

Great Lakes Chronicle

ILLINOIS*INDIANA*MICHIGAN*MINNESOTA*OHIO*WISCONSIN

September, 2005

Volume 2, Issue 1

In The Headlines

2006 National ADA Symposium Dates Announced

Save the Date: The 2006 ADA Symposium will be held April 10-12, 2006 in St. Louis, Missouri. More information will be available soon. If questions please contact the Great Lakes Center at (800) 949-4232 (V/TTY) or via our on-line [contact form](#).

Reaching Out to Customers with Disabilities: An on-line ADA course for businesses from the U.S. Department of Justice

This [new on-line course](#) provides information that explains how the Americans with Disabilities Act (ADA) applies to businesses in ten short lessons. Putting these lessons into practice will assist businesses in complying with the ADA and show how compliance welcomes a whole new group of customers to purchase goods, products, and services. The course will also demonstrate that making businesses more accessible and welcoming to people with disabilities is not as difficult as business owners think.

Meeting Held on Promoting Accessible Design in Education of Architects

The [U.S. Access Board](#) is undertaking an initiative to [promote accessible design](#) in the education of architects, interior designers, engineers and others. As a first step in this endeavor, the Board held a forum to get advice from various experts on how it should proceed. Specifically, the Board sought input on how this effort can be advanced through education curricula, design competitions and awards, and outreach to colleges, universities, and accrediting organizations. For further information on this initiative, contact Jim Pecht at pecht@access-board.gov

New Project Civic Access Fact Sheet

The U.S. Department of Justice has issued a new fact sheet on Project Civic Access. The [fact sheet](#) provides background information on the

origins of the program and also includes the criteria used to determine where investigations will be under taken under the Project. Resources are also provided for state and local governmental entities covered by Title II of the ADA.

The Accessible Cities Alliance (ACA) seeks to improve access in Will and Grundy Counties

The [ACA](#) is a cooperative, broad-based partnership seeking to insure access for individuals with disabilities to businesses located in Will and Grundy counties in Illinois. The alliance is a coalition between the Will-Grundy Center for Independent Living located in Joliet, IL, persons with disabilities, local municipalities, businesses, the Joliet Region Chamber of Commerce & Industry, professional trade organizations, media representatives and civic leaders. The alliance was organized in 2003 with a 3 part mission to:

- Improve voluntary compliance with the Americans with Disabilities Act (ADA)
 - Provide businesses with the resources necessary to improve access and comply with the ADA
 - Continue to advocate for a barrier free society
-

Audio Conference Series

The ADA [Audio Conference Series](#) is a collaborative effort of the 10 Regional Disability and Business Technical Assistance Centers. The sessions provide continuous education on regulations and trends under the Americans with Disabilities Act. Each sessions is scheduled from 1:00 to 2:30 P.M. Central Time (90 minutes) and is [real-time captioned](#) on the Great Lakes ADA Center' web site. A written transcript and digital recording of each session is [archived](#) on the Great Lakes ADA Center web site.

Readily Achievable Barrier Removal: What does it mean 15 years later?

Numerous buildings remain inaccessible to individuals with disabilities 15 years after the passage of the ADA. The requirements for existing buildings remain one of the most misunderstood provisions of the Americans with Disabilities Act of 1990. Numerous lawsuits and complaints have arisen due to the lack of barrier removal by retail and business establishments on main streets across the country. Tune into this session to learn more about the requirements for "readily achievable barrier removal" and how it applies to a place of public accommodation.

Audio Conference Series will be redesigned and enhanced for the 2005-2006 Series to offer more alternatives. Keep an eye

out for updates!

Starting this October the ADA Audio Conference Series will include a new service, Real-time Streaming Audio, by MultiMedia Pros. This alternative option is for our telephone users. This new system allows you to listen and interact via your computer.

Also, this October the Great Lakes will launch a pilot of the Audio Conference Series in Spanish. This pilot series will include 4 sessions that will utilize the teleconference and real-time captioning as well. To learn more contact Anel Gonzalez at (312) 413-1439.

Great Lakes ADA Center – In Depth

ADA Basics course will be available in Spanish soon!

Great Lakes ADA & Accessible IT Center staff, led by Bi-Lingual Technical Assistance Specialist J Anel Gonzalez, completed the translation of the ADA Basics web course in to Spanish. Center's staff is currently beta testing the Spanish version of the on-line course getting it ready to launch to the public.

The ADA Basic Building Blocks is an introductory web course developed and hosted by the Southeast Disability and Business Technical Assistance Center that explores the legal requirements and the spirit of the ADA. The course content is self-paced and organized into 12 topics that have been designed to be studied in order. It covers the basic principles and core concepts contained in the ADA. For more information and to register for the course go to:

www.adabasics.org

Visit the Great Lakes ADA & Accessible IT Center web site to find out when the course is available in Spanish. To get additional information about the bi-lingual services provided by the Center, contact Anel Gonzalez at (800) 949-4232 (V/TTY) or via the on-line [contact form](#).

Federal Agency Update

Office of Disability Employment Policy

[Preparing the Workplace for Everyone](#), a comprehensive template of guidelines to help federal agencies integrate the needs of workers with disabilities into emergency preparedness plans.

The template was developed by the Interagency Coordinating Council on Emergency Preparedness and Individuals with Disabilities' Workplace Subcommittee, which is chaired by the Office of Disability

Employment Policy (ODEP). ODEP has also launched a new web page on Emergency Preparedness, which includes the template of guidelines as well as additional resources.

ADA Forum: The Access Board Celebrates the ADA's 15th Anniversary with a Public Forum on its Agenda and Services

As part of a program of seminars to recognize the ADA's 15th anniversary, the Board held a [public forum](#) on its agenda and services. The event allowed the public to make recommendations to the Board on topics or issues that should be addressed in its work writing guidelines and standards or sponsoring research.

The Board also welcomed suggestions for new guidance and training materials and how this information and related services can be delivered most effectively to its various audiences, particularly through its website.

Thirty-Four Communities Agree to Improve Civic Access under agreements with DOJ

Cities, towns, and counties across America will take steps to make programs, services, and facilities accessible under new [Project Civic Access](#) settlement agreements. A total of [128 cities, towns, and counties](#) have entered into 134 agreements with the U.S. Department of Justice to make their programs, services, and facilities accessible to people with disabilities since the program started.

DOT Launches New Website to Assist Persons with Disabilities For Emergency Preparedness

The [U.S. Department of Transportation](#) has launched a new web site containing information to help ensure safe and secure transportation for persons with disabilities in the event of a disaster or emergency. The [new site](#) includes advice on emergency preparedness, transportation accessibility, and evacuation methods for certain modes of transportation, such as rail and transit systems.

New EEOC Publication addresses Employment Rights of People with Cancer under Disabilities Act

The U.S. Equal Employment Opportunity Commission (EEOC) issued a [Question-and-Answer document](#) on the application of the Americans with Disabilities Act (ADA) to persons with cancer in the workplace. The new publication is available on EEOC's web site.

EEOC Revises Guidance on Timeliness for Filing Charges of Employment Discrimination to conform with Supreme Court Ruling

In accordance with the Supreme Court's decision in *National Railroad Passenger Corp. v. Morgan*, 536 U.S. 101 (2002), the U.S. Equal

Employment Opportunity Commission (EEOC) issued a revision to its Compliance Manual section addressing time limitations on filing charges of employment discrimination. The [revised Compliance Manual Chapter](#) and questions and answers about the revision are available on the EEOC web site.

Accessible IT

Introducing the Web Accessibility Visualizer Tool

The University of Illinois Center for Instructional Technology Accessibility (CITA) has just released a new advanced tool for inspecting web pages for accessibility. The Web Accessibility Visualizer allows users to view web pages in 10 different views to illustrate how information on a web page can detect if accessibility principles are not followed. The tool is useful for people who want different page views at a single mouse click.

For example, the 'Links' view of the Visualizer Tool greys out non-link content and makes links salient. Doing so would help web authors and analyzers determine the relevancy of link text and usefulness of link text.

The web page Linearizer in the Visualizer tool allows users to see how linear user agents, like a screen reader, would read a table. It rearranges the table such that it displays cell by cell in the order of how a screen reader would read it.

Other views within the Visualizer Tool include a Data Tables viewer, Page Headers viewer, Item Lists viewer, Frames viewer, Forms viewer, Access Keys viewer, Page Structure viewer, Document Title viewer, and Banner Roles viewer.

Other features in the viewer also allow users to view the page in text-only form. This helps in reviewing pages for extraneous visual-only content. The Tool also filters images and multimedia and allows you to classify images and multimedia for informative, style, or link purposes.

In summary, the Web Accessibility Visualizer Tool is good for people who want the functionality of many web accessibility checkers or browser accessibility-plug-ins, but without the complexity and fewer mouse clicks. The Tool gives developers, authors, and general users the power to break down pages into individual components without the need for commercial or complicated packages. Try out the Web Accessibility Visualizer Tool for yourself at:

<http://devserv.rehab.uiuc.edu/accwebsim/>

Disability Law Update

Social Security Administration Announces Policy Changes Regarding Disability Benefits

The [Social Security Administration \(SSA\)](#), on the anniversary of the Americans with Disabilities Act, announced proposed changes to procedures that will impact the time it takes to notify individuals as to whether they have qualified for disability benefits. The changes also are an effort to shorten the appeal process for individuals who are denied benefits. The new procedures may result in individuals with obvious disabilities qualifying for disability benefits in 20 days. The SSA will be publishing a proposed regulation for public comment soon.

The Docket

Illinois Residents Sue State for Violating Americans with Disabilities Act, Failing to Provide Community Services

Nine Illinois residents with developmental disabilities have filed suit against Illinois state officials, seeking an order that would require the state to provide services within a smaller community setting, instead of segregating people in large private institutions. The [class action lawsuit](#) filed in the U.S. District Court of Illinois charges that by warehousing persons with developmental disabilities in large institutions, the state deprives them of their fundamental right to pursue meaningful and productive lives.

Ninth Circuit treats reading as ADA "major life activity"

An employee's sworn statement that he was substantially impaired in major life activities, including reading, as sufficient to bring his case to trial under the Americans with Disabilities Act (ADA), the [9th U.S. Circuit Court of Appeals](#) has held, marking the first time a court has ruled that reading is a major life activity.

Events

National

[Workplace Accommodations: State of the Science, September 15-16, 2005 Atlanta, GA](#)

The Rehabilitation Engineering Research Center on Workplace Accommodations is hosting a conference to establish a national dialogue on the current state and future directions of workplace accommodations. Invited speakers include Sharon Rennert, Senior Attorney with the EEOC, Peter Blanck, Director of the Law, Health

Policy and Disability Center and Susan Bruyère, Cornell University.

Presentations will cover topics such as Telework & IT Access, Safety in the Workplace, Aging Workers, and Universal Design and AT, Vocational Rehabilitation Services and Evidence-based practice.

Communicating with a diverse workforce, September 14-15, 2005 Chicago, IL

Ragan Communications is offering a two day conference focused on communication. One of the sessions that they will offer specifically addresses the issues of people with disabilities and technology in the workplace. Susanne Bruyère, Ph.D. from Cornell University Employment and Disability Institute will present on Wednesday, September 14th a session titled: People with Disabilities in a Technology Driven Workforce.

Job Accommodation Network Conference 2005, September 26-27, 2005 San Francisco, CA

The Job Accommodation Network will be building upon 21 years of experience providing training and technical assistance regarding employment of people with disabilities. This conference will feature three concurrent training tracks regarding Accommodations, Innovative Employment Practices and Legal issues. Featured speakers include W. Roy Gizzard, Assistant Secretary for Disability Employment Policy in the Office of Disability Employment Policy (ODEP) with the U.S. Department of Labor, Michael Lotito, Retired President and CEO of the Society of Human Resource Management (SHRM) and Paul Miller, Former Commissioner with the Equal Employment Opportunity Commission. More information on the conference and registration is available at <http://conference.jan.wvu.edu/>

14th Annual Worker's Compensation and Disability Conference and Exposition, November 15-17, 2005 Chicago, IL

The National Worker's Compensation and Disability Conference offers a comprehensive list of programs targeting individuals who work in the field of worker's compensation or disability management. This conference is sponsored by LRP Publications. Pre-conference sessions are offered with a more intensive study of topics related to the ADA, Worker's Compensation and Disability Management. Over 30 sessions are offered across a variety of tracks including Claims Management, Disability Management, Legal/Regulatory Issues and Safety & Ergonomics.

Service & Inclusion Conference, December 8-10, 2005 Alexandria, VA

This conference titled, "A Meaningful Place for All", will bring the disability and service communities together to: Celebrate and reflect upon 10 years of disability inclusion in national service, strategize about practices to improve the inclusion of individuals with disabilities

in national service and build practices to ensure ongoing progress.

For more information, contact the National Service Inclusion Project at nsip@umb.edu or (888) 491-0326 (toll-free V/TTY).

Regional

Making the ADA Work for Business - September 12, 2005 Chicago, IL
The Illinois ADA Project, an affiliate of the Great Lakes ADA & Accessible IT Center is hosting a conference focused on the Employment Provisions of the ADA. The conference will be held at the UBS Conference Center at 1 North Wacker, Chicago, IL. Topics include:

- Reasonable Accommodations: Low Cost and No Cost Solutions
- Accessibility of Electronic Information in the Workplace
- Interaction between the ADA and the Family Medical Leave Act (FMLA)
- Emerging ADA Legal Issues.

National Speakers include Adele Rapport, JD, Attorney, Equal Employment Opportunity Commission and Susanne Bruyère, Director of the Employment and Disability Institute, Cornell University.

For more information, contact the Illinois ADA Project at 877-232-3601 (V) or 800-610-2779 (TTY).

Emerging Issues and Trends: The Nuts and Bolts of Title I, II, & III
The conference will cover the Nuts and Bolts of ADA. Basic knowledge of the ADA is assumed. Title I session will highlight employment's emerging issues and trends as well as recent and pertinent Supreme Court decisions and how these decisions impact Title I of the ADA. Title II and III session will provide the nuts and bolts of public services and public accommodations and what to do on a day to day basis to comply with these titles.

Location:

The Sheraton Minneapolis West
1220 Ridgedale Drive,
Minnetonka, MN 55305
For directions, please call 952-593-0000.

To register or to learn more please contact Cindy Tarshish, 651-603-2015, 1-888-845-4595 (toll free), 651-603-2001 (TTY), or CindyT@mcil-mn.org.

Registrations are due by **October 17**.

These workshops are sponsored by ADA Minnesota and the Minnesota Department of Employment & Economic Development/Rehabilitation Services. This workshop is approved for 4.5 CRC credit hours. The Keynote speakers for this event are **Robin Jones** Director of the Great Lakes ADA and Accessible Information Technology Center and an Instructor in the Department of Disability and Human Development at the University of Illinois at Chicago and **Gregory G. Brooker**, U.S. Department of Justice, U.S. Attorney's Office, Assistant United States Attorney, District of Minnesota.

The Great Lakes Vine

The Great Lakes Vine features information from Region V Affiliates. Our Affiliates help foster voluntary compliance with the provisions of the Americans with Disabilities Act (ADA) through a variety of activities and projects. Here's how...

Illinois ADA Project

The [Illinois ADA Project](#)'s Conference "Making the ADA Work for Business" will be held on September 12, 2005 from 8:30 A.M. to 5:00 P.M. at UBS Tower at 1 North Wacker Drive in Chicago.

The Conference will be targeted toward businesses and Equip for Equality, the Chicagoland Business Leadership Network (CBLN), Chicagoland Chamber of Commerce, Illinois Department of Human Services, and Ability Links have agreed to co-sponsor the Conference.

- **Best Practices for Reasonable Accommodations: Low Cost and No Cost Solutions:** This session will be a panel discussion regarding cost effective ways to respond to reasonable accommodation requests.
 - **Website and Computer Accessibility:** This seminar will explore the variety of ways that businesses can assure that employees and customers can access necessary information and make purchases using their computers to access the internet. Improved website and computer access results in increased sales.
 - **ADA Hot Topics: What are the EEOC and the Courts Saying?:** Join two nationally recognized ADA Attorneys for an exploration of ADA hot topics such as: Pre-employment testing, leave policies, selecting effective accommodations, and disability harassment.
 - **Interaction between the ADA and the Family Medical Leave Act (FMLA):** Employee leave is one of the most complex and common situations that businesses face. This training session will help blaze a trail through the various laws that apply.
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Michigan ADA Steering Committee

The [Michigan ADA Steering Committee](#) participated in three celebrations of the 15th anniversary of the ADA on July 26, 2005. The events were held in Flint, Kalamazoo and Marquette. Thanks to everyone who came out to celebrate the spirit of the ADA!

Also on July 26, Steering Committee Co-Chair Curt Hansen participated in a disability awareness training at General Motors Corporation in Detroit. The training was well-received and we look forward to participating in upcoming General Motors trainings.

Coming soon:

Americans with Disabilities Act
How Does the ADA affect your Business?
Thursday, September 8, 2005
8:00-8:30 A.M. Registration
8:30-11:30 A.M. Session
Muskegon Community College
221 S. Quarterline Rd., Muskegon, MI 49442

For more information, please contact:

Dwana Thompson
Phone: (231) 760-1964
Fax: (231) 760-1677
Email: thompsond5@michigan.gov

ADA Minnesota

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ADA Ohio

ADA Ohio is participating in and helping to plan several very interesting upcoming events in Ohio.

- The League of Women Voters of Ohio is holding a series of forums on election reform to discuss concerns about Ohio House Bill 3. The purpose of the forums is to try to reach a consensus on various provisions of the bill, including accessibility for voters with disabilities. Ohio House Bill 3 makes numerous modifications and additions to the statutes contained in the Election Law.
- The Ohio Governor's Council on People with Disabilities will be presenting their annual Employer of the Year award at their annual meeting on August 25, 2005 at the Ohio State House Atrium, Columbus.

Ohio Developmental Disabilities Council (ODDC) is planning a conference on "Keys to Housing Options" targeting people with disabilities, their families, and the people who support them. The conference is being planned for October 19-20 at the Hyatt Regency in Columbus. In conjunction with this conference, each year ODDC selects an Ohioan to receive its advocacy award. This award honors an outstanding advocate - a person who has worked actively in support of improving the lives of people with developmental disabilities and their families. Council created this award in honor of Elsie D. Helsel, a lifetime advocate for people with disabilities.

ADA Wisconsin Partnership

ADA Wisconsin Partnership was pleased to present "The ABCs of the ADA" on Wednesday, August 10 in Wausau at Northcentral Technical College and again on Thursday, August 11, 2005 at the Crowne Plaza in Madison. A combined total of 185 registrants attended the two conferences. The mix of attendees represented counties, cities, private businesses, non-profit organizations, libraries, design firms and more.

Topics focused on providing overviews of Titles I (Employment), II (Government Agencies) and III (Public Accommodations) of the Americans with Disabilities Act. Sally Conway of the U.S. Department of Justice was to be the featured speaker at both sites, however storms and travel delays kept her from presenting in Wausau. Thankfully, the show went on using our excellent regional and local talent. Robin Jones of the Great Lakes Disability and Business Technical Assistance Center, ADA Wisconsin Partnership members Sandy Popp and Diane Meredith, and Henry Kosarzycki of the Department of Commerce pulled together to present the various topics.

Sally Conway made it to Madison, presented for the full day and was very well received for her wealth of knowledge and easy presentation style. Dennis McBride of the Equal Employment Opportunity Commission's Milwaukee office presented the employment sessions.

The conference was co-sponsored by [Great Lakes ADA and Accessible IT Center](#), [WI Department of Health and Family Services](#), [WI Department of Workforce Development Disability Navigator Project](#), [Northcentral Technical College](#), [Wisconsin Paralyzed Veterans Association](#) and UW-Stout, SVRI-Research and Learning Resources.

The ADA Wisconsin Partnership is a statewide coalition of organizations, business groups and government agencies that work together to promote the understanding and implementation of the Americans with Disabilities Act (ADA). The Partnership is affiliated with the Great Lakes Disability and Business Technical Assistance Center (GLDBTAC), located at the Department of Disability and Human Development at the University of Illinois at Chicago.

From the Technical Assistance Desk

Question of the Month

Question:

I am a Village Manager and a citizen asked me why all of the Village buildings weren't accessible to people with disabilities. I thought about it for a while and couldn't think of a good answer. I always believed that our Village was accessible to people with disabilities. In order to comply with the Americans with Disabilities Act (ADA) do all of our buildings and facilities need to be accessible to people with disabilities?

Answer:

The ADA, under Title II, prohibits discrimination in any programs, activities or services on the basis of disability by state and local governments. Title II requires that a public entity make its programs accessible to people with disabilities, not necessarily each facility or part of a facility. Program accessibility may be achieved by a number of methods.

In many situations providing access to facilities through structural changes, such as alteration of existing facilities, may be the most efficient method of providing program accessibility. The public entity may however, pursue alternatives to structural changes in order to achieve program accessibility.

For example, where the second-floor office of a public welfare agency may be entered only by climbing a flight of stairs, an individual with a mobility impairment seeking information about welfare benefits can be served in an accessible ground floor location or in another accessible building. Similarly, a town may move a public hearing from an inaccessible building to a building that is readily accessible. When choosing among available methods of providing program accessibility, a public entity must give priority to those methods that offer services, programs, and activities in the most integrated setting appropriate.

Title II entities with 50 or more employees were to do a self-evaluation and were required to complete a transition plan by July 26, 1992. This transition plan was to identify existing architectural and communication barriers and the time frame in which they would be removed.

A Title II entity doesn't have to take any action that it can demonstrate would result in a fundamental alteration in the nature of its program or activity or in an undue burden. The determination that an undue burden would result must be based on all resources available for use in the program. If an action would result in such a fundamental alteration or such a burden, the public entity must take any other action that would not result in such an alteration or such burdens but would ensure that individuals with disabilities receive the benefits and services of the program or activity.

Additionally, a Title II entity must make reasonable modifications in its policies, practices, or procedures to avoid discrimination. If the entity can demonstrate that a modification would fundamentally alter the nature of its service, program, or activity, it is not required to make the modification.

For additional information on Title II of the Americans with Disabilities Act you can contact the Great Lakes ADA & Accessible IT Center at 800-949-4232 (V/TTY) or via our on-line [contact form](#).

Resources and Publications

The Great Lakes ADA Center disseminates publications related to all aspects of the ADA to inform and raise awareness of disability issues and to foster voluntary compliance with the ADA. The Great Lakes ADA Center disseminates materials including posters, regulations and technical bulletins on various ADA topics. Materials are available in alternative formats.

- [Nondiscrimination on the Basis of Disability in State and Local Government](#)
- [ADA Title II Technical Assistance Manual](#)
- [The ADA and City Governments: Common Problems](#)
- [Common Questions about Title II of the Americans with Disabilities Act \(ADA\)](#)
- [Accessibility of State and Local Government Websites to People with Disabilities](#)
- [Department of Justice ADA Guide for Small Towns](#)

Resource of the Month

ADA Title II Action Guide for State & Local Governments

To obtain the resource of the month mentioned below or to receive hardcopy versions of the above materials contact the Great Lakes ADA and Accessible IT Center by calling 800-949-4232 (V/TTY) or via our on-line [contact form](#).

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Grant# USDEH133D010203

The contents of this newsletter were developed under a grant from the U.S. Department of Education. However the contents do not necessarily represent the policy of the Department of Education, and you should not assume endorsement by the Federal government.

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