**Accessibility Online Webinar Series**

**Accessible Communication Elements and Features**
May 3rd, 2012, 1:30-3:00 CDT
Standards issued under the Americans with Disabilities Act (ADA) and the Architectural Barriers Act (ABA) address accessibility to a variety of communication elements and features. Requirements address elements such as fire alarm systems, signs, telephones, detectable warnings, assistive listening systems, automatic teller machines, and two-way communication systems. This session will review the scoping and technical provisions for accessible communication elements and features in the ADA and ABA standards and highlight updates to the specifications.

For more information visit Accessibility Online Webinar Series at http://www.accessibilityonline.org/

**U.S. Department of Justice Accessible Pools Webinar**

Existing Pools under Title II of the ADA
Wednesday, May 9, 2012, 1:30-2:45 CDT
The Department of Justice is announcing free webinars that will provide information and technical assistance addressing the accessible pool entry requirements of the revised 010 ADA Regulations and the 2010 Standards as they relate to existing pools. The May 9th webinar will address how the pool access provisions apply to the existing pools of state and local governments.

**News from the Federal Agencies**

**U.S. Equal Employment Opportunity Commission (EEOC)**

**Wendy's Franchisee Sued by EEOC for Disability Discrimination**
The U.S. Equal Employment Opportunity Commission has filed a lawsuit against CTW L.L.C., a Wendy's franchisee. The EEOC lawsuit alleges that the franchisee denied employment to a hearing-impaired applicant because of the applicant's disability.

Read more about Wendy's Franchisee Sued by EEOC for Disability Discrimination at http://www.eeoc.gov/eeoc/newsroom/release/4-17-12b.cfm

**Americold Logistics Sued by EEOC for Disability Discrimination**
The U.S. Equal Employment Opportunity Commission (EEOC) has filed a lawsuit against Americold Logistics, LLC, an Atlanta-based global provider of temperature-controlled warehousing and logistics to the food industry. According to the EEOC lawsuit Americold failed to accommodate the disability of an employee at Americold's Sebree, Ky., facility. The employee has chronic lumbar back pain with radiculopathy into her legs. The EEOC said Americold then fired the employee based on her disability.

Read more about Americold Logistics Sued by EEOC for Disability Discrimination at http://www.eeoc.gov/eeoc/newsroom/release/4-10-12.cfm

**Resources for Human Development Settles EEOC Disability Suit for $125,000**
Resources for Human Development, Inc. (RHD), doing business as Family House of Louisiana, a treatment facility for chemically dependent women and their children, will pay $125,000 to settle a disability discrimination suit filed in September 2010 by the U.S. Equal Employment Opportunity Commission (EEOC). The court-approved settlement resolves the charge that RHD violated the Americans with Disabilities Act (ADA) when it fired an employee because of her disability, severe obesity, even though the employee was able to perform the essential functions of the job. Before the EEOC filed suit, Harrison died.

Read more about Resources for Human Development Settles EEOC Disability Suit for $125,000 at http://www.eeoc.gov/eeoc/newsroom/release/4-10-12a.cfm

**U.S. Department of Health and Human Services (HHS)**

**HHS Settles Americans with Disabilities Act Allegations**
The U.S. Department of Health and Human Services Office for Civil Rights (OCR)
governmental entities subject to title II of the ADA.
For more information visit U.S. Department of Justice Accessible Pools Webinar

**ADA Audio Conference Series**

**Being Prepared: Inclusion of people with disabilities in emergency planning**
May 15, 2012 1-2:30 CDT.
Twenty percent of Americans have disabilities and may have access and functional needs that will affect their ability to read or understand preparedness information, hear alerts and warnings, utilize accessible transportation during an evacuation, maintain their independence in a shelter, find accessible housing if theirs has been destroyed, access services to enable them to return to work and deal with a myriad of other challenges. Join this session to learn more about the progress that is being made in communities that are committed to emergency planning that is inclusive of the participation and requirements of people with access and functional needs.
For more information visit ADA Audio Conference site at http://www.adaudio.org/ or call (877) 232-1990.

**ADA Legal Webinar Series**

**Confidentiality under the ADA and other laws**
May 16, 2012 1-2:30 CDT.
What rights do people with disabilities have to keep their disability-related information private? And what responsibilities do ADA covered entities have with respect to confidentiality? This session will explore confidentiality rights and responsibilities under
the ADA, its implementing regulations and subsequent case law. The session will also explore other relevant federal laws related to confidentiality including the new Genetic Information Nondiscrimination Act. For more information visit ADA Legal Webinar at http://www.ada-audio.org/Webinar/ADALegal / or call (877) 232-1990.

**ADA Symposium**

2012 National ADA Symposium, Indianapolis, IN
May 30 -June 1, 2012
Hyatt Regency Indianapolis
For more information visit ADA Symposium at http://www.adasymposium.org/IndianapolisSymposium.html

**AccessibilityOnline Webinar Series**

Accessible Miniature Golf Courses
June 7th, 2012 1:30-3:00
The 2010 ADA Accessibility Standards and the Architectural Barriers Act Accessibility Standards address the design and construction of miniature golf courses. Scoping provisions establish the minimum number of holes required to be accessible in newly constructed courses. Technical provisions address accessible routes on the playing surface or adjacent to the playing surface serving accessible holes, start of play areas, and the golf club reach range. This session will review these specifications and highlight frequently asked questions about accessibility at miniature golf facilities. For more information visit Accessibility Online Webinar Series at U.S. Department of Labor (DOL), Office of Disability Employment Policy (ODEP)

**ODEP signs alliance agreement with National Industry Liaison Group**

The U.S. Department of Labor, Office of Disability Employment Policy (ODEP) Alliance Initiative, which started in 2006, enables organizations to work with the agency to develop and implement model policies and initiatives that increase the recruitment, hiring, retention and career advancement of employees with disabilities. The National Industry Liaison Group fosters voluntary partnerships of public and private sector entities to identify effective approaches on legal and regulatory issues regarding affirmative action and equal employment.

Read more about ODEP signs alliance agreement with National Industry Liaison Group at http://www.dol.gov/opa/media/press/odep/ODEP20120811.htm

**Great Lakes In Focus**

On September 15, 2010 the U.S. Department of Justice published revised regulations covering state and local governments and places of public accommodations and commercial facilities. These revised regulations included the adoption of the 2010 ADA standards for accessible design. In addition to publishing revised regulations the DOJ has also produced several technical assistance documents on the regulations and the standards.

**Suggested Resources**

- [ADA Update: A Primer for small business](http://www.ada.gov/regs2010/smallbusiness/smallbusprimer2010.htm)
- [Revised ADA Requirements: Accessible Pools Means of Entry and Exit](http://www.ada.gov/pools_2010.htm)
- [Revised ADA Requirements: Ticket sales](http://www.ada.gov/ticketing_2010.htm)
- [Revised ADA Requirements: Service Animals](http://www.ada.gov/service_animals_2010.htm)
The Docket

MONIKA SAMPER V. PROVIDENCE ST. VINCENT MEDICAL

The 9th Circuit Court of Appeals affirmed a District Court's dismissal of an Americans with Disabilities Act (ADA) lawsuit. Monika Samper, a neo-natal intensive care unit nurse, sought to be exempt from her employer's attendance policy. The accommodation she sought would have allowed her an unspecified number of unplanned absences. The hospital's attendance policy allowed five unplanned absences of unlimited duration as well as other permitted absences. After violating the attendance policy multiple times Samper was terminated. She filed suit alleging that the hospital failed to accommodate her. The District Court granted the employer summary judgment.

Samper appealed the district court's summary judgment in favor of the employer on her reasonable accommodation claim under the ADA. The Appeals Court ruled that regular attendance is an essential function of a neo-natal nursing position at the hospital and affirmed the lower court's decision.

From the ADA Expert

Question: I am the Director of Disability Student Services at a local community college. We have a student that is deaf enrolled in a political science course. All students in the course are required to attend a conference held downstate. The conference is open for anyone from the general public to attend. Who is responsible for providing a sign language interpreter for the student?

Answer:

As a community college your college is covered by Title II of the Americans with Disabilities Act (ADA) applying to state and local governments. Title II of the ADA requires that public entities provide necessary auxiliary aids and services in order to insure that qualified individuals that are deaf or hard of hearing are not excluded from programs, activities or services. The organizers of the conference are covered by Title III of the ADA, which applies to places of public accommodation. Title III of the ADA requires that places of public accommodation take steps to insure that individuals with disabilities have the same level of access to information that individuals without disabilities have. A place of public accommodation must provide any auxiliary aid or service in order to insure effective communication with someone that is deaf or hard of hearing so the individual has an equal opportunity to benefit from the goods and services being offered.

Examples of Auxiliary Aids and Services

- Qualified interpreters on-site or through video remote interpreting (VRI) services
ADA Audio Conference Series

No Parking here: Accessible parking requirements and enforcement
JUNE 19, 2012 1-2:30 CDT
Did you know that the size of an access aisle and the number of accessible parking spaces required under the 2010 ADA Standards have changed? People with disabilities site the lack of accessible parking spaces or inadequate enforcement of who utilizes accessible parking spaces as one of their greatest frustrations. Business owners struggle with meeting their obligations and understanding the differences that often exist between local, state and federal law. Join this session as we explore the complex issues of location, type, size, number and how all of this is enforced.
For more information visit ADA Audio Conference site at http://www.ada-audio.org/ or call (877) 232-1990.

AccessibilityOnline Webinar Series

Accessible Kitchen and Kitchenettes
July 5th, 2012 1:30-3:00 CDT
Access to kitchen and kitchenettes is the subject of many technical inquiries received by the Board. This session will review scoping and technical requirements for kitchens and kitchenettes. Illustrations and diagrams will be used to explain how various specifications apply and relate, including those for clear floor space, required clearances and fixtures and doors, and turning

- Notetakers
- Real-time computer-aided transcription services
- Written materials
- Exchange of written notes
- Telephone handset amplifiers
- Assistive listening devices
- Assistive listening systems
- Telephones compatible with hearing aids
- Closed caption decoders
- Open and closed captioning, including real-time captioning
- Voice, text, and video-based telecommunications products and systems, including text telephones (TTYs), videophones, and captioned telephones, or equally effective telecommunications devices
- Videotext displays

Accessible electronic and information technology Or other effective methods of making aurally delivered information available

Determining Appropriate Auxiliary Aid or Service

The type of auxiliary aid a public or place of public accommodation provides is dependent on which auxiliary aid is appropriate under the particular circumstances. The type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with:

- Method of communication used by the individual
- Nature, length, and complexity of the communication involved
- Context in which the communication is taking place

In this instance both the community college and the conference organizers have an obligation under the ADA with respect to the student that is deaf. Neither the college nor the conference organizers have to provide an auxiliary aid or service that would result in an undue burden or fundamental alteration. If for instance the conference organizers state that they will not provide an interpreter or that providing one poses an undue burden that does not remove the college's obligations to provide necessary auxiliary aids or services. The college should attempt to work with the conference organizers in an effort to share costs associated with insuring effective communication with the student while participating in the conference.

For additional information contact the Great Lakes ADA Center by calling (800) 949-4232 (V/TTY) or via the online contact form
For more information visit Accessibility Online Webinar Series ADA Legal Webinar site at http://www.ada-audio.org/Webinar/ADALEgal/Schedule/#fy2011session5 or call (877) 232-1990.