means of communication without written consent of the individual to whom the record pertains, with limited exception (i.e., courts, Congress, or other government agencies).

The remaining six field office locations present privacy concerns regarding the disclosure of claims information in an open office setting, and problems with adequate storage and security of the confidential claims on file at the offices.

In addition to the personal identification and confidential medical information veterans are required to disclose for the claims process, veterans also use the office locations to discuss additional private experiences that they face or have faced in connection with their service. Examples of these types of disclosures can include sexual assault, medical issues, diseases, mental health issues, or other personal, service-connected traumas.

Currently, 10 of the Department's field office locations provide adequate levels of privacy for the disclosure of the required information and provide for the security of claims on file at the offices. The remaining six field office locations present privacy concerns regarding the disclosure of claims information in an open office setting, and problems with adequate storage and security of the confidential claims on file at the offices. The Department requires paper files for each claimant to be kept on site for a period of five years, after which time they may be disposed. Files are required to be kept on site and stored in locking file cabinets for security. Table 4 outlines the privacy and storage concerns at each of these six field office locations.

Table 4 Six Veterans Assistance Offices Have Privacy and Storage Issues	
Private Disclosure	**Sufficient/Secure Storage**
• Beckley • Lewisburg • Henlawson • Spencer • Summersville • Welch	• Beckley • Lewisburg • Welch

Source: The Legislative Auditor's staff observations during on-site visits and interviews.

- The **Beckley** office fails to provide a separate private space in which veterans can disclose their personal identification and confidential medical information when receiving claims assistance. The small size of the office forces the Veteran Service Officers to take significant measures that impact other veterans who are waiting to be served. The Veteran Service Officer must often lock the office door to obtain privacy, shutting down the offices to serve a single veteran. Furthermore, the office does not provide enough secure storage space to accommodate the large number of individual files on site. Because there is no available space in the office filing cabinets and insufficient space to place additional filing cabinets, individual claimant files were observed in unsecured bankers' boxes throughout the office.

The Veteran Service Officer must often lock the office door to obtain privacy, shutting down the offices to serve a single veteran.

- The **Lewisburg** field office fails to provide a private space in which veterans can disclose personal identification and confidential medical information when receiving claims assistance. Furthermore, the Veterans Service Officer stated that the office does not provide sufficient secure storage space to accommodate the large number of individual files on site.

- The **Henlawson** field office is located in the Vietnam Veterans of America Post in Logan County. The office is responsible for serving the 9,761 veterans who reside in Boone, Lincoln, Logan, and Mingo counties. The field office fails to provide a private space in which veterans can disclose personal identification and confidential medical information when receiving claims assistance. The Veteran Service Officer stated that privacy is

a concern at the office location and cited examples of cases in which sensitive topics such as sexual assault had arisen, and he was forced to clear the office, lock the doors, and make others wait in the hallway to allow for privacy.

- The **Spencer** field office is located in the Roane County Committee on Aging Building. The office is responsible for serving the 6,897 veterans who reside in Calhoun, Gilmer, Jackson, Roane, and Wirt counties. The field office fails to provide a private space in which veterans can disclose personal identification and confidential medical information when receiving claims assistance.

- The **Summersville** field office is located in a Nicolas County Commission building. The office is responsible for serving the 6,311 veterans who reside in Braxton, Clay, Nicolas, and Webster counties. The field office fails to provide a private space in which veterans can disclose personal identification and confidential medical information when receiving claims assistance. Veteran Service Officers attempt to alleviate privacy concerns by using an adjacent conference room, but it is not always available.

Veteran Service Officers in the Summersville office attempt to alleviate privacy concerns by using an adjacent conference room, but it is not always available.

- The **Welch** field office is located on the second floor of the McDowell County Library. The office is responsible for serving the 4,506 veterans who reside in McDowell and Wyoming counties. The field office fails to provide a private space in which veterans can disclose personal identification and confidential medical information when receiving claims assistance. Veteran Service Officers attempt to alleviate privacy concerns by using an adjacent conference room, but it is not always available. While the office provides enough storage space for individual claimant files, many of the filing cabinets do not lock. Therefore, confidential claimant files are not stored securely.

Secondhand Cigarette Smoke Poses a Health Risk at the Moorefield Office

The Moorefield field office location has a unique issue in addition to its accessibility problems. The office facility is located in the same building as an American Legion Post, which houses a bar. West Virginia law does not regulate smoking in public facilities such as bars, but rather leaves the decision of regulation up to individual counties. According to the Hardy County Board of Health's Clean Indoor Air Regulation, smoking

is not restricted in bars.

The bar-area is located in a larger room behind the Department of Veterans Assistance field office. When bar patrons enter the building from the outside, they walk past the two offices used by the Department, and enter the bar-area through a doorway. During the audit staff's on-site visit to the office, the Veterans Service Officer stated that entry and exit from the bar-area allows cigarette smoke to filter into the office.

As a result of this location (Moorefield), veterans who seek assistance at this facility are exposed to harmful secondhand smoke, which poses significant health risks.

As a result of this location, veterans who seek assistance at this facility are exposed to harmful secondhand smoke, which poses significant health risks. The Veterans Service Officer stated that a number of complaints have been made by veterans and their families. Moreover, of the 9,641 veterans who reside in the office's service area, 3,656 (38 percent) are over the age of 65, making them a vulnerable population for the effects of secondhand smoke.

Low Rents and the Timing of the Original Leases May Have Contributed to the Use of Problematic Office Facilities

Ten (10) of the office facilities have monthly rents at or below $300/month, including 6 of the 7 facilities that have accessibility or privacy issues.

The Department of Veterans Assistance currently pays relatively low monthly rent at the majority of its field office locations. Ten (10) of the office facilities have monthly rents at or below $300/month, including 6 of the 7 facilities that have accessibility or privacy issues.

		Table 5 Monthly Field Office Rents Fiscal Year 2014		
Location	**Monthly Rent**	**Date of Original Lease**	**Square Feet (ft²)**	**Renewal Date for Current Leases▯**
Beckley*^	$269.58	3/1/1999	250 ft²	6/30/15
Charleston	$1,772.33	11/1/2006	2,045 ft²	10/31/16
Clarksburg	$360.00	12/1/2012	900 ft²	11/30/15
Elkins	$349.92	1/1/1997	646 ft²	12/31/15
Henlawson^	$290.00	4/1/2010	720 ft²	3/31/15
Huntington	Donated	--	--	--
Lewisburg*^	$300.00	11/1/1986	499 ft²	6/30/14
Martinsburg	$650.00	1/19/2009	550 ft²	12/31/16
Moorefield*	$300.00	2/1/1965	520 ft²	8/31/14
Morgantown	$464.59	6/1/2009	439 ft²	Monthly
Parkersburg	$250.00	10/1/1984	529 ft²	6/30/17
Princeton	$100.00	1/1/1979	739 ft²	6/30/17
Spencer^	$353.10	8/19/2005	600 ft²	7/31/15
Summersville^	$144.00	9/1/1982	332 ft²	8/31/15
Welch^	$150.00	4/1/1985	500 ft²	3/31/15
Wheeling	$253.13	10/1/1988	405 ft²	9/30/15

Source: Leasing Information provided by the West Virginia Real Estate Division
^Office presents Privacy Act of 1974 compliance violations
*Office presents ADA Accessibility barriers
▯Leases have been renewed over time. Length of the lease terms is not uniform.

The dates of the original lease for two of the three facilities with accessibility issues predate the ADA law in its entirety, and all three leases were in effect before the ADA's Title II revisions in 2010. The ADA was initially passed by Congress in 1990, with Title II regulations becoming effective the following year. Title II regulations were revised in 2010, including ADA's Standards for Accessible Design. Some of the office leases have been continually renewed for decades. The Moorefield and Lewisburg offices have been in the same location for 49 and 28 years respectively. As such, the ADA's Standards for Accessible Design could not have been considered as a factor when initiating leases in the 1960s, 1970s and 1980s, and apparently were not considered when renewing these older leases.

Conclusion

The Department of Veterans Assistance has much work to do in order to bring its field offices into compliance with federal accessibility guidelines and/or privacy standards for veterans. The Department should make it a priority to achieve this compliance. **Because these facilities fail to provide accessibility and privacy, West Virginia veterans with physical, mental, or emotional disabilities may not have been properly served and may have been subjected to embarrassment and a loss of dignity.** The Legislative Auditor believes that it is time for the Department to give careful consideration to all aspects of accessibility and privacy when initiating or renewing lease agreements. The Legislative Auditor concludes that the seven offices that do not meet either accessibility guidelines or privacy standards should be relocated or retrofitted to provide for full accessibility and privacy for the benefit of West Virginia veterans.

The Legislative Auditor believes that it is time for the Department to give careful consideration to all aspects of accessibility and privacy when initiating or renewing lease agreements.

Recommendations

1.   *The Department of Veterans Assistance should consider either relocating or retrofitting offices that fail to meet either accessibility or privacy standards in order to meet the Americans with Disabilities Act Accessibility Guidelines and the Privacy Act of 1974 standards.*

2.   *The Department of Veterans Assistance should consider each field office's compliance with the Americans with Disabilities Act Accessibility Guidelines and the Privacy Act of 1974 standards when renewing or initiating new lease agreements.*

3.   *The Department of Veterans Assistance should ensure that all office locations provide a smoke-free environment for its employees and the veterans they serve.*

Issue 2

The Department Provides the Public a Good Website, with Many User-Friendly and Transparency Features.

Issue Summary

It has become common and expected that government convey information to the public through websites. A number of organizations have developed assessment criteria to evaluate federal and state government websites for transparency and user-friendliness. The Legislative Auditor conducted a literature review on assessments of government websites and developed an assessment tool to evaluate West Virginia's state agency websites (see Appendix F). The Legislative Auditor finds that the Department's website provides many useful features that enhance the website's user-friendliness and transparency. Only modest improvements are needed for transparency.

The Department Has a Good Website Overall, Particularly in the Area of User-Friendliness.

The assessment tool lists a large number of website elements; however, some elements should be included in every state website, while other elements such as social media links, graphics and audio/video features may not be necessary or practical for certain agencies. Table 6 indicates that overall the Department of Veterans Assistance integrates 56 percent of the checklist items within its website, which suggests that relatively modest improvements are needed.

Table 6 Department of Veterans Assistance Website Evaluation			
Substantial Improvement Needed	**More Improvement Needed**	**Modest Improvement Needed**	**Little or No Improvement Needed**
0-25%	26-50%	51-75%	76-100%
		Department 56%	
Source: The Legislative Auditor's review of the Department's website, as of 1/16/14.			

The Department's Website Needs Only Modest Improvements in the Area of Transparency.

In order for citizens to actively engage with government online, they must first be able to access and comprehend information on the website. Therefore, the website should be designed with the public in mind. A user-friendly website is readable, efficient, and allows for the public to easily navigate from page to page. A government website should also be transparent and provide the public with confidence and trust in the government agency. Transparency promotes accountability and provides information for citizens about an agency's activities. A website that is transparent will have elements such as email contact information, the location of the agency, the agency's phone number, as well as public records, the budget and performance measures.

The Legislative Auditor reviewed the Department's website for both user-friendliness and transparency. Table 7 shows the website's total score as being 28 out of a possible 50 points. Thus, only modest improvements are needed to address areas that are lacking.

Table 7 Department of Veterans Assistance Website Evaluation Score			
Category	Possible Points	Agency Points	Percentage
User-Friendly	18	12	67%
Transparent	32	16	50%
Total	**50**	**28**	**56%**
Source: The Legislative Auditor's calculations based on a criteria checklist of common website features.			

Modest Changes to the Department's Website Are Needed to Improve User-Friendliness.

The Department's website has 67 percent of the common components for user-friendliness. The website is easy to navigate, as every page is linked to its homepage, and each page provides a search box that allows users to search for specific content. A majority of the information on the site is related to valuable services and activities provided by the Department, and the site provides a list of responses to the Department's most frequently asked questions. However, the website does not allow for font adjustment, which could make small font unreadable for some users. Given studies that reveal that the average reading level in the United States is at the 8th grade, it is recommended that government websites should not exceed the 8th grade reading level. According to the Flesch-Kincaid test, which is widely used by federal and state agencies to measure readability, the website is written at a college level, making it difficult for many citizens to comprehend.

According to the Flesch-Kincaid test, which is widely used by federal and state agencies to measure readability, the website is written at a college level, making it difficult for many citizens to comprehend.

User-Friendly Considerations

The following are a few attributes that could enhance the website's user-friendliness:

- **Readability -** When posting information about the Department, ensure that it can be understood by the general public.

- **Foreign Language Accessibility -** A link to translate all web pages into one or more languages other than English.

- **Site Functionality -** The website should include buttons to adjust the font size, and resizing of text should not distort site graphics.

Transparency Is the Main Area Where Changes Are Needed to Improve the Department's Website.

The Department's website has 50 percent of the common website components for transparency. The website contains e-mail and telephone contact information for all administrative staff, as well as the physical address for each facility operated by the Department. The website provides a biography for the Department Secretary, detailing his personal experience and qualifications. The website also provides updated information on events, meetings, and activities for veterans. However, the website does not provide any public records (statutes, rules, audits, annual reports, etc.) or any budget data. Further, the website does not provide any method by which users can file a complaint, and lacks information on how to submit a Freedom of Information Act (FOIA) request.

Transparency Considerations

The following are a few attributes that would be beneficial to the Department of Veterans Assistance in increasing its transparency:

- **Public Records-** The website should contain all applicable public records relating to the agency's function (statutes, rules, meeting minutes, etc.)

- **Department Budget-** A link to the annual budget.

- **Performance Measures-** A link from the homepage explaining the Department's performance goals and measures.

- **FOIA Information-** Information on how to submit a FOIA request, ideally with an online submission form.

- **Complaint Form-** A link from the homepage that contains a form to file a complaint, preferably an online form.

- **Mapped Location of Department's Offices**- The Department's contact page should include an embedded map that shows the Department's locations.

Conclusion

The Legislative Auditor finds that improvements are needed in the areas of user-friendliness and transparency to the Department's website. The website could benefit from incorporating several common website features.

Positive features of the Department's website allow users to obtain contact information for field offices, provide feedback, and navigate the site with relative ease. Currently the Department's performance measures, annual reports, and budget information are not listed on the website. Providing users with this information would enhance transparency. It is the Legislative Auditor's opinion that to continue to strive for open government and transparency, the Department should consider implementing a link to the Department budget, performance measures, Department history, mapped location to the offices, and a calendar of events.

Positive features of the Department's website allow users to obtain contact information for field offices, provide feedback, and navigate the site with relative ease.

Recommendation

The following recommendation should be considered:

4.   *The Legislative Auditor recommends that the West Virginia Department of Veterans Assistance should consider making modest additions for the user-friendliness and transparency of its website by incorporating more of the website elements identified.*

Appendix A
Transmittal Letter

WEST VIRGINIA LEGISLATURE
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John Sylvia
Director

May 30, 2014

Richard Thompson, Cabinet Secretary
Department of Veterans Assistance
1514-B
Kanawha Boulevard, East
Charleston, WV 25311

Dear Cabinet Secretary Thompson:

        This is to transmit a draft copy of the Performance Review of the Department of Veterans Assistance. This report will be presented during the June 16-18, interim meetings of the Joint Committee on Government Operations, and the Joint Committee on Government Organization. We will inform you of the exact time and location once the information becomes available. It is expected that a representative from your agency be present at the meeting to orally respond to the report and answer any questions the committees may have.

        If you would like to schedule an exit conference to discuss any concerns you may have with the report, please notify us between June 3, 2014 and June 6, 2013. We need your written response by noon on June 9, 2014, in order for it to be included in the final report. If your agency intends to distribute additional material to committee members at the meeting, please contact the House Government Organization staff at 340-3192 to make arrangements.

        We request that your personnel not disclose the report to anyone not affiliated with your agency. Thank you for your cooperation.

                                                        Sincerely,

                                                        John Sylvia

                                                        John Sylvia

Joint Committee on Government and Finance

Appendix B
Objective, Scope and Methodology

The Performance Evaluation and Research Division (PERD) within the Office of the Legislative Auditor conducted this performance review of the West Virginia Department of Veterans Assistance (Department) pursuant to West Virginia Code §4-2-5. The purpose of the Department, as established in West Virginia Code §9A-1-1(b), is to aid, assist, counsel and advise veterans who have served in and been honorably discharged from the Armed Forces of the United States and their widows, widowers and dependents, including populations of veterans who may have special needs as a result of homelessness, incarceration or physical or mental disabilities.

Objectives

There are two objectives in this review. The first is to determine the extent to which the Department's field offices meet federal guidelines for accessibility and privacy. The second objective is to assess the Department's website for user-friendliness and transparency.

Scope

The scope of this review for Issue 1 consisted of all of the Department field office facilities that were in use between November 2013 and January 2014. For Issue 2 the scope comprised a review of the Department's website on January 16, 2014.

Methodology

PERD gathered and analyzed several sources of information and conducted audit procedures to assess the sufficiency and appropriateness of the information used as evidence. The information gathered and the audit procedures are described below.

Testimonial evidence was gathered for this review through interviews with the Department's administrative staff, as well as staff at each of the 16 field office locations. The purpose for testimonial evidence was to gain a better understanding of the conditions of office accessibility and privacy, to confirm the existence or non-existence of these conditions at each of the offices, and to understand the Department's position on the conditions of the office facilities. This testimonial evidence was confirmed by written statements and physical evidence (photographs).

In order to determine the extent to which each field office meets federal standards for accessible design and privacy, on-site visits to each office location were necessary. Physical evidence obtained through on-site visits was obtained through direct observations and photographs. During PERD's on-site visits, physical measurements were taken for each office, and recorded on the Americans with Disabilities Act (ADA) Checklist. The ADA Checklist, which encompasses some of the ADA Standards for Accessible Design, serves to identify accessibility issues at each office. A complete checklist was filled out for each office location, and the information was entered into an Excel spreadsheet for analysis. On-site visits also enabled PERD to observe privacy concerns, such as the lack of private interview space, or inadequate storage space for confidential documents. Observations of privacy concerns are documented in physical evidence (photographs) and in testimonial evidence. PERD conducted on-site visits to each office to ensure that all evidence obtained for Issue 1 was appropriate, sufficient, and accurate.

In order to determine the cost to the Department each month for renting each field office location, PERD used information provided by the Department. This information was verified by the Real Estate Division of the Department of Administration. Additionally, the Real Estate Division provided other information regarding the leases, such as the original lease date, the renewal date for each field office, and the total square footage for each office.

In order to determine the number of West Virginia veterans who have a service-connected disability, PERD used data from the Disability Status Reports: West Virginia, for the years spanning from 2008 to 2012. This report is issued by the Cornell University Research and Training Center on Disability Demographic Statistics, and derives its data estimates from the American Community Survey (ACS) data—a U.S. Census Bureau survey tool. The data from these Disability Status Reports is somewhat limited in that only working-age (21-64 years old) veterans are included in the sampling. Therefore, when the data are referenced in the body of the report, it is made clear that we are referencing only those veterans of working-age.

In order to evaluate state agency websites, the Legislative Auditor conducted a literature review of government website studies, reviewed top-ranked government websites, and reviewed the work of groups that rate government websites in order to establish a master list of essential website elements. The Brookings Institute's "2008 State and Federal E-Government in the United States" and the Rutgers University's 2008 "U.S. States E-Governance Survey (2008): An Assessment of State Websites" helped identify the top ranked states in regards to e-government. The Legislative Auditor identified three states (Indiana, Maine and Massachusetts) that were ranked in the top 10 in both studies and reviewed all 3 states' main portals for trends and common elements in transparency and user-friendliness.

The Legislative Auditor also reviewed a 2010 report from the West Virginia Center on Budget and Policy that was useful in identifying a group of core elements from the master list that should be considered for state websites to increase their transparency and e-governance. It is understood that not every item listed in the master list is to be found in a department or agency website because some of the technology may not be practical or useful for some state agencies. Therefore, the Legislative Auditor compared the Department's website to the established criteria for user-friendliness and transparency so that the Department can determine if it is progressing in step with the e-government movement and if improvements to its website should be made.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix C
Map of Field Office Facilities
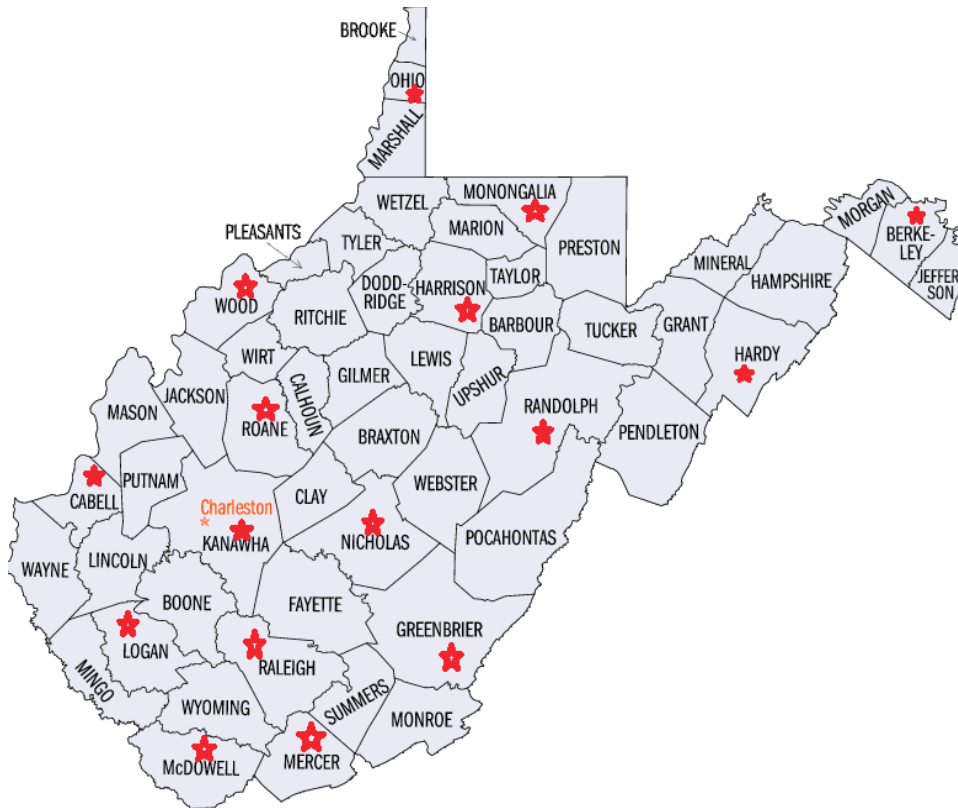
- Beckley
- Charleston
- Clarksburg
- Elkins
- Huntington
- Lewisburg
- Logan
- Martinsburg
- Moorefield
- Morgantown
- Parkersburg
- Princeton
- Spencer
- Summersville
- Welch
- Wheeling

Appendix D
ADA Checklist

Checklist for Existing Facilities version 2.1

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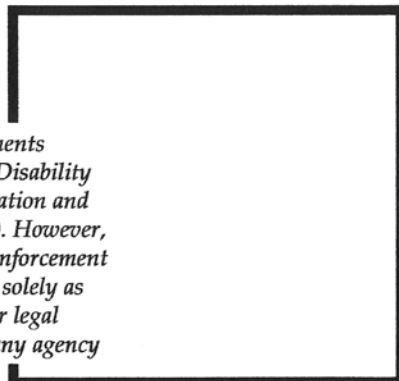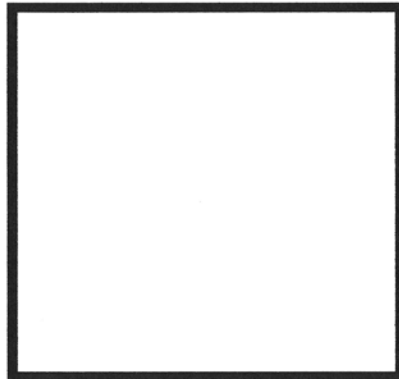
*To obtain additional copies of this **checklist**, contact your Disability and Business Technical Assistance Center. To be automaticallly connected to your regional center, call **1-800-949-4ADA**. This **checklist** may be copied as many times as desired by the Disability and Business Technical Assistance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

August 1995

The Americans with Disabilities Act
Checklist for Readily Achievable Barrier Removal

Checklist for Existing Facilities version 2.1

Introduction

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

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

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

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

Purpose of This Checklist

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

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

Technical Requirements

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

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

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

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

2

What This Checklist is Not

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

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

Priorities

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

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

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

How to Use This Checklist

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

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

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

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

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

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

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

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

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

QUESTIONS	POSSIBLE SOLUTIONS

Priority

1 Accessible Approach/Entrance

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

Yes No

Route of Travel (ADAAG 4.3, 4.4, 4.5, 4.7)
Is there a route of travel that does not require the use of stairs?
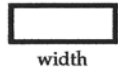
☐ Add a ramp if the route of travel is interrupted by stairs.
☐ Add an alternative route on level ground.

Is the route of travel stable, firm and slip-resistant?
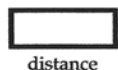
☐ Repair uneven paving.
☐ Fill small bumps and breaks with beveled patches.
☐ Replace gravel with hard top.

Is the route at least 36 inches wide?

width

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

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

distance
from wall /
height

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

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

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

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

Ramps (ADAAG 4.8)
Are the slopes of ramps no greater than 1:12?

slope

Slope is given as a ratio of the height to the length. 1:12 means for every 12 inches along the base of the ramp, the height increases one inch. For a 1:12 maximum slope, **at least** one foot of ramp length is needed for each inch of height.
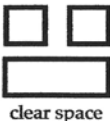
☐ Lengthen ramp to decrease slope.
☐ Relocate ramp.
☐ If available space is limited, reconfigure ramp to include switchbacks.

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QUESTIONS	POSSIBLE SOLUTIONS

Yes No

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

☐ Add railings.

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

height

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

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

width

☐ Relocate the railings.
☐ Widen the ramp.

Are ramps non-slip?

☐ Add non-slip surface material.

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

length

☐ Remodel or relocate ramp.

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

rise

☐ Remodel or relocate ramp.

Parking and Drop-Off Areas (ADAAG 4.6)
Are an adequate number of accessible parking spaces available (8 feet wide for car plus 5-foot access aisle)? For guidance in determining the appropriate number to designate, the table below gives the ADAAG requirements for new construction and alterations (for lots with more than 100 spaces, refer to ADAAG):

number of
accessible
spaces

Note widths
of existing
accessible
spaces:

☐ Reconfigure a reasonable number of spaces by repainting stripes.

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

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

width/
vertical
clearance

☐ Reconfigure to provide van-accessible space(s).

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

5

QUESTIONS	POSSIBLE SOLUTIONS

Yes No

Parking and Drop-Off Areas, continued
Are the access aisles part of the accessible
route to the accessible entrance?

☐ Add curb ramps.
☐ Reconstruct sidewalk.

Are the accessible spaces closest to the
accessible entrance?

☐ Reconfigure spaces.

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

☐ Add signs, placed so that they
are not obstructed by cars.

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

☐ Implement a policy to check periodically for violators and report
them to the proper authorities.

Entrance (ADAAG 4.13, 4.14, 4.5)
If there are stairs at the main entrance, is there
also a ramp or lift, or is there an alternative
accessible entrance?

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

☐ If it is not possible to make the
main entrance accessible, create
a dignified alternate accessible
entrance. If parking is provided,
make sure there is accessible
parking near all accessible
entrances.

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

☐ Install signs before inaccessible
entrances so that people do not
have to retrace the approach.

Can the alternate accessible entrance be used
independently?

☐ Eliminate as much as possible
the need for assistance—to answer
a doorbell, to operate a lift, or to
put down a temporary ramp, for
example.

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

clear opening

☐ Widen the door to 32 inches clear.
☐ If technically infeasible, widen to
31-3/8 inches minimum.
☐ Install offset (swing-clear) hinges.

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

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

clear space

☐ Remove or relocate furnishings,
partitions, or other obstructions.
☐ Move door.
☐ Add power-assisted or automatic door opener.

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6 Disability and Rehabilitation Research. For technical assistance, call 1-800-949-4ADA (voice/TDD).

QUESTIONS	POSSIBLE SOLUTIONS

Yes   No

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

☐ ☐
☐
height

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

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

☐ ☐
☐
height

☐ Replace or remove mats.

Are edges securely installed to minimize tripping hazards?

☐ ☐

☐ Secure carpeting or mats at edges.

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

☐ ☐
☐
height

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

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

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

☐ ☐
☐
force

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

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

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

☐ ☐
☐
seconds

☐ Adjust door closer.

QUESTIONS	POSSIBLE SOLUTIONS

Priority

2 Access to Goods and Services

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

Yes No

Horizontal Circulation (ADAAG 4.3)
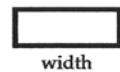
Does the accessible entrance provide direct access to the main floor, lobby, or elevator?

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

Are all public spaces on an accessible route of travel?
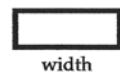
☐ Provide access to all public spaces along an accessible route of travel.

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

width

☐ Move furnishings such as tables, chairs, display racks, vending machines, and counters to make more room.
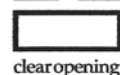
Is there a 5-foot circle or a T-shaped space for a person using a wheelchair to reverse direction?

width

☐ Rearrange furnishings, displays, and equipment.
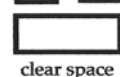
Doors (ADAAG 4.13)

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

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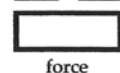
☐ Install offset (swing-clear) hinges.
☐ Widen doors.

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

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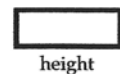
☐ Reverse the door swing if it is safe to do so.
☐ Move or remove obstructing partitions.

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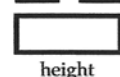
force

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

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

height

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

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

height

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

QUESTIONS	POSSIBLE SOLUTIONS

Rooms and Spaces (ADAAG 4.2, 4.4, 4.5)

Yes No

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

☐ Rearrange furnishings and fixtures to clear aisles.

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

☐ Rearrange furnishings to clear more room.

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

☐ Secure edges on all sides.
☐ Replace carpeting.

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

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

Emergency Egress (ADAAG 4.28)

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

☐ Install visible and audible alarms.
☐ Provide portable devices.

Signage for Goods and Services (ADAAG 4.30)

Different requirements apply to different types of signs.

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

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

Y N

• Signs mounted with centerline 60 inches from floor. ☐ ☐   ☐ **height**

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

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

• Brailled text of the same information. ☐ ☐

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

QUESTIONS	POSSIBLE SOLUTIONS

Yes No

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

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

letter height

☐ Review requirements and re-place signs as needed, meeting the requirements for character size, contrast, and finish.

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

☐ Review requirements and replace signs as needed.

Controls (ADAAG 4.27)
Are all controls that are available for use by the public (including electrical, mechanical, cabinet, game, and self-service controls) located at an accessible height?

height

☐ Relocate controls.

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

Are they operable with a closed fist?

☐ Replace controls.

Seats, Tables, and Counters (ADAAG 4.2, 4.32, 7.2)
Are the aisles between fixed seating (other than assembly area seating) at least 36 inches wide?

width

☐ Rearrange chairs or tables to provide 36-inch aisles.

Are the spaces for wheelchair seating distributed throughout?

☐ Rearrange tables to allow room for wheelchairs in seating areas throughout the area.
☐ Remove some fixed seating.

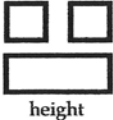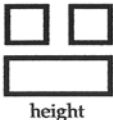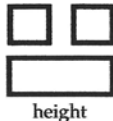Are the tops of tables or counters between 28 and 34 inches high?

height

☐ Lower part or all of high surface.
☐ Provide auxiliary table or counter.

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

height/
width/
depth

☐ Replace or raise tables.

10

QUESTIONS	POSSIBLE SOLUTIONS

Yes No

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

☐ ☐

☐ height

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

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

☐ ☐

☐ height

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

Vertical Circulation (ADAAG 4.1.3(5), 4.3)
Are there ramps, lifts, or elevators to all public levels?

☐ ☐

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

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

☐ ☐

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

Stairs (ADAAG 4.9)
The following questions apply to stairs connecting levels *not* serviced by an elevator, ramp, or lift.

Do treads have a non-slip surface?

☐ ☐

☐ Add non-slip surface to treads.

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

☐ ☐

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

Elevators (ADAAG 4.10)
Are there both visible and verbal or audible door opening/closing and floor indicators (one tone = up, two tones = down)?

☐ ☐

☐ Install visible and verbal or audible signals.

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

☐ ☐

☐ height

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

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

☐ ☐

☐ Install raised lettering and braille next to buttons.

11

QUESTIONS	POSSIBLE SOLUTIONS

Yes No

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

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

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

□ Modify communication system.

Is the emergency intercom identified by braille and raised letters? □ □

□ Add tactile identification.

Lifts (ADAAG 4.2, 4.11)
Can the lift be used without assistance? If not, is a call button provided? □ □

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

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

clear space

□ Rearrange furnishings and equipment to clear more space.

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

height

□ Move controls.

Priority
3 Usability of Rest Rooms
When rest rooms are open to the public, they should be accessible to people with disabilities.

Getting to the Rest Rooms (ADAAG 4.1)
If rest rooms are available to the public, is at least one rest room (either one for each sex, or unisex) fully accessible? □ □

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

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

□ Install accessible signs.

Doorways and Passages (ADAAG 4.2, 4.13, 4.30)
Is there tactile signage identifying rest rooms? □ □

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

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

QUESTIONS	POSSIBLE SOLUTIONS

Doorways and Passages, continued

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

Yes ☐ No ☐

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

Is the doorway at least 32 inches clear?

Yes ☐ No ☐

☐ clear width

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

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

Yes ☐ No ☐

☐ height

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

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

Yes ☐ No ☐

☐ force

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

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

Yes ☐ No ☐

☐ clear width

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

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

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

Yes ☐ No ☐

☐ width

☐ Remove obstructions.

Stalls (ADAAG 4.17)

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

Yes ☐ No ☐

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

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

Yes ☐ No ☐

☐ length/width

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

13

QUESTIONS	POSSIBLE SOLUTIONS

Yes No

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

☐ Add grab bars.

Is the toilet seat 17 to 19 inches high? ☐ ☐

☐ Add raised seat.

☐ height

Lavatories (ADAAG 4.19, 4.24)
Does one lavatory have a 30-inch-wide by 48-inch-deep clear space in front? ☐ ☐

☐ clear space

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

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

Is the lavatory rim no higher than 34 inches? ☐ ☐

☐ height

☐ Adjust or replace lavatory.

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

☐ height

☐ Adjust or replace lavatory.

Can the faucet be operated with one closed fist? ☐ ☐

☐ Replace with paddle handles.

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

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

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

☐ height

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

Priority
4 Additional Access

Note that this priority is for items not required for basic access in the first three priorities.
When amenities such as drinking fountains and public telephones are provided, they should also be accessible to people with disabilities.

Drinking Fountains (ADAAG 4.15)
Is there at least one fountain with clear floor space of at least 30 by 48 inches in front? ☐ ☐

☐ clear space

☐ Clear more room by rearranging or removing furnishings.

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14 Disability and Rehabilitation Research. For technical assistance, call 1-800-949-4ADA (voice/TDD).

QUESTIONS	POSSIBLE SOLUTIONS

Drinking Fountains, continued

Yes   No

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

☐ ☐

height

- ☐ Provide cup dispensers for fountains with spouts that are too high.
- ☐ Provide accessible cooler.

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

☐ ☐

- ☐ Replace the controls.

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

☐ ☐

height/ protrusion

- ☐ Place a planter or other cane-detectable barrier on each side at floor level.

Telephones (ADAAG 4.31)

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

☐ ☐

clear space

- ☐ Move furnishings.
- ☐ Replace booth with open station.

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

☐ ☐

height

- ☐ Lower telephone.

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

☐ ☐

protrusion

- ☐ Place a cane-detectable barrier on each side at floor level.

Does the phone have push-button controls?

☐ ☐

- ☐ Contact phone company to install push-buttons.

Is the phone hearing-aid compatible?

☐ ☐

- ☐ Have phone replaced with a hearing-aid compatible one.

Is the phone adapted with volume control?

☐ ☐

- ☐ Have volume control added.

Is the phone with volume control identified with appropriate signage?

☐ ☐

- ☐ Add signage.

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

☐ ☐

- ☐ Install a text telephone.
- ☐ Have a portable TT available.
- ☐ Provide a shelf and outlet next to phone.

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

☐ ☐

- ☐ Add signage.

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Appendix E
Photographs From Site Visists

Figure 1: Handicap Accessible Parking at the Beckley field office is limited, metered, and forces veterans with disabilities to park far away from the building entrance.

Figure 2: The small size of the Beckley field office does not provide adequate maneuvering space for wheelchairs, and presents difficulties in getting large wheelchairs through the doorway.

Figure 3: The narrow doorways and corridors at the Lewisburg office can make wheelchair navigation difficult for veterans. Some doorways (as seen above) fail to provide the ADA-required amount of clear space.

Figure 4: The Moorefield office does not provide an accessible restroom facility for veterans. As seen here, a veteran in a wheelchair could not even enter the restroom, due to the step-up at the door.

Figure 5: The small size of the Moorefield office's restroom fails to meet most of the ADA's measurement requirements, and is not accessible to veterans with a physical disability.

Appendix F
Website Criteria Checklist and Points System

West Virginia Department of Veterans Assistance Review Date: 1/16/14			
User-Friendly	**Description**	**Total Points Possible**	**Total Agency Points**
Criteria	The ease of navigation from page to page along with the usefulness of the website.	**18**	**12**
		Individual Points Possible	**Individual Agency Points**
Search Tool	The website should contain a search box (1), preferably on every page (1).	2 points	2 points
Help Link	There should be a link that allows users to access a FAQ section (1) and agency contact information (1) on a single page. The link's text does not have to contain the word help, but it should contain language that clearly indicates that the user can find assistance by clicking the link (i.e. "How do I…", "Questions?" or "Need assistance?")	2 points	2 points
Foreign language accessibility	A link to translate all webpages into languages other than English.	1 point	0 points
Content Readability	The website should be written on a 8th grade reading level. The Flesch-Kincaid Test is widely used by Federal and State agencies to measure readability.	No points, see narrative	=
Site Functionality	The website should use sans serif fonts (1), the website should include buttons to adjust the font size (1), and resizing of text should not distort site graphics or text (1).	3 points	1 point
Site Map	A list of pages contained in a website that can be accessed by web crawlers and users. The Site Map acts as an index of the entire website and a link to the department's entire site should be located on the bottom of every page.	1 point	1 point
Mobile Functionality	The agency's website is available in a mobile version (1) and/or the agency has created mobile applications (apps) (1).	2 points	1 point
Navigation	Every page should be linked to the agency's homepage (1) and should have a navigation bar at the top of every page (1).	2 points	2 points

West Virginia Department of Veterans Assistance Review Date: 1/16/14			
FAQ Section	A page that lists the agency's most frequent asked questions and responses.	1 point	1 point
Feedback Options	A page where users can voluntarily submit feedback about the website or particular section of the website.	1 point	1 point
Online survey/poll	A short survey that pops up and requests users to evaluate the website.	1 point	0 point
Social Media Links	The website should contain buttons that allow users to post an agency's content to social media pages such as Facebook and Twitter.	1 point	1 point
RSS Feeds	RSS stands for "Really Simple Syndication" and allows subscribers to receive regularly updated work (i.e. blog posts, news stories, audio/video, etc.) in a standardized format.	1 point	0 point
Transparency	**Description**	**Total Points Possible**	**Total Agency Points**
Criteria	A website which promotes accountability and provides information for citizens about what the agency is doing. It encourages public participation while also utilizing tools and methods to collaborate across all levels of government.	**32**	**16**
		Individual Points Possible	**Individual Agency Points**
Email	General website contact.	1 point	1 point
Physical Address	General address of stage agency.	1 point	1 point
Phone Number	Correct phone number of state agency.	1 point	1 point
Location of Agency Headquarters	The agency's contact page should include an embedded map that shows the agency's location.	1 point	0 point
Administrative officials	Names (1) and contact information (1) of administrative officials.	2 points	2 points
Administrator(s) biography	A biography explaining the administrator(s) professional qualifications and experience.	1 point	1 point

West Virginia Department of Veterans Assistance Review Date: 1/16/14			
Privacy policy	A clear explanation of the agency/state's online privacy policy.	1 point	1 point
Public Records	The website should contain all applicable public records relating to the agency's function. If the website contains more than one of the following criteria the agency will receive two points: • Statutes • Rules and/or regulations • Contracts • Permits/licensees • Audits • Violations/disciplinary actions • Meeting Minutes • Grants	2 points	0 points
Complaint form	A specific page that contains a form to file a complaint (1), preferably an online form (1).	2 points	0 points
Budget	Budget data is available (1) at the checkbook level (1), ideally in a searchable database (1).	3 points	0 points
Mission statement	The agency's mission statement should be located on the homepage.	1 point	1 point
Calendar of events	Information on events, meetings, etc. (1) ideally imbedded using a calendar program (1).	2 points	1 point
e-Publications	Agency publications should be online (1) and downloadable (1).	2 points	0 points
Agency Organizational Chart	A narrative describing the agency organization (1), preferably in a pictorial representation such as a hierarchy/organizational chart (1).	2 points	0 points
Graphic capabilities	Allows users to access relevant graphics such as maps, diagrams, etc.	1 point	1 point
Audio/video features	Allows users to access and download relevant audio and video content.	1 point	1 point
FOIA information	Information on how to submit a FOIA request (1), ideally with an online submission form (1).	2 points	0 points

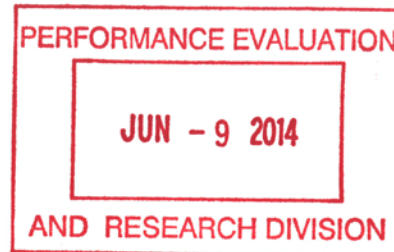| West Virginia Department of Veterans Assistance Review Date: 1/16/14			
Performance measures/ outcomes	A page linked to the homepage explaining the agencies performance measures and outcomes.	1 point	0 points
Agency history	The agency's website should include a page explaining how the agency was created, what it has done, and how, if applicable, has its mission changed over time.	1 point	1 point
Website updates	The website should have a website update status on screen (1) and ideally for every page (1).	2 points	2 points
Job Postings/links to Personnel Division website	The agency should have a section on homepage for open job postings (1) and a link to the application page Personnel Division (1).	2 points	2 points

Appendix G
Aency Response

West Virginia
Department of Veterans Assistance

Earl Ray Tomblin
Governor

Rick Thompson
Cabinet Secretary

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

June 9, 2014

PERFORMANCE EVALUATION

JUN – 9 2014

AND   RESEARCH DIVISION

John Silvia, Director
West Virginia Legislature
Performance Evaluation and Research Division
Building 1, Room W-314
1900 Kanawha Boulevard East
Charleston, West Virginia 25311

Dear Director Sylvia:

The West Virginia Department of Veterans Assistance has received your department's performance review. We appreciate your findings and offer the following responses:

With regard to ADA compliance concerns at several veterans' field offices; we are working with the WV Real Estate Division to find suitable locations that provide wheelchair accessibility and consider federal privacy standards. Presently rent for our veterans' field offices average $300 per month. Given the current budget, locating newer office space that provides handicap accessible parking, wheelchair ramps, and private office space has proven to be difficult.

We are placing commercial grade air filters in the Moorefield office located in the American Legion Post 64 in an attempt to eliminate the second hand cigarette smoke there. This office is also a top priority for relocation as it has no handicap parking spaces.

All field offices have been instructed to secure existing files for veterans' privacy. Any cabinets not lockable are being replaced.   Others are being rekeyed.

Attached you will find a sample monthly report from the Wheeling field office. As you can see, the report details telephone calls, correspondence, compensation and pension applications, cases reviewed, referrals to other agencies, and the monetary benefits recovered for veterans.

The Department of Veterans Assistance is working to improve our website. Changes will be made for readability, and the ability to adjust font size for resizing of text that will not distort site graphics. Translation to foreign language will also be addressed.

On behalf of the Department of Veterans Assistance, thank you for your consideration of our responses to your review. We are working diligently to bring our offices and services into compliance with the American with Disabilities Act Accessibility Guidelines and the Privacy Act of 1974. Please contact me if you require further information.

Sincerely,

Rick Thompson,
Cabinet Secretary

ca/RT
attachment

WEST VIRGINIA DEPARTMENT OF VETERANS ASSISTANCE
MONTHLY REPORT
April 2014
WHEELING FIELD OFFICE

1.CONSULTATIONS	98
2.TELEPHONE CALLS (INCOMING/OUTGOING)	243
3. CORRESPONDENCE (INCOMING/OUTGOING)	110
4. APPLICATIONS-COMPENSATIONS-PENSIONS	11
5. REOPENED CLAIMS	1
6. CASES REVIEWED	481
7. REFERRALS	50
8. APPEARANCES BEHALF OF VETERANS	0
9. TOTAL AWARDS	32
10. ANNUAL INCOME OBTAINED FROM VETERANS, AND DEPENDENTS FROM COMPENSATIONS AND AWARDS	
$616,598.00	
11. WIDOWS DEATH PENSION, DIC, VR&E BURIAL ALLOWANCE, EVR'S CONFIRMED & CONTINUED AWARDS	
$215,275.00	
12. LIFE INSURANCE BENEFITS RECOVERED	
13. GRAND TOTAL OF ALL MONETARY BENEFITS RECOVERED (SUM OF 10, 11 & 12)	
$831,873.00	

ITINERARY REPORT

COMMUNITY	DATE	CASES
N MARTINSVILLE	05/06/2014	2
N CUMBERLAND	05/08/2014	2
CHESTER	05/082014	0
WEIRTON	05/14/2014	3
FOLLANSBEE	05/14/2014	2
WELLBURG	05/14/2014	1
CAMERON	05/21/2014	0
MOUNDSVILLE	05/21/2014	2
PITTSBURGH		

ORGANIZATION TOWN	DATE
POW Meeting	05/07/2014

Michael Cuing

VETERANS SERVICE OFFICER