

# Great Lakes Chronicle

ILLINOIS \* INDIANA \* MICHIGAN  
MINNESOTA \* OHIO \* WISCONSIN

MAY 2006

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

## Trainings & Events

### **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, Colorado

[www.rectech.org/conference](http://www.rectech.org/conference)

### **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/  
adatransportation.html](http://www.dlrp.org/html/forms/adatransportation.html)

### **Universal Design and Visit ability: From Accessibility to Zoning**

Hosted by Ohio State. The

## In the Headlines

The U.S. Access Board has published a notice of intent to establish 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 Board is seeking individuals from interested organizations and Federal agencies to serve on the advisory committee. 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. Instructions on how to submit an application for inclusion on the advisory Committee may be found in the notice published on April 18, 2006 in the Federal Register.

Applications must be received by May 18, 2006. Read more at:

<http://www.access-board.gov/sec508/comm-notice.htm>

The Office of Disability Employment Policy (ODEP) within the U.S. Department of Labor (DOL) has issued a new technical assistance document, Maximizing Productivity: Accommodations for Employees with Psychiatric Disabilities. The document provides an overview regarding the reasonable accommodation provisions of the Americans with Disabilities Act. The material emphasizes the value of employees with disabilities in the workplace. The document also provides possible accommodations for employees with psychiatric disabilities as well as other resources for employers. Read more at:

<http://www.dol.gov/odep/pubs/fact/psychiatric.htm>

The U.S. Department of Justice (DOJ) announced a settlement agreement with Arlington County, VA to improve access to all aspects of civic life for persons with disabilities. The agreement is part of Project Civic Access, an initiative by the DOJ to ensure that counties, cities, towns, and villages comply with the ADA. By eliminating physical and communication barriers Project Civic Access allows persons with disabilities to participate in the activities and services offered by their communities. The DOJ has conducted reviews in all 50 states, Puerto Rico and the District of Columbia and has posted the agreements on the Project Civic Access portion of the DOJ website. Read more at:

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

The Interagency Committee on Disability Research (ICDR) is seeking public comment on the federal disability and rehabilitation research agenda at its May 23, 2006 meeting. Comments are being sought from individuals with disabilities, service providers, organizations working with individuals with disabilities and experts in the rehabilitation field to suggest specific ways to improve future research for individuals with disabilities. The ICDR is authorized under the Rehabilitation Act of 1973. Comments may be submitted in advance or made at the May 23 meeting being held in Washington D.C. at the Capital Hilton from 10:00 AM to 3:00 PM. Individuals interested in submitting a comment or attending the meeting can find additional information in the notice published in the Federal Register. Read more at:

<http://www.ed.gov/legislation/FedRegister/other/2006-2/041106c.html>

concepts of Universal Design and Visit ability will be explored as they apply in a variety of areas, including design, public policy, zoning and advocacy.

July 13-14, 2006

[www.peopleware.net/index.cfm?siteCode=2753&CFID=1197742&CFTOKEN=7954266](http://www.peopleware.net/index.cfm?siteCode=2753&CFID=1197742&CFTOKEN=7954266)

### **ADA 16th Anniversary Town Hall meeting and seminar**

Hosted by the National Council on Disability.

July 26, 2006.

9:00am-1:00pm

National Press Club

Washington, D.C.

For more information, please contact Mark Quigley at [ncd@ncd.gov](mailto:ncd@ncd.gov).

[www.ncd.gov/newsroom/news/2006/a06-508.htm](http://www.ncd.gov/newsroom/news/2006/a06-508.htm)

### **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](http://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](http://www.adabasics.org)

The U.S. Department of Justice has reached a settlement agreement with NPC International, Inc., the largest Pizza Hut franchisee in the country. The agreement addresses accessibility issues in parking lots, bathrooms, counters and other common use areas. While NPC Inc doesn't admit any violations of the accessibility requirements under Title III of the ADA they have been working to address issues discovered during several DOJ reviews of its facilities. Read more at:

[http://www.usdoj.gov/opa/pr/2006/March/06\\_crt\\_179.html](http://www.usdoj.gov/opa/pr/2006/March/06_crt_179.html)

The U.S. Access Board has announced that the next meeting of the Courthouse Access Advisory Committee is going to be held May 18-19, 2006 in Miami, FL. The Committee is working on developing technical assistance and best practices for some of the unique issues in providing access in courthouses. Forming partnerships and doing outreach has also been a mission of the Committee. Members of the Committee include design professionals, disability groups, as well as members of the judiciary. Read more at:

<http://www.access-board.gov/news/caac-mtg6.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. The Briefs include:

- Kovacs v. Kawakami
- Rosenthal v. New York State Board of Law Examiners
- United States v. Becker
- United States v. Vasquez Funeral Home

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

## **Great Lakes In Focus**

### **Qualified Interpreter**

When the term “Qualified Interpreter” is used in regards to the Americans with Disabilities Act (ADA) the U.S. Department of Justice ADA regulations state that a qualified interpreter means an interpreter who is able to interpret effectively, accurately and impartially. That includes both receptively and expressively, using any necessary specialized vocabulary. In medical and educational situations that means an interpreter that is familiar with the terminology and vocabulary being used.

It should be pointed out that not all instances require the provision of a qualified interpreter in order to insure that effective communication is being provided. Like many other situations involving the ADA the determination of when and what type of interpreter should be used should be made on a case by case basis. Covered entities should consult with individuals with disabilities wherever possible to determine what type of interpreter is needed to ensure effective communication. While consultation is encouraged, the decision as to what measures to take to ensure effective communication resides with the covered entity as long as the method chosen results in effective communication. Entities should consider the duration, complexity and the content of the oral information to determine if a qualified interpreter is needed to insure that the deaf or hearing impaired individual has the same level of

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

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Chicago, Illinois 60608-6904

## Resources

### 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](http://www.eeoc.gov)

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](http://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](http://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](http://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](http://www.fcc.gov)

access to the information as do non-disabled individuals.

To get additional information regarding the ADA and qualified interpreters you may contact the Great Lakes Center by calling **800-949-4232 (V/TTY)** or through 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 (<http://www.adagreatlakes.org/AIT/>) portion of the Great Lakes web site 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

### Toomer V. CityCab

The U.S. Court of Appeals for the 10<sup>th</sup> Circuit has affirmed a District Court summary judgment ruling for CityCab of Utah. The Court of Appeals ruled that the lower Court was correct in determining that there was no violation of the ADA by the defendant. The case centered around the issue of whether the vehicles operated by the cab company were required to be accessible to individuals that use wheelchairs.

The company operates vehicles in its fleet other than sedans and has purchased vehicles since the effective date of the ADA. The plaintiff contended that the vehicles purchased by the cab company were manufactured after the effective date of the ADA and therefore should be accessible to wheelchair users.

The cab company argued and the Court agreed that even though the vehicles were manufactured after the effective date they were not considered "new" under the ADA regulations. The Court ruled that the term "new vehicle" meant vehicles with no prior use, not vehicles manufactured after the effective date of the ADA. Since the cab company purchased "used" vehicles they would not be considered "new." Read more at:

<http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=10th&navby=case&no=054091>

## Great Lakes Vine

### ADA Illinois

The Illinois ADA Project held its 2nd quarterly Steering Committee Meeting on April 18th, 2006. The meeting focused on plans for the September 25, 2006 ADA Conference. New members of the Steering Committee included: Karen J.

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Chicago, Illinois 60608-6904

**The Great Lakes Center offers technical assistance 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](http://www.ada-il.org)

##### **ADA Indiana**

2853 East Tenth Street  
Bloomington, IN 47408-2696  
Phone: 812-855-6508  
[www.iidc.indiana.edu/cpps/ada](http://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](http://www.adamich.org)

##### **ADA Minnesota**

1600 University Avenue West,  
Suite 16  
Saint Paul, MN 55104  
Phone: 888-630-9793  
[www.adaminnesota.org](http://www.adaminnesota.org)

##### **ADA Ohio**

700 Morse Road, Suite 101  
Columbus, OH 43214  
Phone: 800-232-6446  
[www.ada-ohio.org](http://www.ada-ohio.org)

##### **ADA Wisconsin**

1302 Mendota Street, Suite 200  
Madison, WI 53714-1024  
Phone: 608-244-5310  
[www.adawipartnership.org](http://www.adawipartnership.org)

McCulloh, Executive Director of the DisabilityWorks initiative at the Chicagoland Chamber of Commerce, Jennifer Schindl, Managing Director of the Chicagoland Business Leadership Network, and Gerard W. Broeker, Executive Director of the Statewide Independent Living Council of Illinois.

The 2006 ADA Conference would focus on employment and accessibility issues affecting businesses and other organizations. Recent trainings were discussed including trainings to job developers that explained reasonable accommodation requirements and best practices for requesting accommodations. These trainings also discussed the issue of personality testing of job applicants, which was found to violate the ADA in *Karraker v. Rent-A-Center* by the 7th Circuit Court of Appeals. An article on personality testing written by the Illinois ADA Project appeared in the Chicagoland Chamber of Commerce Newsletter and was the most widely read article in the Chamber's February Newsletter.

Upcoming events include a **DREDF (Disability Rights Education and Defense Fund) Stakeholder Dialogue** on May 2-5, ADA Employment training in Springfield for the Coalition of Citizens with Disabilities in Illinois (CCDI), and a two panel discussion with ADA Project Manager Alan Goldstein. One panel discussion will be at the EEO Diversity Conference on May 11th, and is titled **"Rethinking Responsible Accommodation vs. Reasonable Accommodation"**; the other panel discussion will be about ADA Employment issues at the Small Business Conference at Chicago State University College of Business on May 17th.

#### **ADA Indiana**

##### **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.

##### **The Built Environment and the ADA Audio Conference Series in Indiana**

ADA-Indiana will be offering Great Lakes' two-part audio conference series on the Built Environment -Creating Accessible Play Areas in May and Accessible Signage in June. The audio conference series will be offered in six Indiana locations: Bloomington, Evansville, Indianapolis (two locations), West Lafayette, and Westville. The sites 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:

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

##### **New Member Spotlight: Keith Coros, Michiana Center for Independent Living**

This past April, ADA-Indiana welcomed a new member to the steering

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**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](http://www.adagreatlakes.org/WebForms/ContactUs)

**Disability Rights Online News** is a bi-monthly update about the Civil Rights Division's activities in the area of disability rights. The Division enforces laws prohibiting discrimination based on disability in employment, housing, access to businesses serving the public, access to government programs and services including voting and public transportation, and unconstitutional conditions in institutions of confinement. To view the August 2005 Online news visit: [www.ada.gov/newsltr0805.htm](http://www.ada.gov/newsltr0805.htm)

**Communicating with People Who Are Deaf or Hard of Hearing: A Guide for Law Enforcement Officers**  
[www.ada.gov/lawenfcomm.htm](http://www.ada.gov/lawenfcomm.htm)

**Model Policy for Law Enforcement**  
[www.ada.gov/lawenfmodpolicy.htm](http://www.ada.gov/lawenfmodpolicy.htm)

**Americans with Disabilities Act: Information for Law Enforcement**  
[www.ada.gov/policeinfo.htm](http://www.ada.gov/policeinfo.htm)

committee. Keith Coros lives in Granger (located in St. Joseph county) in northern Indiana. Keith retired from Indiana Vocational Rehabilitation Services. He is very active in advocacy work in his community and the state. He was recently appointed to the Indiana Council on Independent Living by Governor Daniels.

Visit the ADA-Indiana website ([www.adaindiana.org](http://www.adaindiana.org)) for updates on projects and events.

### Michigan ADA Steering Committee

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 Committee is sponsoring a presenter at the Southeast Michigan Council of Governments (SEMCOG) on May 23. The workshop will provide state and local government engineers and planners responsible for designing public rights-of-way and recreational trails/facilities, and ADA/Section 504 Coordinators, with information about federal regulations pertaining to public rights-of-way and outdoor developed areas.

A new member has been added to the Michigan ADA Steering Committee. Dave Ruthenberg of Livonia, Michigan, is representing the consulting company Capital H Group. 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 other organizations in the Twin Cities will be hosting a celebration to commemorate the **16<sup>th</sup> Anniversary of the ADA**. This free event will take place on Wednesday, July 26<sup>th</sup> from 6:30 – 9:30pm at the Radisson University Hotel on the University of Minnesota Campus. National and local speakers include Barry Taylor from Equip for Equality in Chicago Illinois who will discuss the state of the ADA today, Kevin Kling who has appeared on National Public Radio and Michael Deutsch who will musically entertain the crowd. For additional information, please visit [www.adaminnesota.org](http://www.adaminnesota.org). If you have additional questions, please contact Cindy Tarshish at [cindy@mcil-mn.org](mailto:cindy@mcil-mn.org) or 651-603-2015, TTY 651-603-2001.

### ADA Ohio

ADA-OHIO is involved in several large events, which benefit persons with disabilities in Ohio.

1. A conference entitled, "**Gateways IV, Today's Changing Workforce: Achieving Independence and Employment.**" This conference is being held May 1-2 at the Columbus Convention Center. It is being hosted by the Ohio Rehabilitation Services Commission, the Ohio Department of Mental Health, the Ohio Department of Mental Retardation and Developmental Disabilities, and the Ohio Department of Education. The conference will focus on strategies to facilitate successful employment and independence for people with disabilities.
2. Ohio Advocates for Mental Health annual meeting and conference. This

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event will be held July 28-30 at the Radisson Hotel in Akron, OH. Various forums will be conducted to help persons with mental health issues to become strong advocates for reform within their communities. Information will also be provided on how to approach legislators to effect change.

3. The Medicaid assisted living waiver program. Ohio Governor Bob Taft has announced the rollout of the Medicaid assisted living waiver program, which will make up to 1,800 Medicaid assisted living waiver slots available. The program is a lower-cost alternative to nursing homes, which is generally preferred by senior citizens and their families. The program is limited to nursing home residents who would remain in the facility if not for the waiver and current recipients of other Medicaid waiver programs such as PASSPORT home- and community-based services. This program fills a void in the long-term care continuum of care in Ohio for adults with disabilities. Advocates have been working for the past seven years to reshape the long-term care system in Ohio, of which this program is a positive outcome.

### **ADA Wisconsin**

The ADA Wisconsin Partnership is part of a regional network of similar programs and 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. The ADA Wisconsin Partnership is managed by Rehabilitation For Wisconsin, Inc. (RFW). Contact us:

ADA Wisconsin Partnership  
c/o RFW, Inc.  
1302 Mendota Street, Suite 200  
Madison, WI 53714-1024  
608-244-5310 (Voice/TTY)  
608-244-9097 (Fax)  
[ada@rfw.org](mailto:ada@rfw.org)

## **Technical Assistance Desk**

### **Question of the Month**

- Q. My brother was stopped by our City's police department for a traffic violation yesterday. He is deaf and communicates best using a sign language interpreter. What are the obligations of the police in this situation under the ADA? What would have been the obligation's of the police had they arrested my brother?
- A. The Great Lakes Center provides informal technical guidance, training and material on the Americans with Disabilities Act (ADA). This Question and Answer is informal guidance and does not constitute a legal determination of an individuals or entities right's or responsibilities under the ADA.

The ADA prohibits covered entities from discriminating on the basis of disability against qualified individuals with disabilities. State and local government entities are required by Title II of the ADA to insure that all programs, services

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and activities are accessible to and usable by individuals with disabilities. As a part of local government a City police department is covered by the requirements of Title II of the ADA.

Police departments have an obligation to insure that individuals with disabilities have the same level of access to information that individuals with out disabilities have. That includes both written information as well as orally communicated information. The ADA requires the provision of auxiliary aids and services in order to insure that effective communication is achieved with individuals with disabilities.

Examples of auxiliary aids and services for individuals that are deaf and hearing impaired include a qualified interpreter, closed or open captioning, writing notes, using a TTY or TDD, or using a computer terminal. This is not an exhaustive list of auxiliary aids and services for individuals that are deaf and hearing impaired. Which auxiliary aid or service is needed to achieve effective communication will depend on several factors. This would include the complexity of the information being communicated as well as the duration of the communication.

Covered entities should consult with an individual when possible in order to determine what will be necessary to provide effective communication. In the situation where your brother was stopped for a minor traffic violation it is possible that effective communication could be achieved by writing notes back and forth. The duration and the complexity of such an exchange of information may allow effective communication with out the use of a qualified interpreter.

However, if your brother had been arrested and taken to the police station for questioning it is likely that due to the length and complexity of the questioning and questions that a qualified interpreter would be needed. Additionally, if individuals detained by the police have an opportunity to make a call then the police would be required to have a way for a deaf or hearing impaired individual to make a call. This likely would require the use of a TTY or TDD.

In situations where a family member or friend is present the police can't require that the family member or friend serve as the interpreter. It may be difficult for a family member or friend to serve as an effective interpreter due to the relationship with the individual. There may be situations where the friend or family member could serve as interpreter, for instance if an individual is asking for directions from a police officer but the police can't require the family member or friend to serve as interpreter.

The determination on what auxiliary aid or service will be provided ultimately is made by the covered entity. What is provided however must provide effective communication. Entities are also not required to provide any auxiliary aid or service that would result in undue burden or that would fundamentally alter the nature of the program or service being provided.

For questions regarding the ADA and effective communication with individual with disabilities you may contact the Great Lakes Center by calling (800) 949-4232 (V/TTY) or by visiting our on-line contact form:  
<http://www.adagreatlakes.org/WebForms/ContactUs/>

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