Part I: Getting Started

January 21, 2014 1-2:30 CT.

This session, the first in a three-part series, lays the groundwork for any effort to develop or update a self-evaluation and/or transition plan or, for title III entities, a barrier removal plan. Some state and local governments, colleges and universities, or private entities may have plans that date from the early 1990s. But the ADA rules have changed, you've expanded or undertaken. The session will provide an overview for applying the technical and scoping provisions when altering and more specifically address "alterations affecting primary function areas" and other specific scoping and technical provisions applicable when altering.

Presenters:

Barry Ta - Disability Rights Section, U.S. Department of Justice
Rachel M. Weisberg - Coordinator of Public Affairs, Office of Technical and Information Services, US Access Board

For more information visit AccessibilityOnline

ADA Audio Conference Series

THE TOP ADA CASES OF 2013
JANUARY 15, 2014 1-2:30 CT.

A number of significant ADA cases were decided in 2013, and this session will provide an in-depth review of the top ADA cases from the past year. In addition to reviewing the specific facts and ruling in each case, there will also be a discussion of the impact these cases may have on future ADA litigation. This webinar promises to cover a wide variety of ADA issues under Titles I, II and III. Start the New Year off right with a better understanding of the most important ADA cases decided in 2013.

Speakers:

Barry Taylor - Vice President of Civil Rights and Systemic Litigation
Rachel M. Weisberg - Staff Attorney, Equip For Equality

For more information visit ADA Audio Conference site

U.S. Equal Employment Opportunity Commission (EEOC)

Henderson Nursing / Rehab Center to Pay $50,000 to Settle EEOC Disability Discrimination Suit

Britthaven, Inc. and its successor, Principle Long Term Care, Inc., operators of a nursing and rehabilitation center, will pay $50,000 and furnish other relief to settle a disability discrimination lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC). The EEOC had charged that the companies violated federal law by discriminating against an employee who was diagnosed with breast cancer.

Step Three to Pay $60,000 to Settle EEOC Discrimination Suit

Step Three, Ltd., a Hawaiian resort retailer, will pay $60,000 for discriminating against an employee because of her fertility treatments and eventual pregnancy, the U.S. Equal Employment Opportunity Commission (EEOC) announced. The settlement includes widespread changes to company policy and procedures. According to the EEOC lawsuit, a female retail buyer in Honolulu informed the company that she began treatments for infertility in 2011. Upon disclosure of her disability, a company official allegedly made offensive comments about her intentions and became even less receptive upon disclosure of her pregnancy.

Alorica Pays $135,000 to Settle EEOC Disability Discrimination Suit

Alorica Inc., a telesales and data services company that acquired Ryla Teleservices, Inc., will pay $135,000 to settle a disability discrimination lawsuit brought by the Equal Employment Opportunity Commission (EEOC) against Ryla, the agency announced. According to the EEOC lawsuit, Ryla Teleservices violated federal law by firing a customer service representative diagnosed with bipolar disorder and depression, from its Kennesaw, Ga., facility rather than accommodate the employee's disability.

Providence Hospital Sued by EEOC for Disability Discrimination

Providence Hospital unlawfully refused to accommodate a disabled employee and subsequently discharged her because of her disability, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit it filed. According to the EEOC lawsuit the hospital refused to allow an employee to return to work using cane following a disability leave.
may lack binding standards? A former DOJ official who has conducted
evaluations for cities, counties, and universities takes you through the
steps and answers questions.

Presenters
Irene Bowen  - President ADA One, LLC, Silver Spring, MD
James Terry - A.I.A., LEED-AP, CASp, NCARB Chief Executive Officer,
Evan Terry Associates, Birmingham, AL

For more information visit ADA Audio Conference Series at
http://www.ada-audio.org
(877) 232-1990

AccessibilityOnline Webinar Series

Accessible Routes on Sites
February 6th, 2014 1:30-3:00 CST.

Exterior accessible routes are critical for individuals with disabilities using
mobility devices in connecting from site arrival points to accessible
building entrances. Specific scoping provisions also address connecting
accessible elements and spaces “within a site”. This session will review
the application of these requirements using examples of newly constructed
site and an existing site undertaking alterations.

Presenters:
Peggy H. Greenwell  - Accessibility Specialist, Office of Technical and
Information Services, US Access Board
Dave Yanchulis  - Coordinator of Public Affairs, Office of Technical and
Information Services, US Access Board

For more information visit AccessibilityOnline

ADA Audio Conference Series

Part II: A Hands-on Approach to Self-Evaluations
February 18, 2014 1-2:30 CT

Next, how do you evaluate your programs, policies, and procedures? Once
you’ve decided the scope of the evaluation and identified your resources,
you’ll need an organized and productive way to gather information,
consider public input, and analyze the results. Possible considerations
include showing support from the top; training; finding a way to bring
together (1) knowledge of particular programs with (2) an understanding
of the ADA -- and what to do if no one has that understanding; evaluating
some programs in greater depth when they do not lend themselves to
evaluation by checklist; quality control; and timing. We’ll see what kind of
information you should gather about facilities and at what level of detail,
for assessing “program access.”

Presenters:
Irene Bowen  - President ADA One, LLC, Silver Spring, MD
James Terry - A.I.A., LEED-AP, CASp, NCARB Chief Executive Officer,
Evan Terry Associates, Birmingham, AL

For more information visit ADA Audio Conference Series at
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**Direct Optical Sued by EEOC for Disability Discrimination**

The U.S. Equal Employment Opportunity Commission (EEOC) filed suit against
Direct Optical, Inc., a Michigan eyewear retailer, for discriminating against an
optician because of her disabilities. In its suit, the EEOC charged that Direct Optical
discriminated against the employee because of her disabilities. When it denied her
request to use her service dog at work

[Read More at: http://www.eeoc.gov/eeoc/newsroom/release/12-4-13a.cfm]

**Foodworks Will Pay $25,000 to Settle EEOC Discrimination Lawsuit**

The Food Farmacy, Ltd. and J&T Enterprises, LLC, doing business as Foodworks, a
chain of grocery stores in Connecticut, will pay $25,000 and furnish other relief to
settle a disability discrimination lawsuit filed by the U.S Equal Employment
Opportunity Commission (EEOC), the agency announced. According to the EEOC
lawsuit, Foodworks asked disability-related questions of a class of applicants before
offering them jobs.

[Read More at: http://www.eeoc.gov/eeoc/newsroom/release/12-4-13.cfm]

**U.S. Department of Justice (DOJ)**

**Department Issues New Documents on Mediation Program**

The Department of Justice has issued two new publications explaining its ADA
Mediation Program. Through its Program, the Department of Justice resolves many
ADA complaints quickly and effectively at no cost to the parties. The documents are
titled:

Resolving ADA Complaints Through Mediation: An Overview

ADA Mediation Program: Questions and Answers

[Read More at: http://www.ada.gov/mediate.htm]

**Justice Department Reaches Settlement Agreement with Newseum**

The Justice Department reached a settlement agreement with the Experimental
Aircraft Association, Inc. The agreement resolves a complaint filed under title III
with the Justice Department alleging that at its annual air show in Oshkosh, WI a
participant was prohibited from using a Segway® device. As part of the settlement
agreement the Association will develop policies that outline where and when other-
power driven mobility devices can be used at the air show in the future.

[Read More at: http://www.ada.gov/eaa-airventure-sa.htm]

**Justice Department Reaches Agreement with Oklahoma Child Care Center**

The Justice Department announced that it has reached a settlement with
Camelot Child Development Center of Oklahoma City and Edmond, Okla.,
under the Americans with Disabilities Act (ADA). The settlement resolves
allegations that Camelot violated the ADA by prohibiting a child with Down
syndrome from field trips, and threatening to expel her, because of her
How to Design and Deliver an Accessible Webinar

February 19, 2014  1-2:30 CST.

Access to individuals with disabilities, including those who are deaf or hard of hearing and people who are blind or have low vision must be provided. This applies whether you are participating in a webinar or presenting one. The Great Lakes ADA Center has worked together in providing a monthly webinar series and has developed some technical assistance to assist others in ensuring accessibility. This session will examine the use of interactive features, captioning, audio connections, and other features as it relates to those who are planning to provide webinars as well as those who are developing webinar platforms.

Speakers:
Robin Jones - Director of the Great Lakes ADA Center
Melissa Andersen
Rex Pace

For more information visit ADA Audio Conference site

Open Questions and Answers
March 6th, 2014  1-2:30

Back by popular demand! Accessibility specialists and information technology specialists from the Access Board are available to answer your burning questions during this session. Session participants are requested to submit questions in advance on the 2010 ADA Accessibility Standard, the Architectural Barriers Act Accessibility Standard, Section 508, Medical Diagnostic Equipment or other Board rulemakings or activities. Accessibility specialists will answer questions submitted in advance during the first half of the session, leaving time in the second half to answer questions in the live session.

Presenters:
Marsha K. Mazz - Director, Office of Technical and Information Services, US Access Board
Rex Pace - Senior Accessibility Specialist and Technical Assistance Coordinator, US Access Board
Melissa Andersen - Transportation Specialist, US Access Board
Tim Creagan - Senior Accessibility Specialist and Technical Assistance Coordinator, US Access Board

For more information visit AccessibilityOnline

Great Lakes In Focus

2014 National ADA Symposium Registration is NOW OPEN!

From The ADA National Network!

Registration is NOW Open!!

Don't miss the premiere event for 2014! Registration is now available for the 2014 National ADA Symposium.

Check out the Symposium website= www.adasymposium.org and browse all the options available for this year's event.

With multiple pre-conference options and over 70 breakout session options, we're sure you'll find plenty to love about this year's Symposium!

But, register early to ensure you get the selections you want, and to save $100 off of your registration fee. Group discounts are also available.

For additional information and questions call the Great Lakes Center at (800) 949-4232.

The Docket


The Appeals Court for the Washington D.C. Circuit denied the appeal of a jury verdict in favor of an employer in an Americans with Disabilities Act (ADA) case. The case involved a medical assistant at a Washington, D.C. hospital where one of the essential job functions was to perform triage on patients. This involved preparing patients to be seen by doctors, escorting patients to exam rooms and recording patients’ information on charts.

The employee developed a nerve condition that prevented the employee from lifting more than 20 pounds and triaging patients. The hospital initially allowed the employee to modify the duties of the position to periodically excuse her from developmental delays.

<Read More at= http://www.ada.gov/camelot-sa.htm>

Justice Department Reaches Settlement Agreement with Starwood Hotels & Phoenician Golf & Resort

This agreement resolves a complaint filed under title III of the Americans with Disabilities Act (ADA) with the Department of Justice. The complaint alleged the hotel contained accessible rooms with bathrooms that didn’t meet the ADA accessibility requirements. In addition to altering the bathrooms in the guest rooms, bathrooms serving the hotel restaurant, conference area and golf course clubhouse will be altered in order to comply with the 2010 ADA standards.

<Read More at= http://www.ada.gov/phoenician-sa.htm>
performing triage. However, the hospital eventually required the employee to return to full duty. When the employee was unable to perform triage work the hospital terminated the employee.

The employee filed an ADA lawsuit arguing that the job could be performed if the employee was not required to perform triage work. The lawsuit also argued that the hospital failed to reasonably accommodate the employee’s disability.

A jury sided with the hospital, finding that the employee was not a qualified individual with a disability under the ADA because the employee could not perform the essential functions of the job with or without a reasonable accommodation.

The appeals court agreed and upheld the jury verdict. The court said that, contrary to the employee’s argument, “the mere fact that an employer voluntarily accommodates an employee's disability by temporarily eliminating an essential function does not mean that the employer has irrevocably waived the essential function of the job.”

The court added that, "an employee who cannot perform an essential function is not a qualified individual under the ADA, even if the employer previously chose to accommodate the employee by excusing the employee from performing the essential function.”

**From the ADA Expert**

Q. What responsibilities do stores and other businesses have in clearing snow from parking spaces, sidewalks and other areas? It is that time of year when the snow is falling and I want to know what the ADA says about snow removal.

A. The Americans with Disabilities Act requires businesses as well as state and local governments to maintain the accessible features of their buildings and facilities. Maintaining accessible features includes removing snow from accessible parking spaces and access aisles, sidewalks that are part of an accessible route to entrances and that includes any curb ramps located along the accessible route. Additionally, snow should be removed from around accessible entrances and if a power door is provided removing snow from around the door activating panel.

Businesses and government agencies are not expected to have snow removed immediately after it has fallen but should take steps to remove snow as soon as possible.

For additional information on the ADA contact the Great Lakes ADA Center by calling (800) 949-4232 (V/TTY) or by completing the Center’s online contact form, [http://www.adagreatlakes.org/WebForms/ContactUs/](http://www.adagreatlakes.org/WebForms/ContactUs/)
For more information please call 800-949-4232 (Voice/TTY) or Online via Contact Us form.

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