

MAY 2012

VOLUME 8 ISSUE 7

Trainings & Events
(Central Standard Time)

**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

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](http://www.eeoc.gov/eeoc/newsroom/release/4-17-12b.cfm) 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](http://www.eeoc.gov/eeoc/newsroom/release/4-10-12.cfm) 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](http://www.eeoc.gov/eeoc/newsroom/release/4-10-12a.cfm) 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.ada-audio.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

has entered into a voluntary resolution agreement with the Town of Simsbury, Connecticut mandating that the town recreation department adopt a policy on diabetes management for children attending its summer camp program. The agreement follows an OCR investigation into a complaint filed by a father on behalf of his eight year old daughter, alleging that the town failed to provide reasonable modifications to its summer camp program to allow camp staff to administer blood glucose testing and, if necessary, provide diabetes-related care to the child participating in the program. Under Title II of the Americans with Disabilities Act (ADA), unless a public entity can demonstrate that making a modification would fundamentally alter the nature of a service, program or activity, the entity must make reasonable modifications in policies, practices, or procedures when such modifications are necessary to avoid discriminating against a person based on a disability.

[Read more about HHS Settles Americans with Disabilities Act Allegations](http://www.hhs.gov/news/press/2012pres/04/20120416b.html) at <http://www.hhs.gov/news/press/2012pres/04/20120416b.html>

U.S. Department of Justice (DOJ)

Justice Department Announces Settlement Agreement

The agreement between the Justice Department and Arizona Interscholastic Association, Inc. (AIA) resolves a complaint filed under Title III alleging that the AIA refused the use of a sign language interpreter during tennis matches. AIA has agreed to implement policies and procedures, set forth below, that are designed to afford individuals who are deaf or hard of hearing a benefit equal to that provided to others, and to ensure that appropriate auxiliary aids and services will be provided where necessary to afford effective communication with individuals who are deaf or hard of hearing during AIA-sponsored tennis matches.

[Read more about Wendy's Franchisee Sued by Justice Department Announces Settlement Agreement](http://www.ada.gov/aia_settle.htm) at http://www.ada.gov/aia_settle.htm

Settlement Agreement between Justice Department and the City of Ansonia, CN

The agreement resolves a complaint filed under Title II by Recovery Network of Programs which planned to open a center for individuals with substance abuse disabilities. The complaint alleges that the City refused to allow the facility on the basis of disability, in violation of the ADA. The agreement requires that the city modify zoning requirements to allow the center to open.

[Read more about Settlement Agreement between Justice Department and the City of Ansonia, CN](http://www.ada.gov/ansoniasa.htm) at <http://www.ada.gov/ansoniasa.htm>

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

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](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

- [Nondiscrimination on the Basis of Disability in State and Local Government Services](http://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm) For more information visit http://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm
- [Nondiscrimination on the Basis of Disability in Public Accommodations and Commercial Facilities](http://www.ada.gov/regs2010/titleIII_2010/titleIII_2010_regulations.htm) For more information visit http://www.ada.gov/regs2010/titleIII_2010/titleIII_2010_regulations.htm
- [2010 ADA Standards for Accessible Design](http://www.ada.gov/regs2010/2010ADASTandards/2010ADASTandards.htm#top) For more information visit <http://www.ada.gov/regs2010/2010ADASTandards/2010ADASTandards.htm#top>
- [ADA Update: A Primer for small business](http://www.ada.gov/regs2010/smallbusiness/smallbusprimer2010.htm) For more information visit <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) For more information visit http://www.ada.gov/pools_2010.htm
- [Revised ADA Requirements: Ticket sales](http://www.ada.gov/ticketing_2010.htm) For more information visit http://www.ada.gov/ticketing_2010.htm
- [Revised ADA Requirements: Service Animals](http://www.ada.gov/service_animals_2010.htm) For more information visit http://www.ada.gov/service_animals_2010.htm

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

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<http://www.accessibilityonline.org>

Accessible Technology Webinar Series

21st Century Communications and Video Accessibility Act

June 12, 2012 1-2:30 CDT

Description coming soon.

For more information visit

Accessible Technology Webinar at

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

(877) 232-1990.

ADA Audio Conference Series

Pregnancy Discrimination, Disability, and the Americans with Disabilities Act (ADA)

JULY 18, 2012 1-2:30 CDT

Are pregnant women considered disabled under the ADA? What

laws protect women who are pregnant or who have recently

given birth from discrimination?

Are employers obligated to provide leave to women who are pregnant,

or provide other types of

workplace accommodations? This

webcast will answer all those

questions and more, as attorney J.

Aaron McCullough facilitates a

discussion with law professor

Jeannette Cox, and Martin Ebel of

the EEOC on pregnancy

discrimination in employment,

disability, the related law, and

recent litigation. Participants will

have an opportunity to ask

questions during the webcast but

are encouraged to email questions

to J. Aaron McCullough in advance

via:

<http://www.adaconsult.com/contact-us.html>

For more information visit ADA

Audio Conference site at

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

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

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<http://www.ada-audio.org/>
or call (877) 232-1990.

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 Kitchnettes
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](#)

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space.
For more information visit
Accessibility Online Webinar
SeriesADA Legal Webinar site at
<http://www.ada-audio.org/Webinar/ADALegal/Schedule/#fy2011session5>
or call (877) 232-1990.

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