

Great Lakes Chronicle

ILLINOIS * INDIANA * MICHIGAN
MINNESOTA * OHIO * WISCONSIN

MARCH 2006

VOLUME 2 ISSUE 6

Welcome to the Great Lakes ADA and Accessible IT Center's Monthly Bulletin

Trainings & Events

National ADA Symposium on the Americans with Disabilities Act and related disability issues
April 10 – 12, 2006
America's Center
Downtown St. Louis, MO
www.adasymposium.org

Exercise and Recreational Technologies for People with Disabilities, State of the Science Conference

The conference will provide a forum for discussing innovative technologies and methods for increasing health and function through safe and effective exercise and recreation for people with disabilities. May 30-31, 2006
Denver, CO
www.rectech.org/conference

Redesign of the Great Lakes Chronicle

The new look and feel of the Chronicle includes the following changes:

- "In the Headlines" will contain short description with links for more information
- "Great Lakes in Depth" is now "Great Lakes in Focus" featuring articles on specific item from ADA geared toward providing basic information on the ADA
- "Accessible Information Technology" links to K-12 Bulletin and information about AIT services
- "The Docket" features an article on legal topics or case
- "Great Lakes Vine" continues to highlight information about our Affiliates
- "From the Technical Assistance desk" continues to provide a Question and Resource of the month

In the Headlines

The Equal Employment Opportunity Commission (EEOC) reported that filings of employment discrimination charges dropped in 2005. The number of charges settled through the EEOC mediation program and monetary damages won on behalf of charging parties increased during the same time period. There were 14,893 charges of disability discrimination filed, which was 19.7% of all filings with the EEOC. Read more about the drop of employment discrimination charges in 2005 at: www.eeoc.gov/press/2-9-06.html

The U.S. Department of Justice participated in a ceremony marking the certification of the North Carolina building code. The certification means that the state building code meets or exceeds the accessibility requirements for new construction or alterations under the Americans with Disabilities Act. North Carolina becomes the 6th state to be certified by the Department of Justice. Read more about North Carolina's certification at: www.usdoj.gov/opa/pr/2006/February/06_crt_071.html

The Retirement Research Foundation has announced funding through its Accessible Faith Grants Program to enable Chicago area houses of worship to make their facilities more accessible. Houses of worship in Cook, Lake or DuPage Counties are eligible for the \$30,000 grants. The grants may be used for planning architectural design projects involving consultation with licensed architect or engineer, construction such as installation of elevators, platform lifts, inclined lifts, permanent ramps or restroom renovations and purchase and installation of program-related equipment such as assistive listening systems, magnifying machines and Braille printers. Read more about funding for Accessible Faith Grant Program at: www.rff.org

The Ohio State University is accepting proposals for papers and presentations for the Universal Design and Visitability: From Accessibility to Zoning Conference being held July 13-14 in Columbus, OH. Conference organizers are seeking proposals for Traditional paper presentations, a symposium on a single topic with 3-4 presenters and a moderator, or posters of research based designs or plans. Abstract submission **deadline is March 15, 2006**. Read more about the Accessibility to Zoning Conference at:

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

Resources

The **ADA Portal** is a collection of more than 7,400 documents available so you can browse any of the 9 ADA categories
www.ADAPortal.org

The **World Wide Web Consortium (W3C)** develops interoperable technologies (specifications, guidelines, software, and tools) to lead the Web to its full potential. W3C is a forum for information, commerce, communication, and collective understanding.
www.w3.org/WAI/

WebAIM provides comprehensive Web accessibility solutions with many free tools and resources on their website, including videos of individuals with disabilities talking about their difficulties using the Internet.
www.webaim.org

<http://knowlton.osu.edu/ped/universaldesign.htm>

Congressmen Jim Langevin (D-RI) and Curt Weldon (R-PA) introduced HR 4704, Emergency Preparedness and Response for Individuals with Disabilities Act. This bill is the companion of S 2124 introduced in December by Senator Harkin, (D-IA). The bill would establish a Disability Coordinator within the Department of Homeland Security and the legislation calls for the position to report directly to the Secretary. The coordinator would provide guidance and direction in emergency planning and during relief efforts. Read more on the Emergency Preparedness and Response at: www.aapd.com/News/legislature/HR4704.htm

The Office of Disability Employment Policy (ODEP) within the U.S. Department of Labor (DOL) in conjunction with the DOL's Bureau of International Labor Affairs hosted the second European Union (E.U.) and United States Information Exchange. The meetings included policy makers, employers and service providers working on ideas and strategies for hiring, retaining and training individuals with significant disabilities. Read more about the Information Exchange at: <http://dol.gov/odep/focus.htm#content>

The U.S. Department of Justice and Motel 6 have agreed to an extension and addendum of the settlement agreement reached between the two parties on August 6, 2004. The additional time will allow Motel 6 to complete renovations and alterations agreed to in the original settlement. The motel chain had underestimated the cost and time needed to complete the alterations and renovations. In addition Motel 6 will update its reservation system in order to allow individuals to confirm reservations for accessible rooms either by phone or on-line. Read more about Motel 6 settlement agreement at: www.usdoj.gov/crt/ada/motel62.htm

Great Lakes In Focus

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 at: www.adagreatlakes.org/WebForms/ContactUs/?attention=ait

The Docket

Todd v. City of Cincinnati, 6th Cir., No. 05-3343 (Feb. 3, 2006).

The U.S. 6th Circuit of Appeals reversed a lower court's summary judgment decision allowing a suit to proceed alleging that an employer refused to hire an individual because he was regarded as having a disability. Mr. Todd left his position with the Cincinnati Police Department in 1992 because of a disc disease. In 1996 he applied for a position as a city firearms instructor. During his interview he was asked how he would be able to pick up heavy objects after he

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

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 Great Lakes Center offers customized trainings on a variety of issues under the ADA and Accessible Information Technology.

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/

had left his previous position with the Police Department with back problems. Todd's suit alleges that the interviewers never investigated the back problem nor did the interviewers inquire about his ability to perform the essential functions of the position.

The Appeals Court explained in its ruling that the plaintiff only needs to show proof that the employer relied on the disability or perceived disability when making the employment decision not to hire. In this case the Appeals decided that the interviewer's comments were enough to allow the case to go forward. Read more on Todd v. City of Cincinnati at:

<http://caselaw.lp.findlaw.com/data2/circs/6th/053343pv2.pdf>

Great Lakes Vine

ADA Illinois

The Illinois ADA Project held its quarterly Steering Committee Meeting on February 1, 2006. At the meeting, the discussion centered on ways to increase Steering Committee participation in next fall's ADA Conference and other facets of the ADA Project such as staffing booths at outreach events and helping compile and distribute an electronic newsletter. The comments from last September's ADA Conference were discussed and a committee was formed to begin the conference planning. Everyone agreed that, like the 2005 conference, the 2006 conference would focus on employment and accessibility issues affecting businesses and other organizations. The comments offered by last year's attendees were discussed. The suggestions included:

1. Attracting more private employers
2. Presenting more specific material regarding people with significant mental illness
3. Continuing the lunchtime and discussion groups and interactive seminars
4. Discussing evacuation procedures at beginning

A Fact Sheet by the ADA Project and fiscal agent Equip for Equality (EFE) on Personality Testing was distributed as was an article on this issue that will soon appear in the Chicagoland Chamber of Commerce Newsletter thanks to the efforts of Steering Committee Members Peggy Luce of the Chamber and Karen McCulloh of Chicago's disability works program. Last year, the 7th Circuit Court of Appeals issued an opinion finding that administering the Minnesota Multiphasic Personality Inventory (MMPI) personality test to job applicants was the type of medical examination prohibited by the ADA prior to extending a bona fide job offer. EFE wrote an amicus brief in the case, Karraker v. Rent-A-Center, one of the few 7th Circuit decisions finding in favor of an employee in an ADA case.

ADA Indiana

ADA-Indiana Members to attend the National ADA Symposium in April

Six ADA-Indiana members will be attending the National ADA Symposium in April. Members will use the knowledge and information gathered at the Symposium to better inform the work of ADA-Indiana.

Employment and the ADA Audio Conference Series in Indiana

ADA-Indiana are sponsoring the Audio Conference Series in six Indiana communities (Bloomington, Evansville, Indianapolis - two locations, West Lafayette, and Westville). The four-part series on Employment and the ADA began in January and will continue until April. The site locations sponsored by ADA-

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

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

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/

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

Indiana are free and open to the public and no pre-registration is required. The site locations and times are available on the ADA-Indiana website. Visit the ADA-Indiana website (www.adaindiana.org) for updates on projects and events.

Michigan ADA Steering Committee

THE MICHIGAN REHABILITATION CONFERENCE (MRC) announces its "Call for Presentations 2006". The Theme, "Moving Forward: Navigating the Road Ahead" broadly encompasses transition to: community, family life, employment, leisure time participation, or independent living after any life event which has removed or prevented individuals from being involved in activities that are enjoyed by other members of society.

Proposals must be submitted by April 21. The MRC Program Committee carefully reviews and evaluates all proposals. Please complete the attached presentation outline and forward to the address below. You may transmit a completed facsimile of the Call for Presentation Information form by e-mail, fax or via the web at: www.maro.org and click on Seminars and Conferences. If you have questions, contact the Committee Co-Chairs Karen Harkness at 313-964-3900 x412 or kharkness@goodwilldetroit.org or Sara Kristal-Brandon at 989-835-4041 or kristal-brandon@cilmm.org. All submissions become the property of the Michigan Rehabilitation Conference. Mail or fax your proposal to: Michigan Rehabilitation Conference, P.O. Box 16218, Lansing MI 48901-6218
FAX #: 517-484-5411, Phone #: 517-484-5588, Email: hsmith2@maro.org

ADA Minnesota

ADA Minnesota is co-sponsoring a workshop titled, "ADA and the Right to Play: What is reasonable?" April 3, 2006 from 1-4pm in Maplewood, MN. This workshop will identify specific reasonable accommodations in the ADA statute and regulations; explain the process of applying accommodations; discuss strategies for providing reasonable accommodations; and more. For more information please call Arc Greater Twin Cities at 952-920-0855.

ADA Ohio

The ADA Ohio Board of Trustees has amended its Bylaws to allow for the use of authorized communications equipment in order to facilitate and enhance meeting attendance and the voting ability of its members. This change allows the agency to take advantage of modern communication technologies. The Board of Trustees feels that it's imperative to our continued success that the agency acts in an efficient manner in conducting business by allowing alternative means for member participation. The term "authorized communications equipment," as used in this amendment, refers to equipment that provides a transmission (e.g., telephone, telecopy) from which it can be determined that the transmission was authorized by and accurately reflects the intentions of the member involved.

ADA Wisconsin

The Wisconsin ADA Partnership will meet again March 2, 2006 in Madison, Wisconsin. A featured presenter will be Kevin Kennedy, Executive Director of the Wisconsin State Elections Board. Mr. Kennedy will discuss the state of polling place accessibility in Wisconsin including information on how the State Elections Board is using the results of self-administered accessibility surveys completed by municipalities, the progress of voting machine approval and outlook for the elections this coming April.

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

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 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.

www.adagreatlakes.org/WebForms/ContactUs/

ADA Standards for Accessible Design

www.ada.gov/reg3a.html#Anchor-42424

Department of Justice
ADA Title III Regulation
28 CFR Part 36

www.ada.gov/reg3a.html#Anchor-42424

Guide to ADAAG Provisions

www.access-board.gov/adaag/about/guide.htm

Also coming in April, the ADA Wisconsin Partnership is pleased to be a sponsor of the upcoming Wisconsin Rehabilitation and Transition Conference. "Grow with Us" will be held April 19 to 21, 2006 at the American Club in Kohler, Wisconsin. ADA Wisconsin will sponsor five sessions at the conference that address accessibility including topics on transportation, employment, hidden disabilities, diversity and legal issues. ADA Wisconsin will also sponsor keynote speaker Randy Snow, who inspires audiences to embrace change, work together and achieve extraordinary results. Find out more about the largest conference in Wisconsin attracting over 600 service providers, educators, advocates and government staff concerned with enhancing services and independence for people with disabilities! Go to www.rfw.org/RehabConference/2006/RehabConference.htm

Technical Assistance Desk

Q. I am altering the dining area in my restaurant and have been told that I need to make the route to the dining area accessible. If I am only doing work on the dining area and not on the other area do I need to make the route accessible?

A. Section 36.403 of the Title III regulations require that when covered entities alter an area of primary function the path of travel to that altered area must be accessible to and usable by individuals with disabilities to the maximum extent feasible. The path of travel also includes any bathrooms, public phones and drinking fountains that serve the area of primary function. The Path of travel must comply with the standards up to the point where it becomes disproportionate to the overall cost of the alteration. This means that the cost for making the path of travel compliant doesn't have to exceed 20% of the original cost of the alteration to the area of primary function. Costs that may be counted include widening doorways, installing ramps, making bathrooms accessible, lowering telephones, and relocating water fountains.

Areas of primary function are areas where a major function takes place within a covered facility. This would include the customer service areas and work areas in places of public accommodation as well as all offices and work areas in commercial facilities. It would not include mechanical rooms, boiler rooms, supply storage rooms, employee lounges or locker rooms, janitorial closets, entrances, corridors, or restrooms.

The Department of Justice Title III regulation defines a path of travel as a continuous route connecting the altered area to the entrance. The path of travel can include sidewalks, lobbies, corridors, rooms, and elevators. If the cost of making the path of travel accessible is disproportionate to the overall cost of the alteration then a covered entity should give priority to the areas listed in Section 36.403 (G) of the Title III regulations. Priority should be given to providing an accessible entrance, a path of travel to the altered area, providing At least one accessible restroom for each sex or a single unisex restroom, accessible telephones, accessible drinking fountains, and when possible additional accessible elements such as parking.

For additional information on the path of travel requirements and other accessibility questions you may contact the Great Lakes Center by calling 800-949-4232(V/TTY) or via our on-line contact form

www.adagreatlakes.org/WebForms/ContactUs/

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

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