

MARCH 2012

VOLUME 8 ISSUE 5

Trainings & Events
(Central Standard Time)

**Accessibility Online
Webinar Series**

**2010 ADA Standards for
Accessible Design**

March 1st, 2012 1:30-3:00 CST.

Are you ready? On or after March 15, 2012, the 2010 ADA Standards must be used for all new construction or alterations to facilities covered by the ADA. This session will be an opportunity to better familiarize you with the new standards and the changes from the 1991 standards. Accessibility specialists will focus on more frequently asked questions about the 2010 ADA Accessibility Standards and other areas where guidance is often requested..

For more information visit

[Accessibility Online Webinar Series](#)

at

<http://www.accessibilityonline.org/>

ADA Symposium

**2012 National ADA Symposium,
Orlando, FL**

March 12-14, 2012

Caribe Royale All-Suites Hotel & Convention Center

For more information visit [ADA](#)

[Symposium](#) at

<http://www.adasympoium.org/IndianapolisSymposium.html>

**ADA Audio Conference
Series**

**No pets allowed: Service
Animals and Post Secondary
Institutions**

March 20, 2012 1-2:30 CST

Recent revisions to the regulations implementing Title II and III of the ADA have raised increased focus

News from the Federal Agencies

U.S. Access Board

**Board Releases Proposed Standards for Medical Diagnostic
Equipment**

The U.S. Access Board has published accessibility standards for medical diagnostic equipment and is accepting public comments. The standards were developed under the Patient Protection and Affordable Care Act and address access for people with disabilities to examination tables and chairs, weight scales, mammography equipment, and other equipment used for diagnostic purposes. The standards were published on February 9, 2012 and the public comment period lasts 120 days.

To Review the Standards and Submit Public Comment please visit

www.regulations.gov

Public Hearings on the Proposed Access Board Standard

March 14, 9:30 - Noon

Access Board Conference Center

1331 F Street, NW, Suite 800

Washington, DC

May 8, 9:30 - Noon

Hilton Atlanta

Meeting Rooms 309-311

255 Courtland Street, NE

Atlanta, GA

[Read more about Public Hearings on the Proposed Access Board Standard](#) at

<http://www.access-board.gov/news/mde-nprm.htm>

U.S. Equal Employment Opportunity Commission (EEOC)

Celadon Sued By EEOC for Disability Discrimination

The U.S. Equal Employment Opportunity Commission (EEOC) has filed suit alleging that Celadon, Inc., a trucking company headquartered in Indianapolis, unlawfully subjected applicants to medical examinations and failed to hire qualified applicants because of disabilities or perceived ones. According to the EEOC suit, Celadon performed medical examinations on applicants for driving positions before making conditional job offers.

[Read more about Celadon Sued By EEOC for Disability Discrimination](#) at

<http://www.eeoc.gov/eeoc/newsroom/release/3-1-12.cfm>

on the issue of service animals in a variety of settings. Post secondary institutions face unique challenges around these issues when it comes to their policies and procedures regarding service animals in student housing, classroom and public spaces. This session will explore the different scenarios that often play out in post secondary education and discuss the interplay between laws governing non-discrimination in housing versus equal access to programs and services. Join this panel of presenters for a discussion of the issues and engage with them in an interactive question and answer period.

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

ADA Legal Webinar Series

Olmsted Planning: Litigation, Collaboration and the All Important Financial Calculation

March 21, 2012 1-2:30 CST

This webinar session will discuss the essential aspect of budget planning for litigation, policy making and Olmstead planning. It will discuss the pros and cons of litigation versus working with policy makers versus a hybrid approach of litigation and working with policy makers to affect change.

For more information visit [ADA Legal Webinar Website site](http://www.ada-legal.org/Webinar/ADALegal/Schedule/) at <http://www.ada-legal.org/Webinar/ADALegal/Schedule/> or call (877) 232-1990.

EEOC Issues Revised Publications on Employment of Veterans with disabilities

The U.S. Equal Employment Opportunity Commission (EEOC) issued two revised publications addressing veterans with disabilities and the Americans with Disabilities Act (ADA). The revised guides reflect changes to the law stemming from the ADA Amendments Act of 2008, which make it easier for veterans with a wide range of impairments to get needed reasonable accommodations that will enable them to work successfully.

For more information Visit

- [Veterans and the Americans with Disabilities Act \(ADA\): A Guide for Employers](http://www.eeoc.gov/eeoc/publications/ada_veterans_employers.cfm) at http://www.eeoc.gov/eeoc/publications/ada_veterans_employers.cfm
- [Understanding Your Employment Rights under the Americans with Disabilities Act \(ADA\): A Guide for Veterans](http://www.eeoc.gov/eeoc/publications/ada_veterans.cfm) at http://www.eeoc.gov/eeoc/publications/ada_veterans.cfm

Tyson Foods Settles EEOC Disability Discrimination Lawsuit

Tyson Foods, Inc. will pay \$35,000 and to settle a lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC). The EEOC had charged that Tyson Foods refused to hire a former employee because he had epilepsy.

[Read more about Tyson Foods Settles EEOC Disability Discrimination Lawsuit](http://www.eeoc.gov/eeoc/newsroom/release/2-23-12.cfm) at <http://www.eeoc.gov/eeoc/newsroom/release/2-23-12.cfm>

Product Fabricators to Pay \$40,000 to Settle Disability Discrimination Suit

Product Fabricators, Inc. will pay \$40,000 to settle a lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC). In lawsuit the EEOC charged that Product Fabricators fired an employee because the employee was taking a low-dosage, prescribed narcotic medication for back pain.

[Read more about Product Fabricators to Pay \\$40,000 to Settle Disability Discrimination Suit](http://www.eeoc.gov/eeoc/newsroom/release/2-15-12a.cfm) at <http://www.eeoc.gov/eeoc/newsroom/release/2-15-12a.cfm>

U.S. Department of Justice (DOJ)

DOJ Signs New Project Civic Access Settlement Agreement

The United States Department of Justice (DOJ) reached a new settlement agreement

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

Accessibility Online Webinar Series

Accessibility Standards: "The Basics"

April 5th, 2012 1:30-3:00 CST.

Whether you follow the 2010 ADA Standard or the Architectural Barriers Act Standard, the application of the "building block" provisions contained in Chapter 3 are critical in designing accessible elements and spaces. These provisions provide criteria for ground and floor surfaces, turning spaces, clear floor and ground spaces, knee and toe clearances, protruding objects, reach ranges, and operable parts. This session will review how to apply these criteria and provide guidance on some common errors in design.

For more information visit

[Accessibility Online Webinar Series](#)

at

<http://www.accessibilityonline.org/>

Accessible Technology Webinar Series

Improving the Web

Accessibility Game Plan

April 10th, 2012 1-2:30 CST

In the seminar improving the Accessibility Game Plan, Karl Groves will provide an overview of the challenges the accessibility community faces when trying to advance the cause of accessibility outside our own friendly circle.

Additionally, he'll discuss potential solutions to those challenges and ways to get buy-in from others.

For more information visit

[Accessible Technology Webinar](#)

at [http://www.ada-](http://www.ada-audio.org/Webinar/AccessibleTechnology/)

[audio.org/Webinar/AccessibleTechnology/](http://www.ada-audio.org/Webinar/AccessibleTechnology/) or call (877) 232-1990.

under its Project Civic Access initiative with the City of Humboldt, KS. 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 more about DOJ Signs New Project Civic Access Settlement Agreement](http://www.ada.gov/humboldt_KS_pca/humboldt_KS_sa.htm) at http://www.ada.gov/humboldt_KS_pca/humboldt_KS_sa.htm

Department of Justice Reaches Settlement Agreement with the Henry Ford Health System

The Department of Justice entered into a settlement agreement with the Henry Ford Health System resolving a complaint that had been filed under Title III of the Americans with Disabilities Act (ADA). The complaint had alleged that Kingwood Hospital, owned by Henry Ford Health Services, failed to provide necessary auxiliary aids and services to a patient that is deaf and to family members that are either deaf or hard of hearing. Kingswood Hospital did not dispute the allegations and agreed to develop policies that would insure that persons that are deaf and hard of hearing receive necessary auxiliary aids and services so that they are able to enjoy the full services provided by the hospital.

[Read more about Department of Justice Settlement Agreement with the Henry Ford Health System](http://www.ada.gov/henry_ford_settle.htm#_ftnref1) at http://www.ada.gov/henry_ford_settle.htm#_ftnref1

Great Lakes In Focus

Swimming pools, wading pools and spas

The U.S. Department of Justice has issued technical assistance materials and two letters clarifying the application of the 2010 standards to existing swimming, wading pools and spas. The DOJ materials clarify obligations to provide accessible entry for operators of existing facilities with swimming pools, wading pools, and spas. In addition, the materials clarify when portable lifts may be used in existing facilities.

Any new construction or alterations taking place on or after March 15, 2012 must comply with the 2010 standards. The 2010 standards contain scoping and technical requirements for accessible entry into swimming pools, wading pools and spas. The 1991 standards do not contain similar requirements so existing swimming pools, wading pools and spas do not fall under the "safe harbor" provision of the DOJ revised regulations applying to state and local governments and places of public accommodations. State and local governments after March 15 must use the 2010 standards to insure that all programs, services and activities are accessible to and useable by persons with disabilities. Places of public accommodations must use the

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ADA Audio Conference Series

Open Dialogue with the Equal Employment Opportunity Commission

April 17th, 2012 1-2:30 CST

Join us for one of the most popular sessions in the ADA Audio Conference Series. Listen to an update on EEOC Enforcement and Guidance Activities and pose your questions to our speaker. This is an interactive session and you are encouraged to bring your tough issues and concerns forward. Learn from what others may be experiencing and the questions and issues that they may have as well.

For more information visit [ADA Audio Conference site](http://www.ada-audio.org/Schedule/) at <http://www.ada-audio.org/Schedule/> 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](http://www.adasymposium.org/IndianapolisSymposium.html) at <http://www.adasymposium.org/IndianapolisSymposium.html>

2010 standards when removing existing barriers where it is readily achievable to do so.

For more Information visit :

- [Revised ADA Requirements: Accessible Pools Means of Entry and Exit](http://www.ada.gov/pools_2010.htm) at http://www.ada.gov/pools_2010.htm
- [Asian American Hotel Owners Association](http://www.ada.gov/aahoa_letter.htm) at http://www.ada.gov/aahoa_letter.htm
- [American Hotel and Lodging Association Letter](http://www.ada.gov/ahla_letter_2_21.htm) at http://www.ada.gov/ahla_letter_2_21.htm

Suggested Resources

- For information about [2010 ADA Standards for Accessible Design](http://www.ada.gov/regs2010/2010ADASTandards/2010ADAstandards.htm#op) visit <http://www.ada.gov/regs2010/2010ADASTandards/2010ADAstandards.htm#op>
- For more information about [Swimming pools and spas](http://www.access-board.gov/recreation/guides/pools.htm) visit <http://www.access-board.gov/recreation/guides/pools.htm>
- For information about [February 3, 2011, Accessible Transient Lodging](http://www.accessibilityonline.org/Archives/) visit <http://www.accessibilityonline.org/Archives/>
- For information about [March 3, 2011, Accessible Swimming Pools and Spas](http://www.accessibilityonline.org/Archives/) visit <http://www.accessibilityonline.org/Archives/>
- For information about [August 4, 2011, Accessible Health Clubs and Fitness Facilities](http://www.accessibilityonline.org/Archives/) visit <http://www.accessibilityonline.org/Archives/>

The Docket

LOPEZ vs AT&T, CORP

The United States Court of Appeals, Eleventh Circuit, affirmed a lower Court's granting of summary judgment in an Americans with Disabilities Act (ADA) lawsuit. Erico Lopez had filed suit against his former employer AT&T, CORP, alleging that he was harassed and terminated on the basis of his disability, post traumatic stress disorder (PTSD). AT&T, CORP had argued in its filing for summary judgment that Lopez had been terminated for violating company policies.

The Court of Appeals rejected Lopez's claim that the district court erred in granting summary judgment to AT&T. The Court wrote that summary judgment is appropriate "if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." The Court also ruled that Lopez failed to establish that AT&T terminated his employment because of his post-

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traumatic depression and panic attacks.

From the ADA Expert

Question:Q. . I am a public library director. We have a patron who comes in daily for long periods of time with a service dog. She has revealed that she herself does not have a disability, but that the dog "trains other dogs" to be service animals. Her dog has completed training, but she says it must accompany her at all times to maintain its training. I'm wondering if this is a reasonable request. There is no question that we would welcome a service animal accompanying a patron with a disability, but does this obligation extend to trained service animals accompanying people without disabilities?

Answer:

A service animal is defined under the Americans with Disabilities Act as:

Any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling wheelchair, or fetching dropped items.

A service animal in training would not meet this definition contained in the ADA regulations. In addition, an individual with a disability using a service animal is the one protected by the ADA from discrimination on the basis of disability. The service animal not being used by an individual with a disability has no protection status under the ADA.

If a trainer is accompanied by a trained service animal there is nothing in the ADA that would require that the service animal be allowed into a covered entities facility. To summarize, a service animal in training does not meet the definition of a service animal under the ADA and a service animal meeting the definition under the ADA only must be allowed into covered facilities when with an individual with a disability.

Some states have laws that do require that animals in training be allowed to accompany trainers in public facilities. Individuals should check with a state attorney general's office to get information about states laws.

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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