

June 2014

VOLUME 10 ISSUE 6

Trainings & Events

(Central Standard Time)

Accessibility Online Webinar Series

Accessible Assembly Areas
June 5th, 2014 1:30-3:00 CT
This session will provide a review of the assembly area standards affecting wheelchair spaces, companion seats, and designated aisle seats in the 2010 ADA Accessibility Standards and the Architectural Barriers Act Accessibility Standard.

Representatives from the Department of Justice, Disability Rights Section will discuss additional changes made to the ADA regulation affecting wheelchair space dispersion, accessible route connections, and other changes related to assembly areas. Presenters will also focus the content of this session on your questions submitted in advance.

Presenters:

[Rex Pace](#) - Senior Accessibility Specialist and Technical Assistance Coordinator, US Access Board.

[Mary Adams](#) - Senior Architect, Disability Rights Section, Department of Justice.

[Diane Perry](#) - Architect, Disability Rights Section, Department of Justice.

For more information visit

[Accessibility Online Webinar Series](#) at <http://www.accessibilityonline.org> (877) 232-1990

Accessibility Online Webinar Series

Accessible Toilet and Bathing Facilities - Advanced session
July 10th, 2014 1:30-3:00 CT.

If you are familiar with the basic requirements for toilet and bathing facilities and are ready for a more

News from the Federal Agencies

Access Board

U.S. Equal Employment Opportunity Commission (EEOC)

EEOC Sues Orion Energy for Disability Discrimination

Manitowoc, WI based Orion Energy Systems, Inc. violated federal law by firing an employee because of his disability, a mobility impairment, U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit it filed. In its lawsuit, the EEOC contends that Orion fired Scott Conant after he experienced a disabling condition that substantially limited his ability to walk and required that he use a wheel-chair. The EEOC said that Conant's termination followed his request for accommodations to allow him to enter and exit the Orion workplace, such as an automatic door opener.

Read more at =<http://www.eeoc.gov/eeoc/newsroom/release/5-29-14a.cfm>

Lifecare Medical Services to Pay \$72,500 to Settle EEOC Disability Lawsuit

Lifecare Medical Services, Inc. will pay \$72,500 and provide other relief in order to resolve a disability discrimination lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC). In its lawsuit, the EEOC charged that Lifecare Medical Services, Inc., located in Akron, violated the Americans with Disabilities Act (ADA) when it refused to provide reasonable accommodation to an EMT-paramedic, who has multiple sclerosis.

Read more at =<http://www.eeoc.gov/eeoc/newsroom/release/5-29-14b.cfm>

EEOC Disability Suit against Cleaning Authority of Plainfield to Proceed

A federal judge has denied a motion to dismiss a claim of disability harassment against Mont Brook, Inc., doing business as The Cleaning Authority of Plainfield, the U.S. Equal Employment Opportunity Commission (EEOC). In its complaint, the EEOC charged that the house cleaning company violated federal civil rights laws by harassing an employee with a disability. The EEOC said the company's president referred to an employee who walks with an abnormal gait as a result of a stroke as "a cripple," mockingly imitated the way she walks, and told her that she was being a "hysterical basket case" when she objected to that treatment.

Read more at =<http://www.eeoc.gov/eeoc/newsroom/release/5-27-14.cfm>

"advanced" discussion of these provisions, this is the session for you! Participants interested in this session are encouraged to review an archived session on this topic for a review of the basic provisions. (see <http://www.accessibilityonline.org/Archives/index.php?app=4&type=transcript&id=2010-03-04>). Presenters will highlight some of the more frequently asked questions and respond to your questions submitted in advance.

Speakers:

Jim Pecht –

Accessibility Specialist/Librarian,
US Access Board.

Marsha K. Mazz –

Director, Office of Technical and
Information Services, US Access
Board.

For more information
visit [AccessibilityOnline](http://www.accessibilityonline.org) at
<http://www.accessibilityonline.org>
or call (877) 232-1990.

Accessibility Online Webinar Series

Accessible Toilet and Bathing
Facilities - Advanced session
July 10th, 2014 1:30-3:00 CT.

If you are familiar with the basic requirements for toilet and bathing facilities and are ready for a more "advanced" discussion of these provisions, this is the session for you! Participants interested in this session are encouraged to review an archived session on this topic for a review of the basic provisions. (see <http://www.accessibilityonline.org/Archives/index.php?app=4&type=transcript&id=2010-03-04>). Presenters will highlight some of the more frequently asked questions and respond to your questions submitted in advance.

Learning Objectives:

The whys and how's of testing your
web sites

The whys and how's of testing your
web sites

The Pluses and Minuses of Free

Court Enters Permanent Injunction against American Tool & Mold in EEOC Disability Case

A federal judge entered a final judgment against American Tool & Mold, LLC (ATM), in a disability discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC), The. Judge awarded \$150,000 in damages and provided for extensive injunctive relief to remedy the discrimination. The judgment follows U.S. Federal District Judge Mary S. Scriven's April 17 order ruling in favor of the EEOC because the Clearwater, Fla.-based company violated federal disability discrimination law by withdrawing a job offer because of the applicant's old back injury.

Read more at =<http://www.eeoc.gov/eeoc/newsroom/release/5-20-14.cfm>

Norfolk Southern Railway Company Pays \$110,000 to Settle EEOC Disability Discrimination Suit

Norfolk Southern Railway Company will pay \$110,000 to settle a disability discrimination lawsuit brought by the Equal Employment Opportunity Commission (EEOC). According to the EEOC's lawsuit, Norfolk Southern violated federal law by medically disqualifying a track maintenance worker because of degenerative disc disease, a spine condition, without doing an individualized assessment of whether he could perform the essential functions of his job.

Read more at =<http://www.eeoc.gov/eeoc/newsroom/release/5-19-14.cfm>

EEOC Sues AutoZone for Fourth Time for Violating Americans with Disabilities Act

AutoZone, Inc. violated federal law when it implemented a nationwide attendance policy that failed to accommodate certain disability-related absences, the U.S. Equal Employment Opportunity Commission (EEOC) charged in its fourth disability lawsuit in recent years against the auto parts retailer. According to the EEOC's complaint, from 2009 till at least 2011, AutoZone assessed employees nationwide "points" for absences, without permitting any general exception for disability-related absences.

Read more at = <http://www.eeoc.gov/eeoc/newsroom/release/5-9-14a.cfm>

For more information please call 800-949-4232 (Voice/TTY) or Online via [Contact Us form](#).

Great Lakes ADA Center
University of Illinois at Chicago
Department of Disability and Human Development (MC 728)
1640 West Roosevelt Road, Room 405
Chicago, Illinois 60608-6904

Testing Tools. What is available and how/when to use them.

Speakers:

Troy Balthazor - ADA Specialist, Great Plains ADA Center
For more information visit [ADA Audio Conference](http://www.ada-audio.org) site at <http://www.ada-audio.org> or call (877) 232-1990.

Accessible Technology Webinar Series

High Quality Apps for Accessibility
July 24, 2014 1-2:30 CT

Both Apple's App Store for iOS and Google's Google Play Store for Android have over a million apps available to download for their various devices. That's a lot of choices! In this session Jonathan Campbell will talk about and share some of the best apps for accessibility. You'll learn about high quality apps for reading, writing, communication, and more. We'll explore apps that can be used to magnify print documents for low vision, read books out loud for individuals with dyslexia, and identify objects for the blind. With over a million apps available we'll look at some of the best needles in that giant haystack.

Learning Objectives:

- Learn about standout accessibility apps in the Apple iOS App Store and Android Google Play Store
- Learn about apps that can assist with access to digital materials
- Learn about apps for accessing the world around you

Presenters:

Jonathan Campbell- Assistive Technology Specialist.

For more information visit [ADA Audio Conference](http://www.ada-audio.org) site at <http://www.ada-audio.org> or call (877) 232-1990.

Christian Care Center of Johnson City to Pay \$90,000 to Settle EEOC Disability Discrimination Suit

Christian Care Center will pay \$90,000 and furnish other relief to settle a disability discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC). In its lawsuit, the EEOC charged that Christian Care Center violated federal law by firing an employee because the individual suffers from human immunodeficiency virus (HIV). The EEOC's suit contended that the employee worked for Christian Care Center as a licensed practical nurse for more than a month. When the nursing home learned that the employee was HIV positive, the employee was immediately discharged.

Read more at = <http://www.eeoc.gov/eeoc/newsroom/release/5-9-14.cfm>

U.S. Department of Justice (DOJ)

Justice Department Reaches Settlement Agreement with GWINNETT COLLEGE

The Settlement agreement resolves a complaint filed with the Justice Department under title III of the Americans with Disabilities Act (ADA). The Complainant alleged that Gwinnett College forced the Complainant to withdraw from the Gwinnett College Medical Assistant Program on the basis of HIV. As part of the settlement the college will develop a non-discrimination policy, conduct yearly training for staff on title III of the ADA and pay the Complainant \$19,257.00.

Read more at = <http://www.ada.gov/gwinnett-col-sa.htm>

Department of Justice Posts Consent Decree to its Web Site

The Justice Department filed a joint motion for entry of a consent decree to resolve allegations that the Law School Admission Council (LSAC) engaged in widespread and systemic discrimination in violation of the Americans with Disabilities Act (ADA). Under the proposed consent decree, LSAC will pay \$7.73 million in penalties and damages to compensate over 6,000 individuals nationwide who applied for testing accommodations on the Law School Admission Test (LSAT) over the past five years. The decree also requires comprehensive reforms to LSAC's policies and ends its practice of "flagging," or annotating, LSAT score reports for test takers with disabilities who receive extended time as an accommodation. These reforms will impact tens of thousands of test takers with disabilities for years to come.

Read more at = http://www.ada.gov/defh_v_lsac/lsac_consentdecree.htm

For more information please call 800-949-4232 (Voice/TTY) or Online via [Contact Us form](#).

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Accessibility Online Webinar Series

Accessible Routes - Advanced Session

August 7th, 2014 1:30-3:00 CT.

Special attention is sometimes needed when applying certain accessible route provisions in the 2010 ADA Accessibility Standard and the Architectural Barriers Act Standard. This session will include an advance level discussion of the accessible route provisions and focus on issues such as overlapping clear space requirements and door maneuvering clearances, exterior routes, among other issues. Presenters will highlight some of the more frequently asked questions and also respond to your questions submitted in advance. Participants interested in this session are encouraged to review archived sessions on this topic for a review of the basic provisions .

Presenters:

Jim Pecht- Accessibility Specialist/Librarian, US Access Board

Dave Yanchulis - Coordinator of Public Affairs, Office of Technical and Information Services, US Access Board

For more information visit

[AccessibilityOnline Webinar Series](http://www.accessibilityonline.org) at <http://www.accessibilityonline.org> (877) 232-1990

Accessibility Online Webinar Series

Open Question and Answer Session
September 4th, 2014 1:30-3:00 CT

Back by popular demand!
Accessibility specialists and information technology specialists from the Access Board are available to answer your burning questions

Justice Department Reaches Settlement Agreement with ALTAGRACIA ROUMOU

The Department of Justice reached a settlement agreement resolving a complaint filed under title III of the Americans with Disabilities Act (ADA). The complaint alleged that ALTAGRACIA ROUMOU had refused to take a passenger that was blind and who was being accompanied by his service animal. As part of the settlement agreement ROUMOU will transport persons with disabilities that are being accompanied by a service animal.

Read more at = <http://www.ada.gov/roumou-taxi-sa.htm>

Great Lakes In Focus

EEOC Seeks Public Input on Regulations Requiring Federal Agencies to Be 'Model Employers' of Individuals with Disabilities

The U.S. Equal Employment Opportunity Commission (EEOC) announced that it is inviting public input on potential revisions to the regulations implementing Section 501 of the Rehabilitation Act of 1973, a law that governs employment of individuals with disabilities by the federal government.

Current Section 501 regulations prohibit employment discrimination based on disability and explain the standards for determining whether discrimination has occurred. The regulations also impose a separate obligation on federal agencies to be "model employers" of individuals with disabilities, but do not explain what federal agencies must do to comply with this obligation.

The Commission is proposing to revise its regulations to include a more detailed explanation of the model employer obligation. Before it publishes a proposed regulation, however, the Commission is issuing an Advance Notice of Proposed Rulemaking (ANPRM) that seeks comments from members of the public on what the amended regulations should say.

The EEOC welcomes input from federal agencies, individuals, employers, advocacy groups, agency stakeholders, and other interested parties. The Commission is specifically seeking answers to seven questions listed in the announcement, such as what barriers exist to the hiring, retention, and advancement of individuals with disabilities in the federal government, what regulatory requirements could eliminate these barriers, and whether numerical goals should be established for the employment of people with disabilities by the federal government.

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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

For more information visit

[AccessibilityOnline Webinar Series](#) at <http://www.accessibilityonline.org> (877) 232-1990

ADA Legal Webinar Series

Websites and the ADA: Accessibility in the Digital Age
September 18, 2014 1-2:30 CT

When the ADA was enacted in 1990, the internet had not yet become such an important part of people's lives, including the lives of people with disabilities. Now that the internet has become such an integral tool for businesses, employers and governmental entities, courts have been grappling with how the ADA applies to websites. Also, the Department of Justice has announced it will be revising its regulations to address website accessibility. This webinar will review the legal theories on applying the ADA to the internet and discuss the case law analyzing this issue. Don't miss this session as accessibility moves beyond ramps and onto the world wide web.

Speakers:

The ANPRM is <https://www.federalregister.gov/a/2014-11233> now available on the Federal Register website. Responses to the ANPRM must be submitted by 5:00 pm EDT on Monday, July 14, 2014.

The Docket

Hamedl v. Verizon Communications, Inc, 12-4101-cv

The 2nd Circuit Court of Appeals affirmed a District Court's summary judgment ruling in an Americans with Disabilities Act case. Richard Hamedl worked for Verizon Communications and had a back disability. The condition made it extremely painful for him to be stuck in traffic for the morning and evening commute. Hamedl requested that he be allowed to work the midnight shift. Verizon instead of providing the requested accommodation told him to come in at 5:30 a.m., reasoning that this would help with the pain. He sued, alleging failure to accommodate.

The District Court issued a summary judgment dismissing the case in favor of Verizon. The Court ruled that Verizon did accommodate his pain despite his different request noting that the ADA requires an employer to provide an effective reasonable accommodation and not the specific accommodation requested by an employee.

From the ADA Expert

Question: I am looking to rent an apartment and I have an emotional support cat. The property owner where I visited said that they only allow residents to have small dogs and no cats. Can they restrict the size and/or type of assistance animal I use?

Answer:

This situation would fall under the Fair Housing Act (FHA), which is enforced by the U.S. Department of Housing and Urban Development (HUD). The Act prohibits landlords from discriminating based on disability, race, color, national origin, religion, sex, and familial status. The FHA requires covered housing providers to make reasonable accommodations to modify or provide an exception to a "no pets" rule or policy to permit a person with a disability to live with and use an assistance animal in all areas of the premises where persons are normally allowed to go unless doing so would impose an undue financial and administrative burden or would fundamentally alter the nature of the housing provider's services.

A request may also be denied if: (1) the specific assistance animal in question poses a direct threat to the health or safety of others that cannot be reduced or eliminated by another reasonable accommodation, or (2) the specific assistance animal in question would cause substantial physical damage to the property of others that cannot be

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[Barry Taylor](#) - Vice President of Civil Rights and Systemic Litigation
[Rachel M. Weisberg](#) - Staff Attorney, Equip for Equality

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Accessible Technology Webinar Series

Android is Accessible. Really.
September 25, 2014 1-2:30 CT

Most people in the blindness community know Apple devices are accessible, but many don't realize other mobile devices also include off-the-shelf accessibility. This presentation discusses the level of accessibility available on Android to people who are blind or have low vision. It focuses on the accessibility services, settings, and apps routinely used by the eyes-free Android community to work with their phones and tablets. The level of detail is suitable for people interested in the operating system, comparable to what is found in a quick-start guide.

Session Objectives:

- Android is accessible. TalkBack, BrailleBack, and Explore by touch are accessibility services available to people who are blind or low-vision
- Android is customizable. Features and settings associated with screen readers in other platforms are available to Android users through third-party apps.
- Android is original. Google's approach to things is a little wild and a little experimental. It's approach to accessibility is no exception.

Presenters:

[Ana G.](#)

For more information visit [ADA Audio Conference site](#) at <http://www.ada-audio.org/> or call (877) 232-1990.

reduced or eliminated by another reasonable accommodation. Breed, size, and weight limitations may not be applied to an assistance animal.

A determination that an assistance animal poses a direct threat of harm to others or would cause substantial physical damage to the property of others must be based on an individualized assessment that relies on objective evidence about the specific animal's actual conduct and not on mere speculation or fear about the types of harm or damage an animal may cause and not on evidence about harm or damage that other animals have caused.

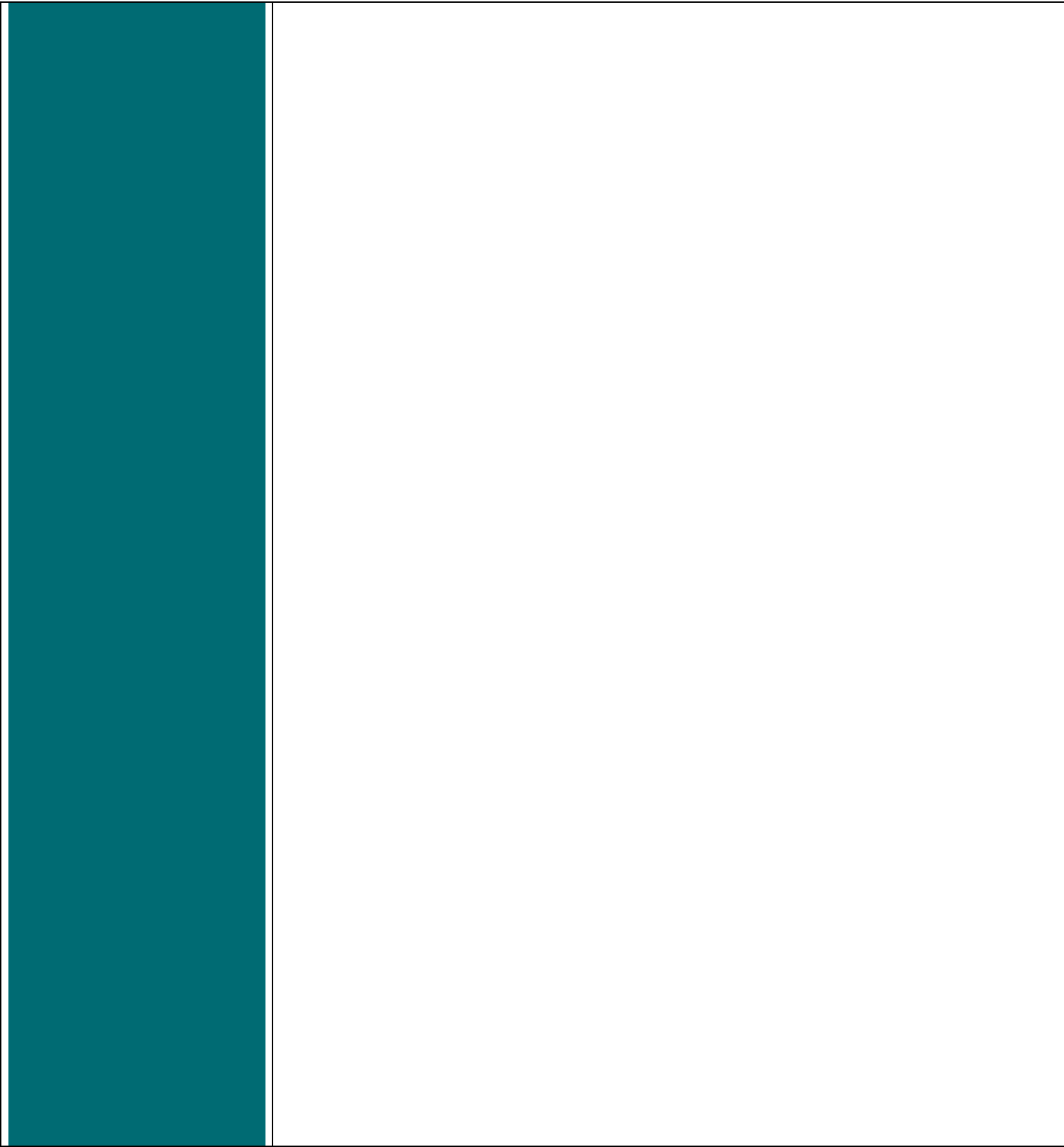
Conditions and restrictions that housing providers apply to pets may not be applied to assistance animals. For example, while housing providers may require applicants or residents to pay a pet deposit, they may not require applicants and residents to pay a deposit for an assistance animal.

Housing providers may ask individuals who have disabilities that are not readily apparent or known to the provider to submit reliable documentation of a disability and their disability-related need for an assistance animal. If the disability is readily apparent or known but the disability-related need for the assistance animal is not, the housing provider may ask the individual to provide documentation of the disability-related need for an assistance animal.

For additional information contact the Great Lakes ADA Center by calling (800) 949-4232 (V/TTY) or via the [online contact form](#)

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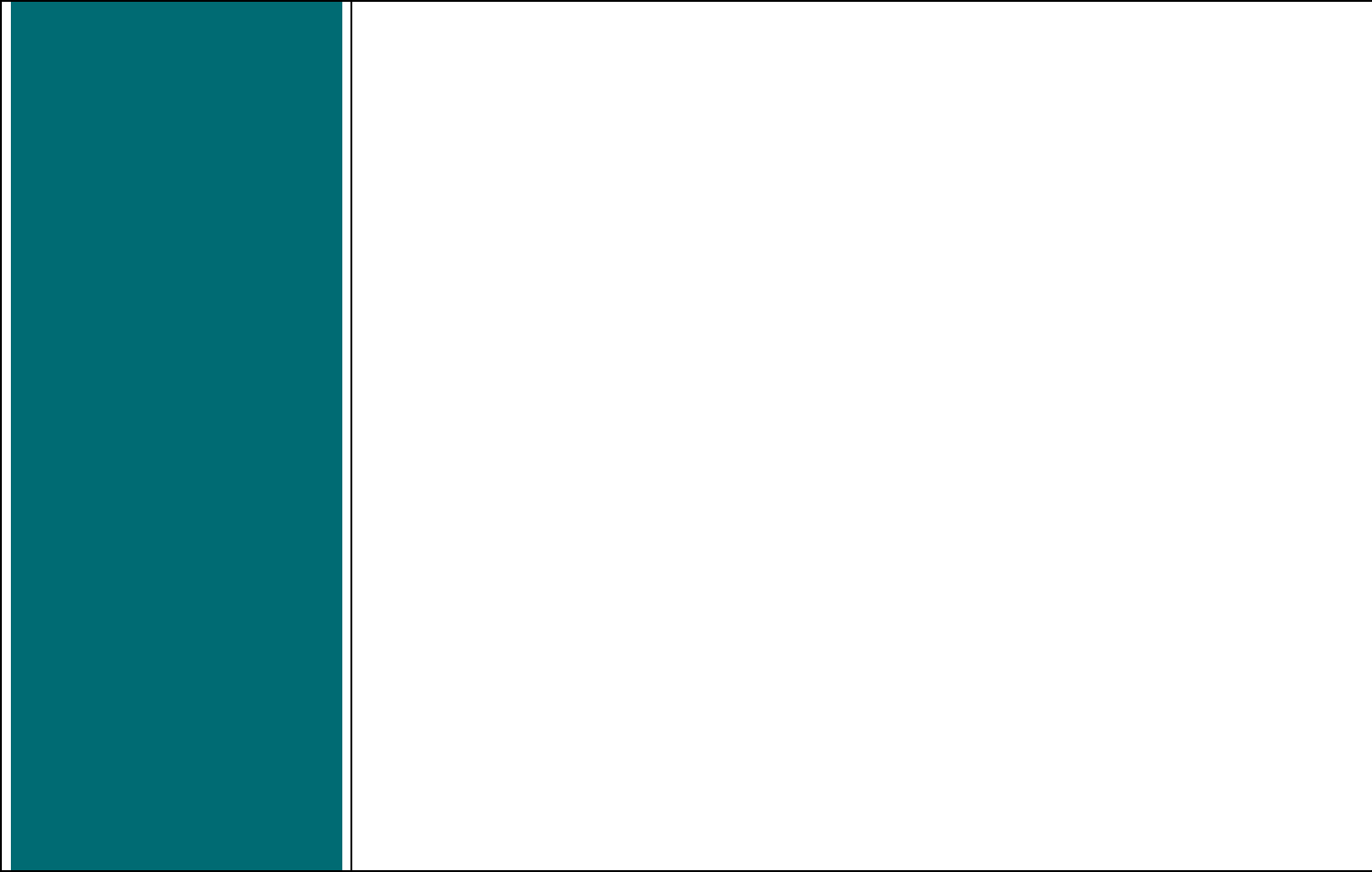
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