

Great Lakes Chronicle

ILLINOIS * INDIANA * MICHIGAN
MINNESOTA * OHIO * WISCONSIN

AUGUST 2006

VOLUME 2 ISSUE 11

Welcome to the Great Lakes ADA and Accessible IT Center's monthly Newsletter

Trainings & Events

2006 TASH Conference

The conference entitled, "Living the Vision Together: Today, Tomorrow and Beyond", is the largest and most progressive gathering of individuals that focuses on strategies for achieving full inclusion for people with significant disabilities. November 8-11, 2006 Baltimore, Maryland www.tash.org/2006tash

ADA Basic Building Blocks

An introductory web course on the Americans with Disabilities Act of 1990 (ADA) that explores the legal requirements and spirit of the ADA. www.adabasics.org

ADA Audio Conference: "Disability Statistics: What are the 'real' numbers and how do you make sense of them?"

Did you ever wonder about how the reported 70% unemployment rate among people with disabilities was determined or what it means? Join us for this session as we explore the realities of the various databases and how they measure the number of people with disabilities in a variety of categories (Employment, Income, etc.).
Speaker: Andrew

In the Headlines

The President, on the eve of the 16th anniversary of the Americans with Disabilities Act (ADA), issued a proclamation on the civil rights law. The proclamation focused on the President's New Freedom Initiative and its successes, the Ticket to Work Program and the numerous resources available on the Disability.gov web site. The President pledged that his administration would continue to work to insure that the freedoms guaranteed by the U.S. Constitution are accessible to all citizens.

Read more on the President's Proclamation at:

<http://www.whitehouse.gov/news/releases/2006/07/20060725-3.html#content>

The U.S. Department of Justice (DOJ) and the University of Chicago have reached a settlement agreement under Title III of the Americans with Disabilities Act (ADA). The settlement agreement is based on a compliance review of the physical accessibility of the University for individuals with disabilities. The DOJ position was that the compliance review identified various areas of the University's campus that were not in compliance with Title III of the ADA. Additionally, the DOJ contended that the campus contains violations of the new construction provisions of the ADA and that there are existing barriers to access at facilities such as doors, restrooms, signage, entrances, seating and assistive listening devices in assembly spaces, and circulation routes.

Read more on the Settlement Agreement at:

<http://www.ada.gov/unichicagosa.htm#agreement>

The U.S. Equal Employment Opportunity Commission (EEOC) has issued a new document as part of their Question and Answer series. The new document titled, "Questions and Answers about Deafness and Hearing Impairments in the Workplace and the Americans with Disabilities Act," is the sixth in the Question and Answer series produced by the EEOC. The document addresses when is a hearing loss a disability under the ADA, when an employer can ask an applicant or employee about a hearing impairment, what type of reasonable accommodation an applicant or employee with a hearing disability may need, and what employers should do if it has safety concerns about an applicant or employee with a hearing impairment. This Q&A series developed by the EEOC addresses specific disabilities and provides examples of situations and potential accommodations.

Read more on the new EEOC Document at:

<http://www.eeoc.gov/press/7-26-06.html>

The U.S. Department of Labor announced that its Workforce Recruitment Program (WRP) has placed more than 300 college students and recent graduates with disabilities in summer employment. The WRP is run jointly by the Office of Disability Employment Policy and the U.S. Department of Defense. The program is in its 11th year of assisting public and private sector employers in meeting their staffing needs and diversity goals.

Read more on the Workforce Recruitment Program at:

<http://www.dol.gov/opa/media/press/odep/odep20061068.htm>

Houtenville, Rehabilitation
Research and Training
Center on Disability
Demographics and Statistics,
Cornell University
August 15, 2006
1:00-2:30pm CST
www.ada-audio.org

**ADA Audio Conference:
"Accessible Travel
Options: By Land, By Air
and By Sea"**

Access to hotels, air planes
and cruise ships continue to
be one of the biggest
barriers for people with
disabilities. This session will
explore the requirements for
accessibility as well as
discuss resources available
for identifying accessible
travel options, whether it is a
trip to Chicago or an
overseas destination.
September 19, 2006
1:00-2:30pm CST
www.ada-audio.org

**The Great Lakes Center
offers technical
assistance on a variety of
issues under the ADA and
Accessible Information
Technology.**

Federal Agencies

The **U.S. Equal
Employment Opportunity
Commission (EEOC)** is
responsible for enforcing
Title I's prohibition against
discrimination against people
with disabilities in
employment.
www.eeoc.gov

The Office of Personnel Management has released the final version of a regulation designed to make it easier for federal agencies to hire people with disabilities. The rule expands the types of proof that prospective employees can use to show they have a disability that qualifies them for excepted service positions. It also broadens the ways by which individuals can show their job readiness. Read more on the New Regulation at:
<http://a257.g.akamaitech.net/7/257/2422/01jan20061800/edocket.access.gpo.gov/2006/06-6464.htm>

The U.S. Access Board has released for public comment an updated guideline for passenger vessels. The guidelines are being developed under the Americans with Disabilities Act and would apply to vessels such as cruise and gaming ships, ferries, and excursion boats, among others. The Access Board is accepting comments until September 5, 2006. Read more on the Passenger Vessel Guidelines at:
<http://www.access-board.gov/news/pvag-revised.htm>

The U.S. Department of Justice and Dimensions Health Corporation consented to an order that resolved a suit that had been filed by private citizens against a hospital owned by Dimensions Health Corporation. The original suit alleged that the plaintiffs were denied effective communication during their visits to the emergency room and during their stay's at the hospital because of the hospital's failure to provide needed auxiliary aids and services. As part of the consent decree the hospital will modify and make known to the public its new procedures for furnishing necessary auxiliary aids and services in order to insure that effective communication is provided to individuals that are deaf and hearing impaired. Read more on the Consent Decree at:
<http://www.ada.gov/laurelco.htm>

The U.S. Equal Employment Opportunity Commission (EEOC) Commissioners have voted to extend the National Call Center (NCC) until September 2007. The project was the first phase of the EEOC's effort to enhance the agency's enforcement presence and delivery of services, improve the efficiency of its operations, and reduce costs. The pilot project was launched nation-wide in March 2005. The Center received over 400,000 calls during the first year of the Project. The NCC provides general information on the employment laws enforced by the EEOC. Read more on the EEOC Extension of the NCC Project:
<http://www.eeoc.gov/press/7-13-06.html>

The National Council on Disability (NCD) released The Needs of People with Psychiatric Disabilities During and After Hurricanes Katrina and Rita: Position Paper and Recommendations for assisting individuals still suffering the effects of the natural disasters. The paper calls for wide ranging changes at the federal, state and local levels of government to prepare for the needs of individuals with psychiatric impairments. The region impacted by the hurricanes still lacks the social service agencies and health care providers to assist individuals. Read more on the NCD Paper at:
<http://www.ncd.gov/newsroom/publications/2006/peopleneeds.htm>

The U.S. Department of Justice (DOJ) has updated its web site with its latest Status Report. The Status Report covers the DOJ's activities during the quarter from January to March, 2006. Also added to the DOJ web site are briefs that have been filed in ADA cases by the agency.

For more information please call 800-949-4232 (V/TTY) or online at:

<http://www.adagreatlakes.org/WebForms/ContactUs/>

Great Lakes ADA and Accessible IT 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 **U.S. Department of Justice** (DOJ) is responsible for enforcement of Title II and Title III of the ADA and adopts the Accessibility Standards for enforcement under the ADA. Visit the site to access a copy of the currently enforced accessibility standards under the ADA.
www.ada.gov

The **Office of Civil Rights within the Federal Transit Administration of the U.S. Department of Transportation** ensures full implementation of civil rights and equal opportunity initiatives by all recipients of FTA assistance.
www.fta.dot.gov/17851_ENG_HTML.htm

The **Office of Civil Rights within the U.S. Department of Education** ensure equal access to education and to promote educational excellence throughout the nation through vigorous enforcement of civil rights.
www.ed.gov

The **Federal Communications Commission (FCC)** has rules requiring telecommunications manufacturers and service providers to make their products and services accessible to people with disabilities, if readily achievable.
www.fcc.gov

Read more on the Updates to the DOJ Web Site at:
<http://www.ada.gov/new.htm#Anchor-49575>

The U.S. Equal Employment Opportunity Commission (EEOC) reported that individuals with Targeted Disabilities Now Comprise Less than 1 Percent of the Federal Workforce. Commission Chair Cari M. Dominguez pledged to take steps to address the low number of individuals with disabilities working for the federal government. Commissioner Christine M. Griffin will take the lead on developing a strategy to create greater opportunity in federal agencies for individuals with targeted disabilities.

Read more on the EEOC Announcement at:
<http://www.eeoc.gov/press/6-28-06.html>

Great Lakes In Focus

Administrative Requirements for state and local governments

While the ADA was signed into law over 16 years ago, state and local governments continue to struggle with understanding their obligations. The ADA set forth five administrative requirements for state and local governments. These include:

- 1) Conducting a self evaluation of all programs, activities and services to insure that they were accessible to and usable by individuals with disabilities
- 2) Develop a transition plan that identifies physical barriers and sets forth a schedule for removing these barriers
- 3) Publishing a notice to the public of compliance with the ADA
- 4) If more than 50 employees, designation of a responsible employee to coordinate their compliance efforts
- 5) Establish a grievance procedure to manage ADA related complaints

For additional information on the administrative requirements of Title II of the ADA individuals may call 800-949-4232 (V/TTY) or visit the on-line contact form.

Accessible Information Technology (AIT)

The Great Lakes Accessible Information Technology (AIT) Initiative provides individuals, educational institutions, advocacy groups and organizations with technical assistance, training, referrals, materials, and resources on information technology and its accessibility. The Center's trainings are customized to fit the specific needs of the organizations requesting the presentations. Visit the AIT section of the Great Lakes web site (www.adagreatlakes.org/AIT) for more information on the services provided by the Center.

To get additional information about AIT in K-12 settings visit the K-12 Bulletin (www.adagreatlakes.org/Publications/AITBulletin). You may reach the Great Lakes Center by calling 800-949-4232 (V/TTY) or through our on-line contact form (www.adagreatlakes.org/WebForms/ContactUs?attention=ait).

For more information please call 800-949-4232 (V/TTY) or online at:

<http://www.adagreatlakes.org/WebForms/ContactUs/>

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The Docket

CHARLOTTE KLINGLER v MO DEPT. OF REVENUE

<http://caselaw.findlaw.com/data2/circs/8th/032345P.pdf>

The U.S. 8th Circuit Court ruled that Plaintiffs are prevented from recovering a \$2.00 annual fee individuals have paid since 1990. The fee is charged by the state of Missouri for parking placards used by drivers with disabilities. The Court ruled that Title II of the ADA is not an appropriate exercise of Congress's power under Section 5 of the Fourteenth Amendment for the alleged discrimination on the basis of disability in this case. Congress has the power to abrogate state's rights against suits by private citizens for money damages when the actions taken by Congress are proportionate to the alleged discrimination being done by the state. In this case Congress's actions under Title II were not viewed as being proportionate to the alleged discrimination by the state.

Great Lakes Vine

ADA Illinois

Following last year's highly successful conference, the 2006 Illinois ADA Project Conference, Making the ADA WORK For Business, will be held September 25, 2006 at UBS Tower in Chicago, Illinois. The conference will again focus on employment and accessibility issues affecting businesses and other organizations. The four sessions planned for the conference are: Reaping the Rewards of Accessibility; Emergency Evacuation Procedures; Emerging Legal Issues; Practical Applications of the ADA. This Conference was the focus of the Steering Committee meeting on June 26, 2006.

In early July, the ADA Project distributed its Illinois ADA Project Newsletter to over 600 people via e-mail. The newsletter mentioned numerous ADA news, events, and other noteworthy activities.

Coming up, on July 20, 2006 will be the State of Illinois ADA Celebration, Access to Independence commemorating the 16th Anniversary of the Signing of the Americans with Disabilities Act. The Celebration is sponsored by the Illinois Department of Human Services in cooperation with numerous State Agencies and Councils. The Illinois ADA Project is on the planning committee and is planning a workshop on accessible voting issues. The workshop will discuss ADA and HAVA requirements for voting.

For more information on any of these items, please visit the Illinois ADA Project Website, www.ADA-IL.org, or call 877-232-3601 (Voice) or 800-610-2779 (TTY).

ADA Indiana

ADA-Indiana's 16th Anniversary of the ADA ADA-Indiana celebrated the 16th Anniversary of the ADA by hosting an invitational conference, "The ADA at Work: Making Indiana Communities Accessible" for advocacy groups in Indiana. More than forty representatives from Indiana's Centers for Independent Living, Self Advocates, and others attended the event.

Great Lakes Affiliates

ADA Illinois

20 N Michigan, Suite 300
Chicago, IL 60602
Phone: 877-232-3601
www.ada-il.org

ADA Indiana

2853 East Tenth Street
Bloomington, IN 47408-2696
Phone: 812-855-6508
www.iidc.indiana.edu/cpps/ada

For more information please call 800-949-4232 (V/TTY) or online at:

<http://www.adagreatlakes.org/WebForms/ContactUs/>

Great Lakes ADA and Accessible IT Center
University of Illinois at Chicago

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During the Celebration event, ADA-Indiana introduced their new ADA Report Card. Lyn Sowdon, from the U.S. Department of Justice, provided an overview of Project Civic Access and provided participants with some ideas on how to use what the DOJ has learned in their own communities.

In the afternoon, participants heard from members of local Disability Councils (rural, mid-size city, and metropolitan) about their work, and from organizations doing local community projects related to the ADA.

ADA-Indiana's Report Card

On July 26th, ADA-Indiana released their new ADA Report Card for Indiana. The Report Card is the result of collecting opinions from people with disabilities, family, advocates, and other community members about how well their community is implementing the ADA, and what could their communities be doing better. Find out more about Indiana's ADA Report Card on ADA-Indiana's website.

ADA-Indiana's 2006 Local Community ADA Implementation Projects ADA-Indiana funded the Indianapolis Resource Center for Independent Living (IRCIL) this year to provide ADA training and information to homeless programs and shelters in Marion County. The goal of the project is to provide better access for people with disabilities to these homeless programs and shelters. For more information about ADA-Indiana's Community ADA Implementation Projects, visit our website.

ADA Update Audio Conference

In August, ADA-Indiana will be offering Great Lakes' audio conference on "Disability Statistics: What are the 'real' numbers and how do you make sense of them?" in six Indiana locations: Bloomington, Evansville, Indianapolis (two locations), West Lafayette, and Westville. The audio conference is free (at the ADA-Indiana sponsored site locations) and open to the public and no pre-registration is required. The site locations and times are available on the ADA-Indiana website:

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

Michigan ADA Steering Committee

The Michigan ADA Steering Committee is partly sponsoring and will be taking part in Action Day 2006. Action Day is an annual conference featuring sessions and exhibits for people with disabilities, their families, friends, advocates and the people who work with them. It is the only conference in the Upper Peninsula of Michigan that provides opportunities for education, networking, political activism and personal growth geared specifically toward the disability community. The conference will held on Thursday, September 14, at 8:00am-3:00pm at Northern Michigan University in Marquette, Michigan.

ADA Minnesota

ADA CELEBRATION: 16 Years Later Wednesday, July 26th with speaker Barry Taylor address "What Do Recent Supreme Court Decisions Mean for the ADA Today?" You can now download the documents that Barry used at the ADA Celebration at adaminnesota.org.

Thanks to a grant from ADA Minnesota, the Greater Lakes ADA and Accessible IT Center, MRC Staying On the Job Program and Learning Disabilities Association of Minnesota, are collaborating on a special training addressing Attention Deficit/Hyperactivity Disorder (AD/HD) and the Americans with Disabilities Act. This training will help you better understand, manage, and determine workplace

Michigan ADA Steering Committee

29200 Vassar Blvd.
Suite 200

Livonia, MI 48152-2116

Phone: 248-473-2990

www.adamich.org

ADA Minnesota

1600 University Avenue

West, Suite 16

Saint Paul, MN 55104

Phone: 888-630-9793

www.adaminnesota.org

For more information please call 800-949-4232 (V/TTY) or online at:

<http://www.adagreatlakes.org/WebForms/ContactUs/>

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ADA Ohio
700 Morse Road, Suite 101
Columbus, OH 43214
Phone: 800-232-6446
www.ada-ohio.org

ADA Wisconsin
1302 Mendota Street, Suite
200
Madison, WI 53714-1024
Phone: 608-244-5310
www.adawipartnership.org

**The Great Lakes offers
resource materials on a
variety of issues under
the ADA and Accessible
Information Technology.**

Resources from the Technical Assistance Desk

Individuals may contact the
Great Lakes Center to get
materials on the Americans
with Disabilities Act and
other disability laws by
calling 800-949-4232
(V/TTY) or via our [on-line
contact form](#).

accommodation/communication strategies for employees with AD/HD. To learn more about the success of this training please contact Cindy Tarshish at cindy@mcil-mn.org or call her at 651-603-2015 Voice or 651-603-2001 TTY.

ADA Ohio

In order to meet increasing requests for representation from ADA-OHIO in disability-related activities throughout Ohio, ADA-OHIO has contracted with Ken Campbell to assist in providing these services. Ken was one of the planners in constructing the ADA and was formerly a member of the ADA-OHIO Board of Trustees. Ken serves as ADA-OHIO's representative to such statewide groups as Governor's Council on People with Disabilities, Ohio Developmental Disabilities Council, Ohio Services for Independent Living, and the Business Leadership Network.

One of the significant organizations which ADA-OHIO has recommitted to supporting is Ohio Advocates for Mental Health (OAMH). The mission of OAMH is to educate public officials and the community at large about mental health and recovery. Through collaboration and outreach, OAMH offers those in the mental health community the opportunity to belong to a strong leadership and advocacy network, which brings about necessary legislative change, assures linkage with needed resources, and promotes the power of self-advocacy through peer education. Since 1984, OAMH has been advocating with and for people in Ohio diagnosed as mentally ill. OAMH members include people who have been diagnosed with a mental illness, families, self-help groups, mental health professionals, service providers, and others who care about people. OAMH is directed by a board of 18 members, most of whom have personally experienced mental illness.

ADA Wisconsin

The ADA Wisconsin Partnership is pleased to be a sponsor of the seventh Annual Youth Leadership Forum being held on the UW-Whitewater campus in Whitewater, WI from July 30 to August 4, 2006. Thirty-two high school students with disabilities from around the state were selected through a competitive process to attend. The YLF is a leadership training and career awareness program designed to give youth with leadership potential the skills they need to be successful in the future. Throughout the week, delegates will meet successful role models with disabilities, their legislators and their own mentor. Delegates will work in small groups on goal setting, assistive technology, assets and strengths and employment issues. Delegates will try new activities like adaptive sports, take part in a talent show and celebrate the week with a dance. Topics covered during the week include how to find the job you want, the ADA, the transition to higher education, independent living, careers, and assistive technology.

Technical Assistance Desk

Question of the Month

Q. I have just moved into a supervisory position and will now be conducting interviews. How does the ADA apply to the interview process and can disability or reasonable accommodation ever be discussed during the interview?

A. The ADA prohibits covered employers from discriminating on the basis of disability in all employment practices. An employer may hire, fire or promote the most qualified individual that he/she chooses. The ADA prohibits that employer

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<http://www.adagreatlakes.org/WebForms/ContactUs/>

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Job Applicants and the
Americans with Disabilities
Act

<http://www.eeoc.gov/facts/jobapplicant.html>

from making that decision on the basis of disability.

A disability is defined under the ADA as:

- A physical or mental impairment that substantially limits one or more major life activity or
- A record of such an impairment or
- Being regarded as having such an impairment

In addition an applicant must be qualified to perform the essential functions of the job with or without a reasonable accommodation. An applicant with a disability, like all other applicants, must be able to meet the employer's requirements for the job, such as education, training, employment experience, skills, or licenses.

During the application/interview portion of the employment process the ADA prohibits covered employers from asking any disability related questions or any questions that would illicit a disability response. That would include questions about the types of medications an individual takes, if the individual has ever filed for worker compensation or how many sick days the individual used the previous year. Employers may ask questions about an applicant's ability to perform essential functions of the job.

An employer may approach the topic of disability and reasonable accommodation during the interview if the applicant discloses that he/she has a disability and will need an accommodation. The employer may also ask about reasonable accommodations if the applicant has a visible disability and the employer reasonably believes that an accommodation may be needed in the performance of the position. The final instance when an employer may address reasonable accommodation is if the applicant discloses a disability and the employer reasonably believes that an accommodation will be required in order to perform the job. The employer may not get into the nature of the disability. Only the need for an accommodation may be discussed.

Individuals may contact the Great Lakes Center with questions on the ADA and the application process by calling (800) 949-4232 (V/TTY) or via our on-line contact form (<http://www.adagreatlakes.org/WebForms/ContactUs/>).

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<http://www.adagreatlakes.org/WebForms/ContactUs/>

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