

Great Lakes Chronicle

ILLINOIS * INDIANA * MICHIGAN
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APRIL 2006

VOLUME 2 ISSUE 7

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

Trainings & Events

National ADA Symposium

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

ADA Transportation Training

This training program will provide participants with a comprehensive understanding of the ADA's Transportation requirements through a combination of presentations, question/answer sessions and smaller group settings. Participants will have an opportunity to explore for themselves in a hands-on way what solutions the ADA provides for common transportation difficulties experienced by people with disabilities across the United States.

July 11-13, 2006

Las Vegas, Nevada

www.dlrp.org/html/forms/ada/transportation.html

Exercise and

In the Headlines

Share your opinion: How has the ADA changed your life?

The ADA and Accessible IT Centers are collecting feedback from the public on the impact of the ADA on the lives' of individuals with disabilities. The Centers are seeking information about the differences the ADA has made in employment, telecommunications, the ability to access programs, goods and services, and the ability to use public transportation. The experience's provided will help the ADA Technical Assistance Centers improve the information and technical assistance they provide. Read more about "Share your opinion" at:

<http://www.adata.org/comments.aspx>

The U.S. Department of Transportation (DOT) has issued a notice to amend its ADA regulations. The purpose of the notice is to clarify the responsibilities of transit providers to modify policies, practices and procedures in order to insure program access for individuals with disabilities. Also, the notice addresses boarding platform access at commuter and intercity rail stations. Comments must be submitted to DOT by May 30, 2006. Read more about DOT's notice to amend its ADA regulations at:

<http://dms.dot.gov/search/document.cfm?documentid=387799&docketid=23985#START>

The U.S. Department of Labor announced that nominations were being accepted for the Secretary's 5th annual New Freedom Initiative award. The award, established in 2002, recognizes businesses, employers, individuals or organizations that have demonstrated innovative strategies in furthering the employment goals of President Bush's New Freedom Initiative. The deadline for submitting nominations is May 31, 2006. Read more about the New Freedom Initiative Award at:

<http://www.dol.gov/odep/newfreedom/index.htm#content>

The U.S. Access Board has issued a side by side comparison of the ADA/ABA revisions published in July of 2004 with the current enforceable standards and the International Building Code (IBC). It has been posted to the Access Board web site and the comparison is arranged using the format of the new ADA/ABA revisions. The revisions published by the Access Board attempts to reconcile the standards under the American's with Disabilities Act and the Architectural Barriers Act with model building codes. Read more about the comparisons of the 2004 ADA/ABA revisions at:

<http://www.access-board.gov/news/adaaq-comparison.htm>

The U.S. Department of Justice has updated its web site with new ADA Briefs. The updates are briefs that have been filed in ADA related court actions. The filings pertain to Titles I, II and III of the Americans with Disabilities Act and to Section 504 of the Rehabilitation Act of 1973. Read more about the DOJ's ADA Briefs at:

<http://www.ada.gov/briefs/adabrief.htm>

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

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

Resources

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

www.ADAPortal.org

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 **U.S. Department of Justice (DOJ)** is responsible for enforcement of Title II and Title III of the ADA and

TASH is seeking proposals for presentations for its 2006 annual conference, to be held November 8-11, 2006 in Baltimore, MD. Proposals for the 2006 conference entitled, Living the Vision Together: Today, Tomorrow, and Beyond, should address how policy, research, and practice converge to produce the full inclusion and active participation of individuals with disabilities. The proposal submission deadline is April 15, 2006. Read more about the 2006 TASH Conference at: <http://www.tash.org/2006tash/>

The National Institute on Disability and Rehabilitation Research (NIDRR) is seeking peer reviewers for future research and development projects in emergency preparedness and disability. NIDRR is seeking individuals with expertise in research, statistics, and engineering. Individuals interested are invited to send current and detailed resumes to bonnie.gracer@ed.gov for consideration. NIDRR has included emergency preparedness and individuals with disabilities in its long range plan covering 2005-2009. Read more about NIDRR's long range plan at:

<http://www.ed.gov/legislation/FedRegister/other/2006-1/021506d.html>

The U.S. Equal Employment Opportunity Commission (EEOC) won a jury verdict in a disability discrimination lawsuit against Federal Express Inc. The EEOC had filed the suit against FedEx for failing to provide reasonable accommodations to a deaf employee. The employee had repeatedly requested a sign language interpreter as an accommodation. The jury awarded the employee \$100,000 in punitive damages and \$8,000 in compensatory damages. Read more about EEOC vs. Federal Express Inc. at:

<http://www.eeoc.gov/press/3-2-06.html>

The U.S. Department of Justice (DOJ) has entered into a settlement agreement with National Amusements Inc resolving a suit filed in December of 2000. The DOJ lawsuit alleged that National Amusements' theaters with stadium style seating were in violation of the accessibility standards under the ADA by not providing a line of sight for individuals using wheelchairs comparable to the line of sight for individuals with out disabilities. Under the agreement newly constructed theaters will have wheelchair and companion seating areas that are located within the Stadium Section of the auditorium on a Riser. Existing theaters will under go alterations to bring them into compliance with the terms of the settlement agreement. Read more about DOJ settlement with National Amusements Inc. at:

<http://www.ada.gov/national.htm>

The U.S. Access Board is forming an advisory committee to review and make recommendations for updating the Board's standards under Section 508 of the Rehabilitation Act Amendments of 1998 and Section 255 of the Telecommunications Act of 1996. The section 508 standards apply to electronic and information technology procured, created or maintained by the Federal government, which includes web sites, computers, computer software, copiers and fax machines. The Section 255 standards apply to telecommunication providers and the manufacturers of telecommunication devices. This is the first time the standards are being updated. The reviews and updates are necessitated by the emergence of new technologies. Read more about U.S. Access Board's Section 508 update at:

<http://www.access-board.gov/news/508update.htm>

The U.S. Department of Education (ED) has issued a question and answer document entitled, *Questions and Answers on Serving Children with Disabilities*

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

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

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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 with in 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 with in 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

NIMAS (National Instructional Media Accessibility Standard)

is an important new piece of the reauthorized IDEA. It will guide the ways in which textbooks and core instructional materials are delivered so they may be converted easily into accessible formats.

www.ncdae.org/webcasts

Placed by Their Parents at Private Schools. The on-line document is designed for school districts and parents regarding the changes in the Individuals with Disabilities Education Act (IDEA) regarding students with disabilities attending private elementary and secondary schools. The changes in the IDEA regulations went into effect in July of 2005 and ED has received many inquiries on the changes. Read more about ED's FAQ document at:

<http://www.ed.gov/policy/speced/guid/idea/idea2004.html>

The U.S. Department of Justice has settled a lawsuit against TSI Summer Camps. The settlement resolves an issue involving a insulin dependent child that was denied access to the camp program because the child is diabetic. The camp has agreed to provide equal opportunities for children with disabilities. Read more about DOJ settlement agreement with TSI Summer at:

<http://www.usdoj.gov/usao/ma/pa/Mar2006/TSI%20Settlement-pr.html>

Great Lakes In Focus

Filing Complaints under the Americans with Disabilities Act (ADA)

In order for an individual to pursue remedies under the ADA complaints must be filed with in the time frame established in the implementing regulations. Below are the appropriate Federal agencies to file complaints with under the various Titles of the ADA.

Title I complaints (http://www.eeoc.gov/charge/overview_charge_filing.html) must be filed with the U. S. Equal Employment Opportunity Commission (EEOC) within 180 days of the date of discrimination, or with in 300 days if the charge is filed with a designated State or local fair employment practice agency. The state or local fair employment practices agency should be contacted to determine if the filing deadline with their agency is 300 days. Individuals may file a lawsuit in Federal court only after they receive a right-to-sue letter from the EEOC.

Complaints of Title II (<http://www.ada.gov/t2cmpfrm.htm>) violations must be filed with the U.S. Department of Justice (DOJ) within 180 days from the date of discrimination. Title II may also be enforced through private lawsuits in Federal court. Individuals don't have to file a complaint with the DOJ or any other Federal agency, or wait to receive a right-to-sue letter, before going to court.

Complaints about public transportation (http://www.fta.dot.gov/14531_14889_ENG_HTML.htm) should be filed with the Office of Civil Rights with in the Federal Transit Administration of the U.S. Department of Transportation with in 180 days from the date of discrimination.

Complaints involving educational entities (<http://www.ed.gov/about/offices/list/ocr/docs/howto.html>) must be filed with the Office of Civil Rights with in the U.S. Department of Education with in 180 days from the date of discrimination.

Complaints regarding title III (<http://www.ada.gov/t3compfm.htm>) violations may be filed with the Department of Justice. Title III may also be enforced through private lawsuits. It is not required that a complaint be filed with the Department of Justice or to receive a right-to-sue letter prior to filing a private lawsuit.

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

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

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The Guide to the 508 Standards on Websites Applications and Operating Systems (1194.22)

are provisions of the standards that provide the requirements that must be followed by Federal agencies when producing web pages.

www.access-board.gov/sec508/guide/1194.22.htm

The Federal Communications Commission

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/cgb/dro/

AccVerify is a website evaluation and reporting tool that can run as a standalone or integrated product.

www.hisoftware.com/access

A-Prompt

Free Web Accessibility tool from the University of Toronto to help the author repair webpage accessibility-related issues.

<http://aprompt.snow.utoronto.ca>

Complaints involving relay services required under Title IV (http://www.fcc.gov/cgb/cgb_offices.html#CICD) should be filed with the Federal Communications Commission.

The above Federal agencies all have enforcement responsibilities for Title V of the ADA. To get information regarding filing a complaint with the appropriate agency under Title V or any of the Titles of the ADA you may contact the Great Lakes Center by calling (800) 949-4232 (V/TTY) or via our on-line contact form: <http://www.adagreatlakes.org/WebForms/ContactUs/>

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 (<http://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 (<http://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:

<http://www.adagreatlakes.org/WebForms/ContactUs/?attention=ait>

The Docket

Equip for Equality settled its lawsuit alleging disability discrimination against a HIV positive individual by Lambs Farm Inc. The settlement allows the individual to begin participating in the vocational program operated by Lambs Farm. Initially Lambs Farm had denied the plaintiff from participating in their program because they claimed his HIV status was a direct threat to the health and safety of the staff and the others participating in the program. Read more about settlement agreement between Equip for Equality and Lambs Farm Inc. at: http://www.equipforequality.org/news/pressreleases/march_2_2006federal_discrimination.php

A Federal judge has granted class action status to a law suit filed by Equip for Equality against the State of Illinois. The suit, filed in 2005, claims that the State of Illinois is in violation of Title II of the American's with Disabilities Act by not affording Illinois citizens with developmental disabilities the option of choosing where they want to live. The suit alleges that individuals don't have the opportunity to live in their communities and instead are forced to live in State institutions. The plaintiffs are represented by four public interest organizations, Equip for Equality, Access Living, the American Civil Liberties Union of Illinois and the Public Interest Law Center of Philadelphia, and the law firm Sonnenschein Nath & Rosenthal LLP. Read more about Equip for Equality vs. State of Illinois at:

http://www.equipforequality.org/news/pressreleases/march_13_2006federal_judge.php

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

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

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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

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

Great Lakes Vine

ADA Illinois

The Illinois ADA Project article on personality testing under the ADA that appeared in the Chicagoland Chamber of Commerce Newsletter has been the most widely read article in the Chamber's Newsletter. In addition, planning is continuing on the Illinois ADA Celebration set for July 20, 2006. The planning is carried out by the Illinois Department of Human Services (DHS) and the Illinois ADA Project and Great Lakes ADA Center are on the planning committee. The ADA Project suggested a workshop at the ADA Celebration on ADA voting rights featuring the new accessible voting machines. In addition, it was suggested that deputy registrars could be made available to enable voters to register at the Celebration. DHS is very receptive to these ideas and efforts are being made to implement these suggestions. Equip for Equality, the Illinois Protection and Advocacy Agency and fiscal manager of the ADA Project conducted polling place accessibility surveys on election day this month to assess polling place access. The next Illinois ADA Project Steering Committee Meeting will be held on April 18, 2006.

ADA Indiana

Employment and the ADA Audio Conference Series in Indiana

The Employment and the ADA Audio Conference Series (January, February, March, and April) has been a popular series in the six Indiana communities that ADA-Indiana sponsors. There have been more than 140 participants. The sites sponsored by ADA-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 (www.adaindiana.org).

May 4th - Upcoming Video Conference on Title I and Reasonable Accommodation

On Thursday, May 4th, ADA-Indiana and Great Lakes will be collaborating with East Central Opportunities, a workforce development organization, in Muncie, Indiana to provide training on Title I of the ADA. The training will utilize video conferencing technology to connect the trainers to the participants in five counties (Blackford, Delaware, Henry, Jay, and Randolph) in East Central Indiana. The training will be open to employers, human resource professionals, and other employment specialists in the area. SPHR, PHR, and CRC credits will be offered.

ADA-Indiana Awards Funding for Local Community ADA Implementation Projects

This past January and February, ADA-Indiana reviewed several grant applications and awarded funding to community groups to carry out local ADA projects. More information will be provided on these exciting projects in the coming months on the ADA-Indiana website and in the future issues.

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<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](#).

Working Effectively with Persons Who Are Hard of Hearing, Late-Deafened, or Deaf
www.ilr.cornell.edu/ped/hr_tips/article_1.cfm?b_id=28&view_all=true

Section 902 Definition of the Term Disability,
www.eeoc.gov/policy/docs/902cm.html

Indiana Time

On April 2nd, the entire state of Indiana will start to observe Daylight Saving Time. Of the 92 counties in Indiana, 18 counties (northwest and southwest Indiana) will observe Central Daylight Time and 74 counties will observe Eastern Daylight Time.

Visit the ADA-Indiana website (www.adaindiana.org) for updates on projects and events.

Michigan ADA Steering Committee

The Michigan ADA Steering Committee welcomed a new member and said farewell to another recently. Lucia Rios, from the Lakeshore CIL in Holland, Michigan, has joined the Committee, while Tom Yaste has departed. Speaker Brian Black was brought in to Lansing to present for the Association of Community Development Block Directors on March 30. Four members will be attending the ADA Symposium in St. Louis on April 10-12. In the coming months, funds will be applied toward the Michigan youth Leadership Forum, an outreach project for deaf services in the northern, lower peninsula of Michigan and the Disability Network's ADA Day. The Michigan ADA Steering Committee web site at www.adamich.org will also be updated and improved. The next meeting will be held at the office of Michigan Protection and Advocacy Service in Livonia, Michigan, at 11am-1pm on June 20, 2006.

ADA Minnesota

Hold the date to Celebrate the ADA

ADA Minnesota along with several disability related organizations will again be hosting an ADA celebration on the evening of July 26, 2006. We will be commemorating the 16th Anniversary of the passing of this federal act and the positive impact it has had on people with disabilities, businesses, and the community as a whole. Details regarding this event will be posted on the ADA Minnesota website at www.adaminnesota.org. If you have additional questions, please contact Cindy Tarshish at cindy@mcil-mn.org or 651-603-2015, TTY 651-603-2001.

ADA Ohio

ADA-OHIO has added a new collaborator in offering the monthly Audio Conference Series presented by the Great Lakes ADA & Accessible IT Center. LEAP Independent Living Center in Cleveland joins the Ohio Rehabilitation Services Commission in Columbus, the Inclusion Network in Cincinnati, and SOCIL Independent Living Center in Lancaster as locations where people can participate in the sessions at no charge.

The agency is pleased to welcome Jim Gears as its new representative from the Ohio Rehabilitation Services Commission. Mr. Gears replaces long-time advocate David Cameron as RSC's ADA Coordinator. He is based in Lima and is responsible for ADA activities throughout Ohio on behalf of RSC. Mr. Gears and Bernie Pontones, Treasurer of the ADA-OHIO Board of Trustees, will be representing the Steering Committee at the National ADA Symposium in April.

ADA-OHIO will be joining the Ohio Olmstead Task Force in learning about making Medicaid Buy-In a reality in Ohio. At this event, advocates will learn about the Medicaid Buy-In bill and how to teach legislators what it will do for people with disabilities. The event will be Wednesday, April 26, from 10 A.M. - 4 P.M., at the

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

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Riffe Tower, 31st Floor, in Columbus. To learn more call ADA Ohio at 800-232-6446.

ADA Wisconsin

With the April elections coming up and the September primaries just around the corner, the ADA Wisconsin Partnership focused attention on accessible voting during the month of March. On March 2, Kevin Kennedy, the Executive Director of the State Elections Board presented to the Partnership about the progress of Wisconsin polling places, including what has been approved in the way of accessible voting machines. The March 24th Partnership LINK electronic newsletter was all about helpful resources for voting including the newly updated voting guide "Voting in Wisconsin: A Guide for Citizens with Disabilities". See the guide and newsletter at:

http://www.adawipartnership.org/Newsletter/2006_03_Link.htm

The ADA Wisconsin Partnership is also very pleased to be a sponsor of the 2006 Wisconsin Rehabilitation and Transition Conference coming up April 19-21 at the American Club in Kohler, Wisconsin. The conference is the largest conference in Wisconsin for service providers, educators and government staff concerned with services for adults and students with disabilities. For more information about the conference see

<http://www.rfw.org/RehabConference/2006/RehabConference.htm>.

Technical Assistance Desk

Question of the Month

- Q. My employer has installed a new phone system and I am having trouble hearing others and myself when using the new system. I use the phone at work to communicate with co-workers through the intercom, speak with clients and use the phone during my breaks to take care of personal business. Does my employer have a responsibility to address this situation for me? Is this something covered by the ADA?
- A. The Great Lakes Center provides informal technical guidance, training and material on the Americans with Disabilities Act (ADA). This response is informal guidance and does not constitute a legal determination of an individual's or entity's rights or responsibilities under the ADA.

The ADA prohibits covered employers from discriminating on the basis of disability against qualified individuals with disabilities in all employment practices. A covered employer is one with 15 or more full or part-time employees. An employer may hire, fire, or promote the most qualified individual he/she chooses. The ADA prohibits that covered employer from making the decision on whom to hire, fire, or promote on the basis of disability.

The first question regarding your situation is whether you would be

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considered a qualified individual with a disability under the ADA. The ADA defines an individual with a disability as some one that:

- Has a physical or mental impairment that substantially limits one or more major life activities or:
- Has a record of such an impairment or:
- Is regarded as having such an impairment.

Additionally, an individual must be able to perform the essential functions of the job with or without a reasonable accommodation in order to be a qualified individual with a disability under the ADA.

An employer has an obligation to provide a reasonable accommodation to a qualified individual with a disability when it is needed to provide equal access to the application process, to allow an individual to perform the essential functions of his/her job or to provide equal access to any benefit associated with the job. If your trouble in using the phone at your place of employment is related to an impairment or disability you may request a reasonable accommodation under the ADA. Since you use the phone to perform your job and employees are allowed to use the phone on their own time for personal business, then if there are barriers related to an impairment or disability that are preventing you from accessing the phone system you have the responsibility to make known the need for a reasonable accommodation to your employer. The U.S. Equal Employment Opportunity Commission (EEOC) in its guidance material on the ADA states that a request for reasonable accommodation doesn't have to be done in writing. When an employer receives a request for an accommodation based on an impairment or disability the employer should engage in the interactive process with the employee. During the interactive process the employer should be discussing what effective accommodation would provide equal access to the application process, allow an individual to perform the essential functions of his/her job or to provide equal access to any benefit associated with the job.

Additionally, an employer has the right to request documentation from the employee if the disability or the need for the accommodation is not readily apparent. An employer only has the right to receive information about the specific impairment or disability for which the employee has requested the accommodation. The employer should keep this information confidential and share it on a need to know basis.

An employer only is required to provide accommodations that relate to the functional limitations caused by the impairment or disability. An employer doesn't have to provide personal use items, such as hearing aids, wheelchairs or eyeglasses, as an accommodation nor does an employer have to eliminate an essential function as a reasonable accommodation. Also, An employer doesn't have to provide any accommodation that would pose an undue hardship. An undue hardship is something involving significant difficulty or expense.

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If your employer fails to engage in the interactive process, denies your request for a reasonable accommodation, or discriminates against you on the basis of disability you may file a charge of disability discrimination with the EEOC by calling (800) 669-4000.

In summary, are you a qualified individual with a disability, is the other entity involved covered by the ADA, and is this situation covered by the ADA? Answering these questions will help you determine if this is a situation where you and your employer have rights and responsibilities under the ADA.

To get additional information about the ADA you may contact the Great Lakes Center by calling (800) 949-4232 (V/TTY) or via our on-line contact form

(<http://www.adagreatlakes.org/WebForms/ContactUs/?attention=chronicle>).

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