

May , 2015

VOLUME 11 ISSUE 7

Trainings & Events

(Central Standard Time)

ADA Audio Conference

Overview of the EEOC NPRM "Application of the ADA to Employer Wellness Programs"

May 19, 2015 1-2:30 CT.
On April 20, 2015, the Equal Employment Opportunity Commission (EEOC or the Commission) issued a notice of proposed rulemaking (NPRM) on how Title I of the Americans with Disabilities Act (ADA) applies to employer wellness programs that are part of a group health plan. The NPRM proposes changes both to the text of the EEOC's ADA regulations and to interpretive guidance explaining the regulations that will be published along with the final rule. The deadline for submitting comments regarding the NPRM is June 19, 2015. Join this session to receive more detail about the proposed changes and engage in a dialog with a representative from EEOC. Speakers:

[Joyce Walker-Jones](#) Senior Attorney Advisor, Office of Legal Counsel, U.S. Equal Employment Opportunity Commission
For more information visit [ADA Audio Conference site](#) at <http://www.ada-audio.org> or call (877) 232-1990.

Accessible Technology Webinar Series

Digital and Technology Access: the Role of Law I the Limits of Law

May 21, 2015 1-2:30 CT.
This session will explore the role of the law in advancing digital accessibility in the United States. The ADA doesn't mention websites or the Internet. Does it matter? Court decisions, voluntary settlements, advocacy by the Department of Justice and Department of Education and new regulations are making the digital environment more accessible. But is it enough? Participants in this webinar will learn about recent litigation, Structured Negotiations, and administrative actions making websites, mobile applications and other technology available to people with disabilities. We'll talk about how the ADA and other state

News from the Federal Agencies

U.S. Equal Employment Opportunity Commission (EEOC)

Liberty Chrysler Dealership Sued by EEOC for Disability Discrimination

Nevada-based dealership Liberty Chrysler, Jeep, Dodge LLC violated federal law when it fired an employee diagnosed with multiple sclerosis instead of accommodating her disability, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit the agency filed. According to the EEOC, about three months after Shara Rynearson was hired as a commissioned salesperson, she notified her supervisor of symptoms that caused her to go to the emergency room in October 2010: a sudden change in vision, numbness in half of her face, and loss of balance. Later Rynearson showed her employer her hospital discharge documents, which stated she should not return to work until a follow up examination and included a diagnosis predicting multiple sclerosis. She later brought in a doctor's note excusing her absence from work and reiterating her explanation. The EEOC found that instead of allowing Rynearson to take medical leave for the diagnosis and treatment of her disability, the company fired her on Nov. 5, 2010.

[Read More about the EEOC Lawsuit against Liberty Chrysler](#)

Helmerich & Payne to Pay \$59,000 to Settle EEOC Disability Discrimination Suit

Helmerich & Payne, Inc. (H&P), a Tulsa-based drilling contractor, will pay a former employee \$59,000 to settle a disability discrimination lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC). According to the EEOC's lawsuit, the oil contractor forced a derrick hand at H&P's Alice, Texas location off the job because he was taking prescribed medications to treat chronic pain associated with a degenerative disk condition. The company ultimately fired the derrick hand, even though he had been deemed fit to return to work by his doctor.

[Read More about the EEOC Settlement with Helmerich & Payne](#)

EEOC Sues McLane Foodservice for Disability Discrimination

McLane Foodservice, Inc., which supplies foodservice deliveries to fast-food chain restaurants, violated federal law by discriminating against an employee it believed to be disabled, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit. According to the EEOC lawsuit, McLane refused to hire an applicant because it regarded him as disabled and because the applicant had a record of a disability.

[Read More about the EEOC Lawsuit against McLane Foodservice](#)

and federal laws can advance digital inclusion and the various strategies that advocates have at their disposal to effectively use those laws. We'll look at the law's role in expanding digital access in education, finance, healthcare, retail and more. Can effective use of the law help close the digital divide? What do you think? There will be plenty of time for questions and answers. Participants will learn:

- What laws (in the U.S.) require digital accessibility and how are they being implemented
- What does the U.S. Department of Justice have to say about digital accessibility
- Does the law protect the privacy of financial and health information for people with disabilities.

Speakers:
[Lainey Feingold](#), Law Office of Lainey Feingold
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AccessibilityOnline Webinar Series

Access Board Sponsored Research Projects

June 4th, 2015 1:30-3:00 CT.
Most of the Board's research projects are designed to develop information for its use in writing or updating design criteria and/or develop technical assistance material. This session will provide an overview of the diverse projects completed since the late 1990's including anthropometry for persons with disabilities and wheeled mobility, exterior surfaces, playground surfaces, swimming pool accessibility, and much more.

Speakers:
[Rex Pace](#), Senior Accessibility Specialist and Technical Assistance Coordinator, US Access Board
[Peggy H. Greenwell](#), Accessibility Specialist, Office of Technical and Information Services, US Access Board
For more information visit [AccessibilityOnline](#) at <http://www.accessibilityonline.org> or call (877) 232-1990

Howard University Will Pay \$35,000 to Settle EEOC Disability Discrimination Lawsuit

Howard University, a historically black university in the District of Columbia, will pay \$35,000 to settle a disability discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC). The EEOC charged that Clarence Muse, who has diabetes that resulted in kidney failure, applied for and was interviewed for a protective services officer and protective services supervisor position with Howard University Hospital, a division of the university. According to the lawsuit, Howard University hired more than 40 security officers and supervisors but refused to hire Muse, despite his excellent qualifications, because of his disability.

[Read about the Howard University Settlement with the EEOC](#)

U.S. Department of Justice (DOJ)

DOJ Signs New Project Civic Access Settlement Agreements

The United States Department of Justice (DOJ) has reached new settlement agreements under its Project Civic Access initiative with Chaves County, NM and Madison County, NY. Project Civic Access works with counties, cities, towns, and villages to remove barriers that will foster compliance with the Americans with Disabilities Act (ADA). By eliminating physical and communication barriers Project Civic Access allows persons with disabilities to participate in the activities and services offered by their respective communities. The DOJ has conducted reviews in all 50 states, Puerto Rico and the District of Columbia and posted the agreements on the Project Civic Access website. [Read the Settlement Agreement with Chaves County](#)

[Read the Settlement Agreement with Madison County](#)

Department of Justice Posts Settlement Agreement with the Village of Ruidoso

The U.S. Department of Justice (DOJ) has reached a settlement agreement with the Village of Ruidoso, NM resolving an investigation under title I of the Americans with Disabilities Act (ADA). During its investigation the DOJ determined that the Village was asking job applicants disability related questions prior to a conditional job offer had been made. As part of the settlement the Village agrees that it will not conduct any medical examination or make any disability-related inquiry of a job applicant before an offer of employment has been made to the job applicant.

[Read the Settlement agreement between the Justice Department and the Village of Ruidoso](#)

U.S. Department of Labor (DOL)

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)
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ADA Audio Conference

Cognitive Innovations to promote independence in the home and in the Community

June 16, 2015 1-2:30 CT.
Explore innovative assistive technologies for individuals with intellectual, cognitive, and communication disabilities or disorders for use at home, schools, work and the community. Explore options to improve autonomous independence while also providing remote support and other strategies for inclusive environments. Discover options for Smart Home technologies, monitoring technologies, apps, employment supports, community mobility and mobile technologies that can be customized to meet specific needs.

Speakers:

[Sandy Hanebrink](#) Director, Touch the Future, Inc.

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AccessibilityOnline Webinar Series

Accessible Swimming Pools and Spas - Question and Answer Session

July 2nd, 2015 1:30-3:00 CT.
We will provide an overview of the scoping and technical requirements for accessible swimming pools and spas and to respond to your burning questions. Session participants are encouraged to submit your questions in advance regarding swimming pool lifts, sloped entries, requirements for multiple pools and spaces on the same site, or on any of the other provisions. Participants are also encouraged to view a previous archived session on the basic provisions for swimming pools and spas <http://www.accessibilityonline.org/Archives/index.php?app=4&type=transcript&id=2011-03-03>

Speakers:

[Bill R. Botten](#) Accessibility Specialist
Office of Technical and Information Services US Access Board

[Peggy H. Greenwell](#), Accessibility Specialist, Office of Technical and Information Services, US Access Board

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

2015 Theme Announced for October's National Disability Employment Awareness Month

'My Disability Is One Part of Who I Am' Planning for National Disability Employment Awareness Month 2015 is underway, and the U.S. Department of Labor's Office of Disability Employment Policy announced the official theme for the October observance: "My Disability Is One Part of Who I Am."

"This year's theme encapsulates the important message that people with disabilities are just that - people," said Jennifer Sheehy, acting assistant secretary of labor for disability employment policy. "And like all people, we are the sum of many parts, including our work experiences. Disability is an important perspective we bring to the table, but, of course, it's not the only one."

National Disability Employment Awareness Month, known as NDEAM is a nationwide campaign that raises awareness about disability employment issues and celebrates the contributions of America's workers with disabilities, past and present. Each spring, the year's theme is announced to help workplaces, individuals and communities begin planning activities.

NDEAM dates back to 1945, when Congress declared the first week in October "National Employ the Physically Handicapped Week." The word "physically" was deleted in 1962 to acknowledge individuals with all types of disabilities. The week was expanded to a month by Congress in 1988 and its name was also changed to NDEAM. When ODEP was created in 2001, it was given responsibility for NDEAM, including selection of its annual theme.

[For more information about NDEAM visit](#)

Great Lakes In Focus

Celebrate 25 Years of the Americans with Disabilities Act

The 25th anniversary of the Americans with Disabilities Act (ADA) is rapidly approaching. The ADA was signed into law on July 26, 1990. Throughout the year the Great Lakes Center will participate in celebrating this landmark event as a way of bringing attention to the important work that has been done to promote equal opportunity for people with disabilities and to highlight the work that is yet to be done.

The Great Lakes ADA Center, along with its ADA Affiliate Network has accomplished significant results toward voluntary compliance with the ADA. The ADA Anniversary Information and Resources has been designed to capture our collective achievements and highlight useful ADA information and materials that can be used to enhance your ADA anniversary events. We encourage duplication of these materials for print and distribution purposes.

The information and resources include the following materials:

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

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ADA Legal Webinar Series

The Most Important Cases Since the ADA Was Passed 25 Years Ago

July 15, 2015 1-2:30 CT

Since the ADA was passed in 1990, a number of significant cases have been decided by the courts that have shaped how the ADA has been interpreted and implemented. To commemorate the 25th Anniversary of the ADA, we will take a look back at the most influential ADA cases by first reviewing the facts and ruling of these cases, and then discussing the broader impact these cases have had. This webinar promises to cover a wide variety of ADA issues under Titles I, II and III.

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](#) at

<http://www.ada-audio.org/or> call

(877) 232-1990.

Accessible Technology Webinar Series

Turning Text Into Speech: Real World Applications and Examples

July 16, 2015

Computers these days have a lot to say but only if you know the right way to ask them. With text-to-speech a user can have the computer read almost any text out loud. This can be a life changing tool for people who are blind, low vision, or have a print related disability. But what are these tools, how do they work, and what does it look like in real life for an everyday user? In this Webinar we will explore text-to-speech tools available on computers, tablets, and smart phones through the use of real world examples. As a trainer of blind and low vision computer users Jonathan has gained a significant amount of hands-on experience of text-to-speech technology and will demonstrate the way his clients find success with text-to-speech tools. You'll also learn how people with print related disabilities like dyslexia can leverage these tools to find success. Demonstrations will include:

1. [Press Release](#): The Great Lakes ADA Celebrates 25 Years of Facilitating Voluntary Compliance of the Americans with Disabilities Act
2. [Disability-Related Statistics from the Great Lakes Region You Can Use](#): Disability and ADA-related statistics from a variety of sources.
3. [ADA Celebration Events](#): Many organizations in the region are holding celebrations - check to see if any are near you.
4. [Case Law Developments in the Great Lakes Region \(IL,IN,MI,MN,OH,WI\)](#): Most recent circuit court decisions in the Great Lakes Region
5. [Major Cases Impacting the ADA in the Great Lakes Region Over the Past 25 Years](#)-Significant cases over the past 25 years from the Great Lakes region (IL, IN, MI, MN, OH, & WI)
6. [The ADA Legacy Project](#) The ADA Legacy Project celebrates our present by partnering with those who work to honor the milestones and accomplishmet

The Docket

Appeals Court Rules Girl Scouts is Covered by Federal Disability Discrimination Law

The Seventh Circuit Court of Appeals ruled on Friday, May 8, 2015, that the Girl Scouts of Greater Chicago and Northwest Indiana is subject to federal disability discrimination law under the Rehabilitation Act of 1973. The federal lawsuit was filed on August 2, 2012, by Megan Runnion, who is deaf and was 12 years old at the time. Megan was seeking to secure an American Sign Language interpreter for meetings of her Girl Scout troop.

For the six years that Megan was involved with her Girl Scout troop, the Girl Scouts provided a sign language interpreter for troop meetings and outings. Megan's mother renewed the request for the interpreter in 2011, but the Girl Scouts denied her request. Rather than providing the requested interpreter services, Megan's troop was disbanded.

The lawsuit was dismissed on October 26, 2012, when the Girl Scouts argued that the organization was not covered under the Rehabilitation Act. But on Friday, the Seventh Circuit Court of Appeals reversed the Northern District of Illinois' decision and found that private membership organizations that receive federal funds, such as the Girl Scouts, are covered by federal disability discrimination law.

According to Steven P. Blonder, lead counsel in the case and a principal at Chicago-based law firm Much Shelist (which is handling the case on a pro bono basis) the decision confirms that private membership organizations, such as the Girl Scouts, are included in the anti-discrimination provisions of the Rehabilitation Act, regardless of whether professionals or volunteers are playing key roles. It also defines what it means to be principally engaged in social service or educational programs.

"The opinion confirms that private organizations that receive federal funding are prohibited from discriminating against people with disabilities," said Blonder. "We

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- Screen readers like JAWS for Windows and VoiceOver for Apple devices
- Text-to-Speech and magnification software like ZoomText and MAGic
- Built-in reading tools on the iPad and iPhone like Speak Selection and Speak Screen
- Optical Character Recognition (OCR) software like the KNFB Reader and ABBYY FineReader
- Highlight and read tools like NaturalReader and Snap&Read and more

Demonstrations will include both paid and free software options. Speakers: [Jonathan Campbell](#) Assistive Technology Specialist Minnesota State Services for the Blind For more information visit [ADA Audio Conference site](#) at <http://www.ada-audio.org/> or call (877) 232-1990.

AccessibilityOnline Webinar Series Federal Facilities & the Architectural Barriers Act Accessibility Standard (ABA) - "A Refresher"

August 6th, 2015 1:30-3:00 CT. This is an important session if you are responsible for Federal facilities or do design and construction work under both the ADA and the ABA. We will provide an overview of the ABA Standard and key differences with the 2010 ADA Accessibility Standard. A compliance specialist with the Board will also provide an update on the status of compliance over the past five years.

Speakers: [Jim Pecht](#) Accessibility Specialist/Librarian, US Access Board [Jeffery Hill](#) Compliance Specialist, Office of Compliance and Enforcement For more information visit [AccessibilityOnline](#) at <http://www.accessibilityonline.org> or call (877) 232-1990

Accessible Technology Webinar Series

are pleased that the Seventh Circuit has confirmed this important principle and we can now focus on the underlying discrimination that our client experienced."

"Megan was heartbroken that she could no longer participate in Girl Scouts," said Edie Rynnion, Megan's mother. "We are thrilled that Megan's case can finally go forward and set a precedent for other children who have disabilities and want to stay active in scouting and other similar organizations."

"We filed this case nearly three years ago and it is gratifying that we now have a definitive decision that the Girl Scouts cannot discriminate against its members with disabilities," said Barry Taylor, Vice President of Civil Rights and Systemic Advocacy at Equip for Equality and co-counsel for Megan. "The Girl Scouts' policy is discriminatory on its face, and we look forward to rectifying the injustice this policy caused our client." Equip for Equality attorneys Laura Miller, Amanda Antholt and Rachel Arfa are also representing Megan.

"The Girl Scouts' refusal to provide interpreter services not only violates federal law, but also is contrary to the founding principles of the Girl Scouts," said Howard A. Rosenblum, an attorney and the Chief Executive Officer of the National Association of the Deaf, which is serving as co-counsel. "Ironically, Juliette Gordon Low, the founder of Girl Scouts, herself became deaf later in life and she welcomed girls of all abilities at a time when they were excluded from many other activities." Marc Charmatz and Debra Patkin are the attorneys at NAD representing Megan.

The United States Department of Justice, which interprets and enforces Section 504 of the Rehabilitation Act, filed a brief with the Seventh Circuit supporting Megan's argument that the Girl Scouts is covered by federal disability anti-discrimination law.

For more information visit the Equip for Equality Website at: <http://www.equipforequality.org/news-item/appeals-court-rules-girl-scouts-is-covered-by-federal-disability-discrimination-law/>

From the ADA Expert

Question: What is the association provision of the Americans with Disabilities Act (ADA) with regards to employment and to whom does it provide protection?

Answer:

The ADA covers private employers with 15 or more full or part-time employees and also state and local government employers. The ADA prohibits discrimination on the basis of disability in all employment practices of covered employers. A covered employer may hire, fire or promote the most qualified individual he or she chooses but that employer is prohibited from using disability in that decision making process.

The purpose of the association provision is to prohibit employers from taking adverse actions based on unfounded stereotypes and assumptions about individuals who associate with people who have disabilities. The ADA makes

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How do I know if my PDF is accessible?

September 17, 2015 1-2:30 CT. PDF files are not going away anytime soon so it is important to make sure that all individuals, including those with disabilities can retrieve the information contained in them. This session will give a definition of what an accessible PDF should include as well as show how to test a PDF for accessibility. The session will also look at forms and tables. Participants should have a basic understanding of accessible PDF principles such as tagging and navigational structure. Speakers:

[Christy Blew](#), IT Accessibility Specialist, University of IL - Urbana-Champaign
For more information visit [ADA Audio Conference site](#) at <http://www.ada-audio.org/> or call (877) 232-1990.

actions such as refusing to hire an individual who has a child with a disability based on an assumption that the applicant will be away from work excessively or be otherwise unreliable, firing an employee who works with people who are HIV-positive or have AIDS based on the assumption that the employee will contract the disease, or denying an employee health care coverage available to others because of the disability of an employee's dependent unlawful.

The association provision of the ADA prohibits employment discrimination against a person, whether or not he or she has a disability, because of his or Her known relationship or association with a person with a known disability. This means that an employer is prohibited from making adverse employment Decisions based on unfounded concerns about the known disability of a family member or anyone else with which the applicant or employee has a relationship or association.

The ADA does not require a family relationship for an individual to be protected by the association provision. The important factor is whether the employer is motivated by the individual's relationship or association with a person who has a disability.

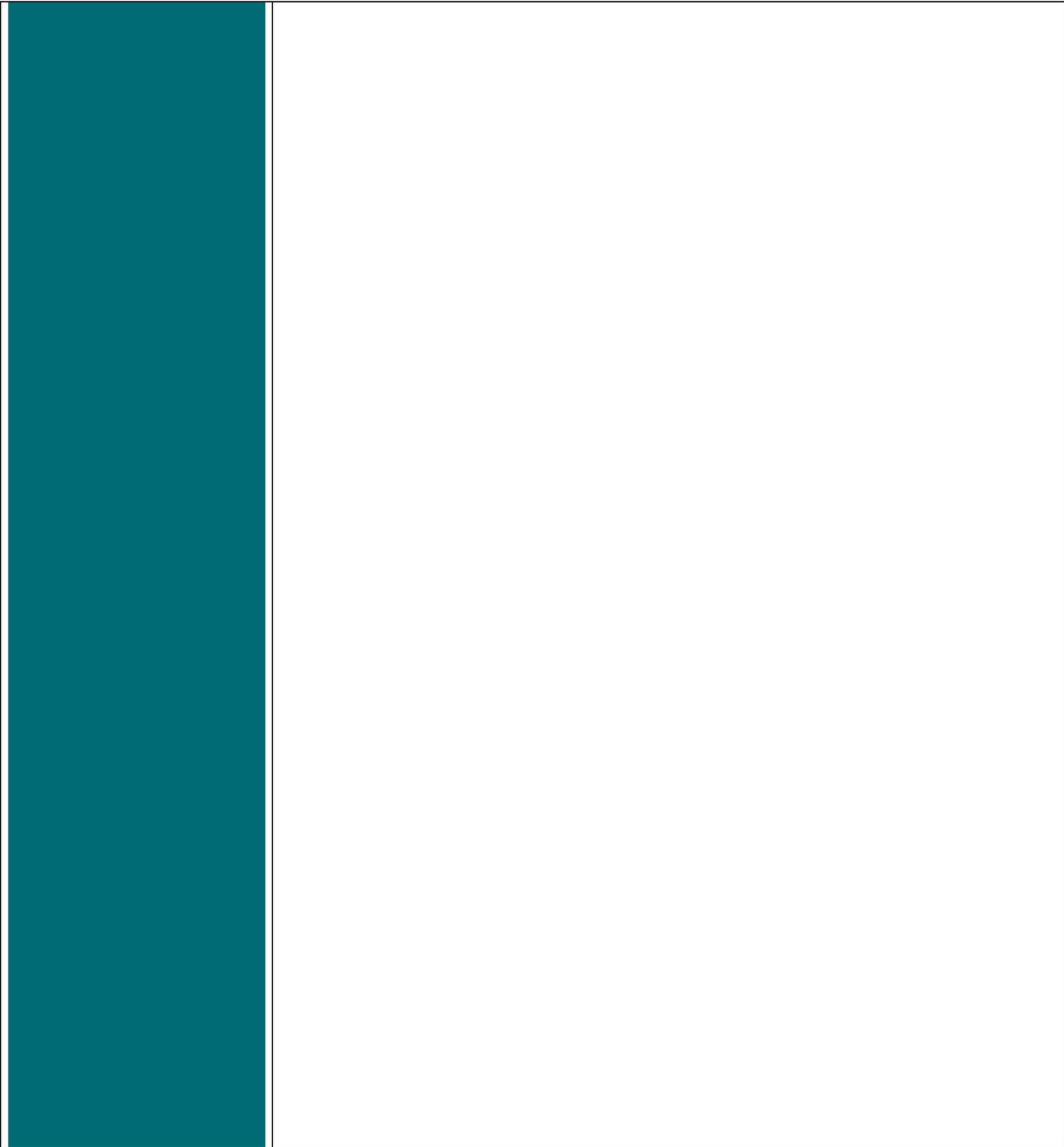
Employers don't have to provide reasonable accommodations to employees who associate with individuals with disabilities. Only qualified applicants and employees with disabilities are entitled to reasonable accommodation.

For example, the ADA would not require an employer to modify its leave policy for an employee who needs time off to care for a child with a disability. However, an employer must avoid treating an employee differently than other employees because of his or her association with a person with a disability.

For additional information please contact the Great Lakes ADA Center at (800) 949-4232 (V/TTY) or by completing the online form: [](http://adagreatlakes.com/WebForms/ContactUs/)

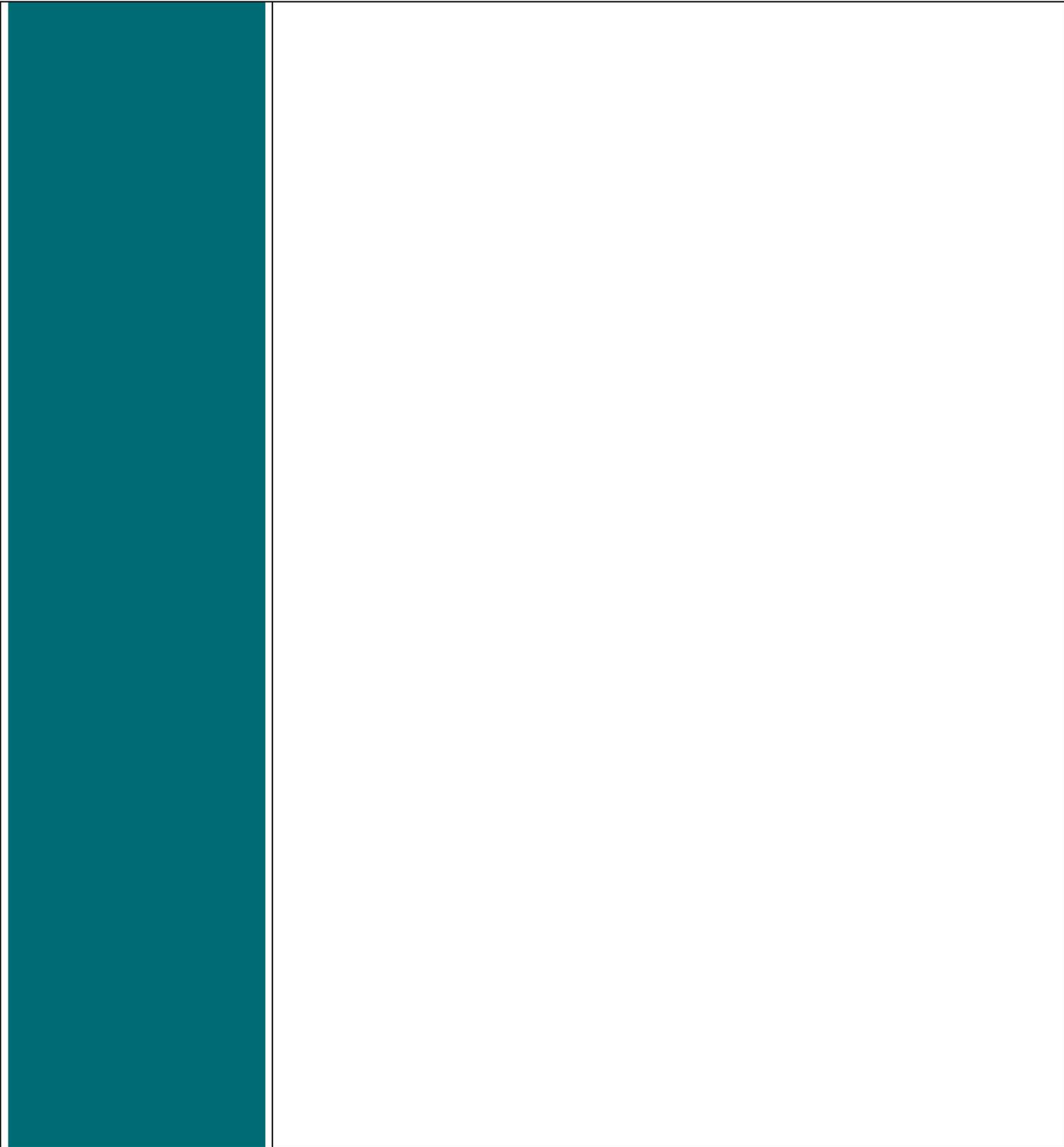
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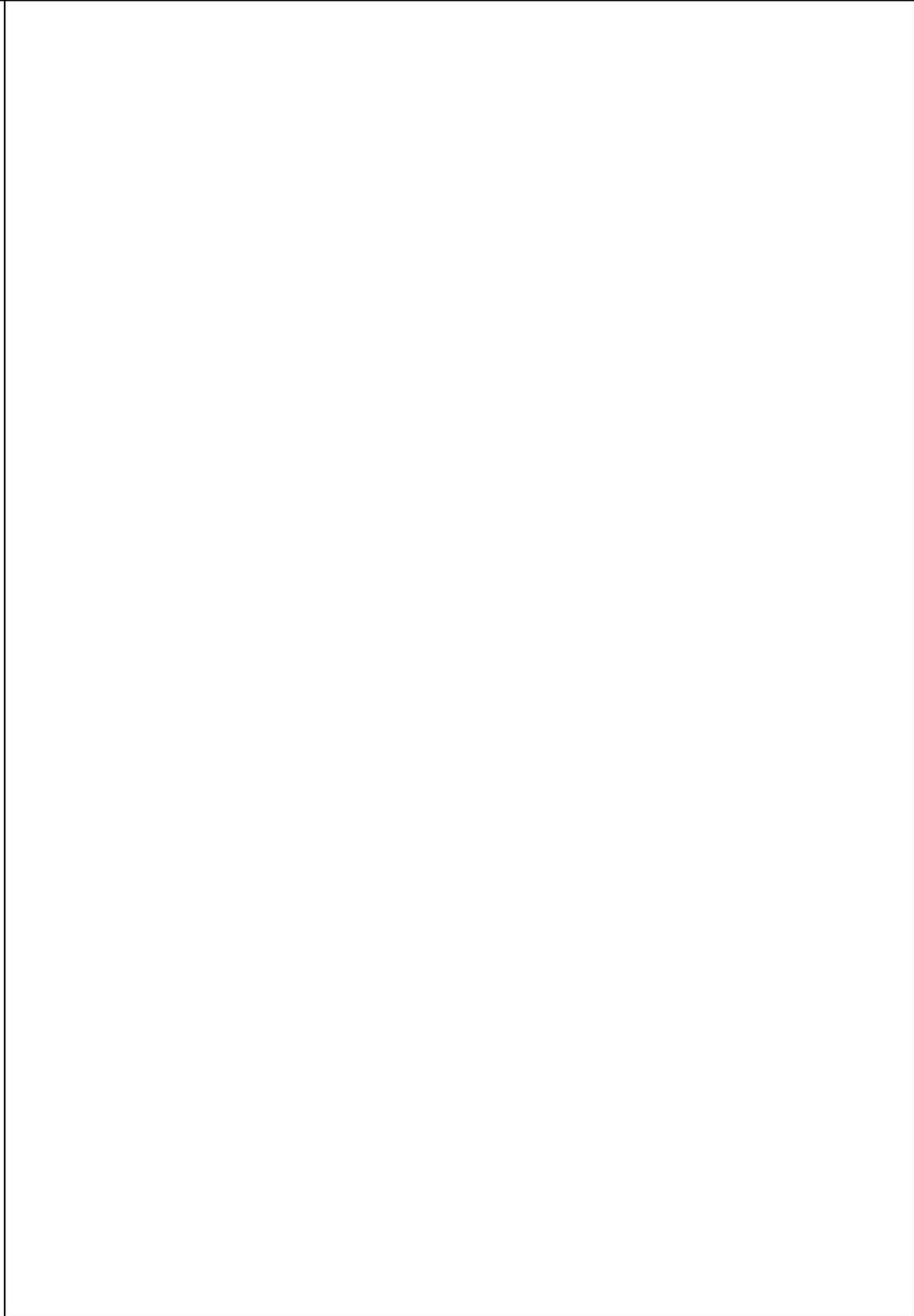
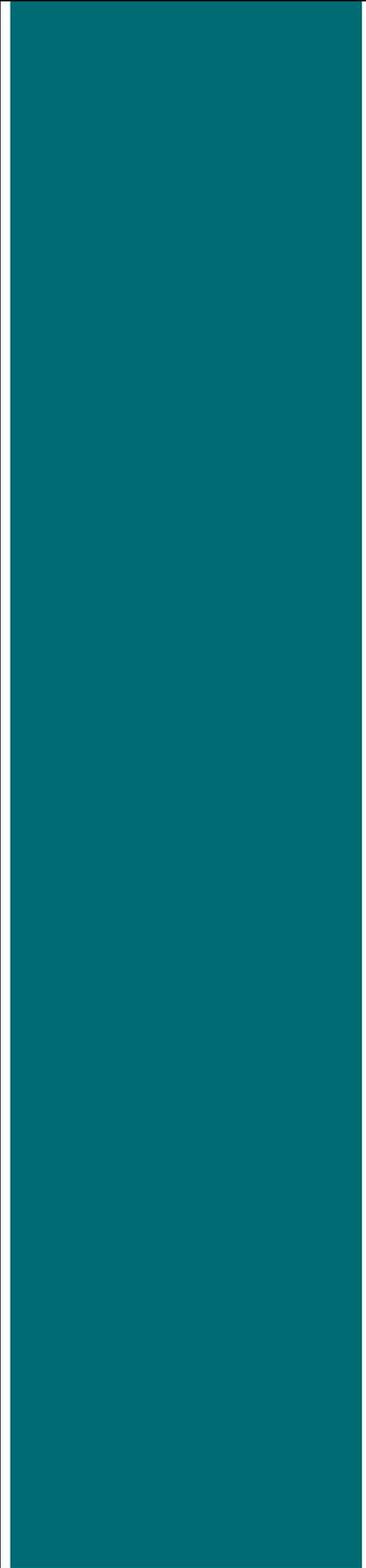
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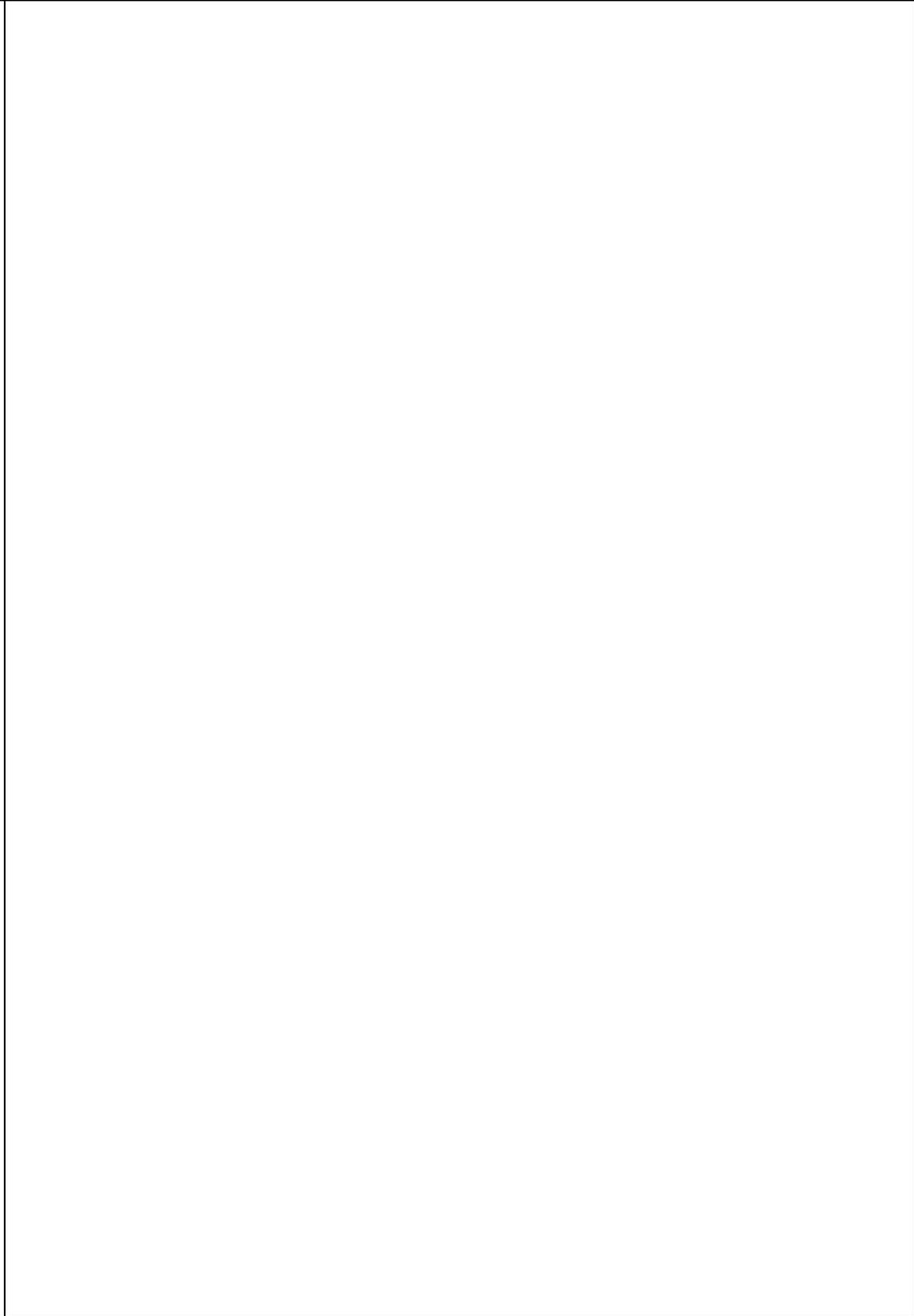
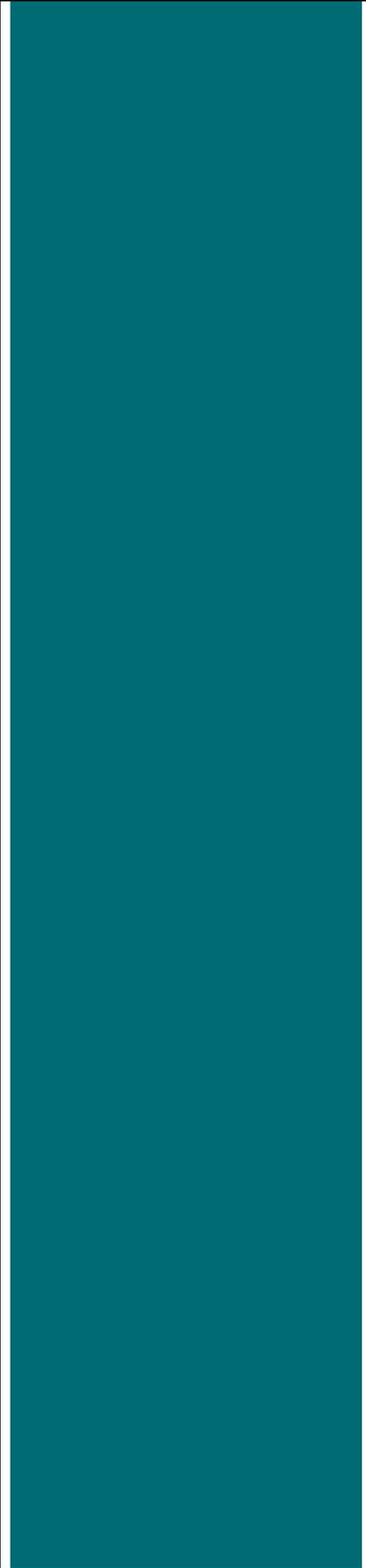


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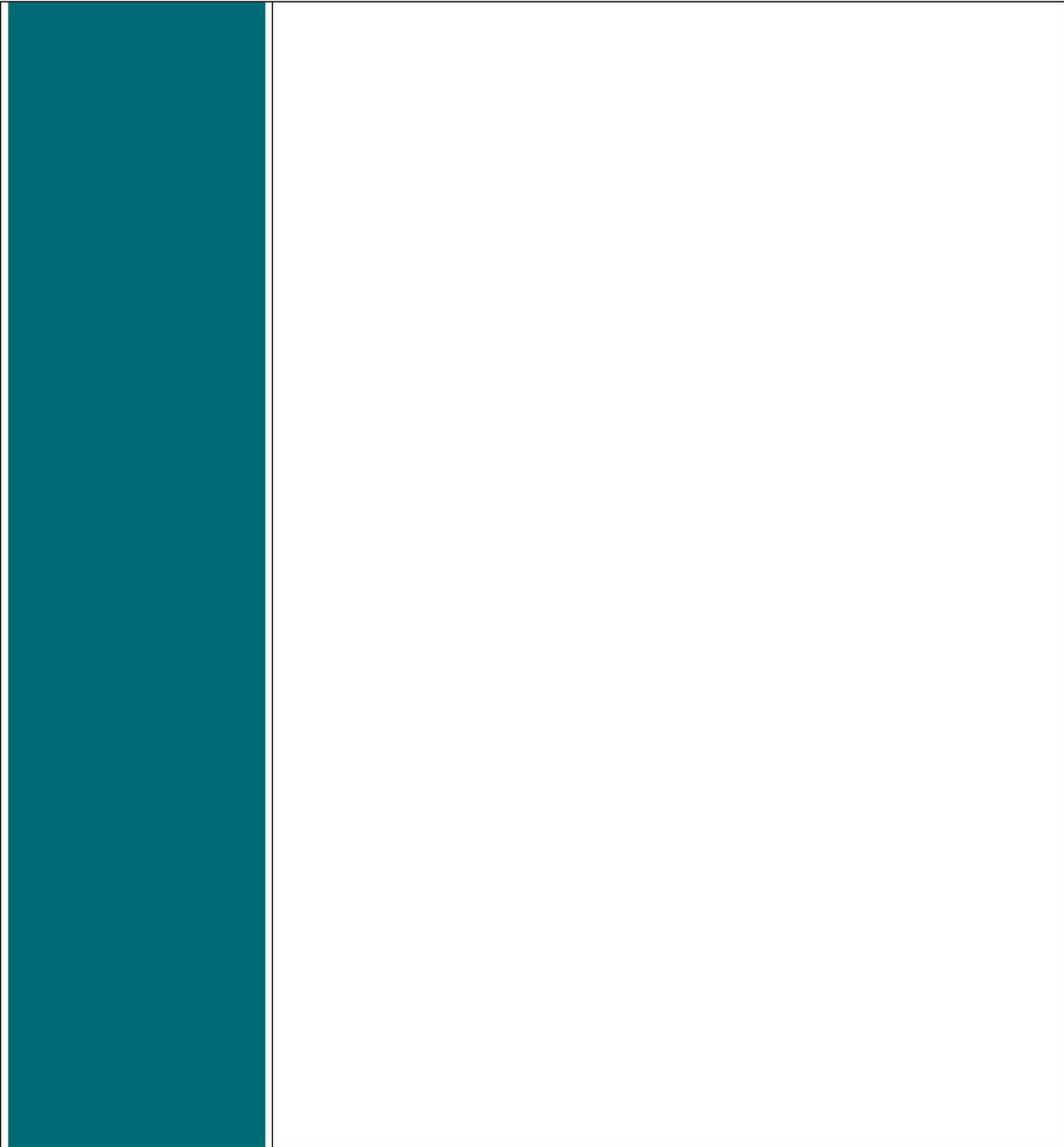
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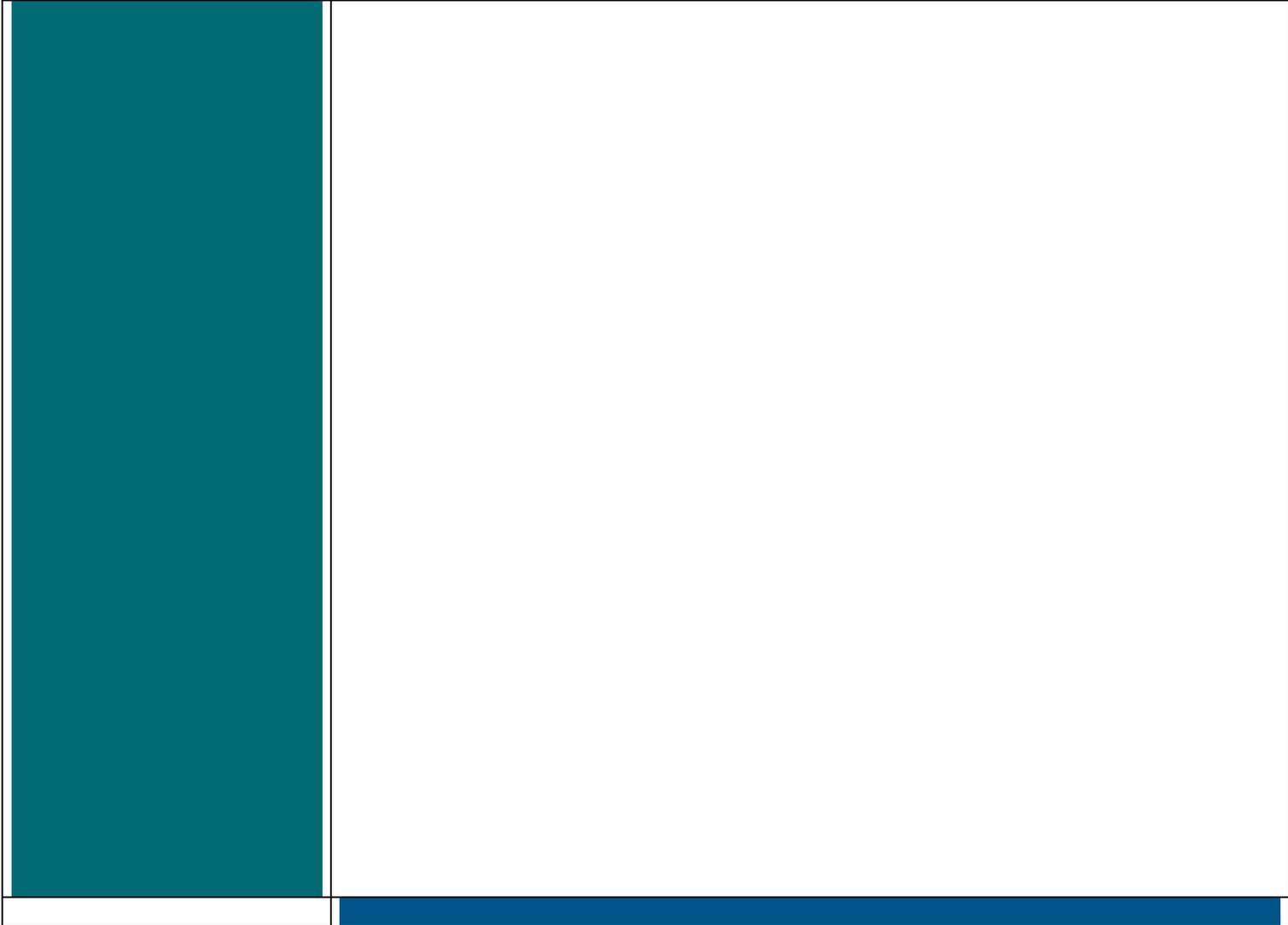
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