

Great Lakes Chronicle

ILLINOIS * INDIANA * MICHIGAN
MINNESOTA * OHIO * WISCONSIN

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Welcome to the DBTAC:
Great Lakes ADA Center's
monthly Newsletter

Trainings & Events

Job Accommodation Network (JAN) » 2007 Conference

The 2007 JAN conference will be held at the Hyatt Regency Crystal City in Alexandria, VA. The annual JAN Conference will cover employment law, innovative employment practices, and disability issues. Visit the JAN web site for information about conference registration and program description. August 6-7, 2007
Alexandria, VA
www.jan.wvu.edu/enews/2006/Enews-V4-I4.htm#1

ADA Audio Conference Series » ADA Implementation and Impact Study Report: National Council on Disability

The National Council on Disability (NCD) released a series of reports addressing the Implementation and Impact of the Americans with Disabilities Act on July 26, 2007. These reports address the impact of the ADA upon employment of persons with disabilities as well as address the implementation of Title II and III of the ADA from the

In the Headlines

U.S. Access Board

The U.S. Access Board announced the creation of two new Advisory Committees to examine access to emergency housing and to vessel alarm systems. The Access Board will supplement its facility guidelines and clarify the coverage of emergency transportable housing that the federal government purchases and uses during emergencies. Based on public comments the Access Board received on its draft guidelines for passenger vessels the Board determined that guidelines for accessible alarms needed additional development prior to a final guideline being issued. Read more about the Advisory Panels at www.access-board.gov/news/advisory-committees.htm.

The U.S. Access Board announced that it had received over 80 public comments on the draft revisions to the vehicle accessibility guidelines it published for vans and busses back in April. By the June 11 deadline for submitting comments the Board had received comments from vehicle manufacturers, transit operators, trade associations, consumers, disability groups, and others. The Board will review the comments as it considers making revisions to the draft guidelines. Read more about the comments at www.access-board.gov/news/vehicle-comments.htm.

U.S. Department of Housing and Urban Development

The U.S. Department of Housing and Urban Development (HUD) has charged a Connecticut landlord with violating the Fair Housing Act (FHA.) HUD alleges that a landlord of a single family rental unit refused to renew the lease of a mother whose daughter used a service animal. In a complaint to HUD the mother alleged that the landlord refused to initially rent the unit to her in 2005 when she told the landlord that her daughter had a service animal. The mother placed the service animal with another family but later informed the landlord that her daughter would be getting a new service animal. The complaint alleges that the landlord refused at that point to renew the lease. Read more about the Charge at www.hud.gov/news/release.cfm?content=pr07-097.cfm.

U.S. Department of Justice

The U.S. Department of Justice has posted the latest installment of the Best Practices Tool Kit for State and Local Governments to its web site. The tool kit is a technical assistance document designed to assist state and local governments and officials on improving compliance with Title II of the Americans with Disabilities Act (ADA) in programs, services, activities, and facilities. The seventh installment includes:

- Chapter 7, Emergency Management under Title II of the ADA
- Chapter 7, Addendum 1: Title II Checklist (Emergency Management)
- Chapter 7, Addendum 2: The ADA and Emergency Shelters: Access for All in Emergencies and Disasters
- Chapter 7, Addendum 3: ADA Checklist for Emergency Shelters
- Introduction to Appendices 1 and 2
- Appendix 1, Survey Instructions: Curb Ramps

perspective of people with disabilities and entities covered by the ADA. It has been 17 years since the passage of the ADA and as anticipated these reports identify what has worked and what has not and put forth recommendations for furthering the promise of the ADA at all levels. Join this session to learn more about the findings in these reports and what they will mean to the future of the ADA.

August 7, 2007

1:00-2:30pm Central Time

www.ada-audio.org

The Kennedy Center Leadership Exchange in Arts and Disability: 2007 Conference and Training

Drawing on national and local resources, the conference will provide an array of opportunities to discuss:

- issues ranging from physical and programmatic access to ticketing policies and marketing strategies;
- ideas and learn what has been successful at other arts organizations and cultural institutions;
- with representatives from the Disability Rights Section of the Department of Justice;
- best practices and how to develop sound policies.

August 16-19, 2007

Minneapolis, MN

www.kennedy-center.org/%20accessibility/lead/%20conference.html

Road to Freedom Bus Tour

The Road to Freedom Bus Tour is a year-long cross country bus ride that began on November 15, 2006 in

- Appendix 2, Survey Forms: Curb Ramps

Read more about the Tool Kit at www.ada.gov/pcatoolkit/toolkitmain.htm.

The U.S. Department of Justice announced a settlement agreement with COLLEGE SQUARE MALL PARTNERS, LLC, Cedar Rapids, IA. The settlement resolves a complaint filed with the DOJ alleging violation of the barrier removal requirements of Title III of the Americans with Disabilities Act (ADA.) The DOJ reviewed parking, exterior and interior accessible routes, public toilet rooms, and wheelchair and companion seats as part of its evaluation of the mall facilities. The review cited 205 barrier removal violations and the agreement requires that the barriers be removed. Read more about the Settlement at www.ada.gov/collegesqr.htm.

The U.S. Department of Justice announced a settlement agreement with the Utah College of Massage Therapy. The Justice Department's involvement was prompted by a complaint being filed under Title III of the Americans with Disabilities Act (ADA) in 2002 by a student alleging that the school failed to furnish necessary auxiliary aids and services in order to provide effective communication. The agreement requires the College to furnish appropriate auxiliary aids and services, and otherwise modify policies, practices and procedures where necessary to ensure effective communication for individuals with disabilities, in accordance with Title III. Read more about the Settlement at www.ada.gov/utahmassage.htm.

The U.S. Department of Justice announced the settlement of a housing discrimination lawsuit with six Pennsylvania apartment Complexes. The consent order resolves a lawsuit which alleged that the owners, developers, builders, architects and engineers of six apartment complexes in Montgomery County, Pa, discriminated against persons with disabilities in the design and construction of the housing. Read more about the Consent Decree at www.usdoj.gov/opa/pr/2007/July/07_crt_522%20%20%20.html.

The U.S. Department of Justice (DOJ) has announced the latest settlement agreements in its Project Civic Access initiative. The most recent agreements are with Harrison County, MS and New Orleans, LA. Project Civic Access was launched to insure that residents with disabilities have full access to the wide range of programs, services and activities offered by state and local government entities. The DOJ investigations were part of a compliance review of the cities obligations under Title II of the ADA. The reviews focused on the entities self evaluation plans, designation of employees to handle ADA matters, establishment of grievance procedures, proper notification to the public, delivery of programs and services in non-discriminatory manners, and facility accessibility issues. Read more about Project Civic Access at www.ada.gov/civicac.htm#Anchor-49575.

The U.S. Department of Justice has entered into a settlement agreement with Doctor Associates Inc. (DAI under Title III of the Americans with Disabilities Act (ADA). DAI is the privately owned company that franchises Subway restaurants. The agreement will insure that more than 20,000 Subway restaurants are physically accessible to individuals with disabilities. Since the Subway Restaurants are owned individually DAI will facilitate the removal of existing barriers and where readily achievable make restrooms accessible. DAI will coordinate initial evaluations of the restaurants and provide interest free loans to cover the cost of improving access. Read more about the DAI Agreement at www.usdoj.gov/opa/pr/2007/July/07_crt_565%20.html.

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

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

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Washington, DC. The tour plans to educate audiences across the United States on the story of the Americans with Disabilities Act and the history of the disability rights movement. Visit the Road to Freedom web site for information on the dates and times for the stops along the tour.

<http://roadtofreedom.wordpress.com/freedom-bus-tour-schedule/>

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

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

U.S. Department of Labor

The U.S. Department of Labor (DOL), Office of Disability Employment Policy (ODEP), has posted a new video to its web site entitled, How to Improve ROI: Employment Solutions for Small Business. The roundtable discussion shows how a few employers are saving time and money by successfully promoting the employment of people with disabilities. Access the Video at www.dol.gov/odep/newfreedom/coc2007/videos.htm

National Council on Disability

The National Council on Disability (NCD) has released two reports on the Americans with Disabilities Act (ADA). The first report, titled *The Impact of the Americans with Disabilities Act: Assessing the Progress toward Achieving the Goals of the ADA*, shows that compliance with the ADA is possible and that it is good for business. The report includes recommendations for overcoming the obstacles that are preventing full implementation of the ADA.

Read more about the First NCD Report at

www.ncd.gov/newsroom/publications/2007/ada_impact_07-26-07.htm

The second NCD report, titled *Implementation of the ADA: Challenges, Best Practices, and New Opportunities for Success*, highlights strategies for ADA implementation that have been successful as well as identifying obstacles. The report reflects the experiences and ideas of small and large businesses, employers, judges and legal professionals, governmental entities, and individuals with disabilities, concerning ADA implementation. Read more about the Second NCD Report at www.ncd.gov/newsroom/publications/2007/implementation_07-26-07.htm

Great Lakes In Focus

Save the Date

The 2008 National ADA Symposium and EXPO
May 12-14, 2008
America's Center
St. Louis, Missouri

The National ADA Symposium and EXPO is a comprehensive three day conference on the Americans with Disabilities Act and related disability laws sponsored by the National Network of Disability and Business Technical Assistance Centers.

The 2008 Symposium will feature an intensive ADA Coordinators track. Continue to visit the Great Lakes Chronicle to get information on registration, session topics and speakers as it becomes available. You may visit the Symposium web site at www.adasymposium.org.

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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](http://www.fta.dot.gov/17851_ENG_HTML.htm)

The Office of Civil Rights within the U.S. Department of Education

ensures 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

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

Accessible Information Technology (AIT)

The DBTAC Great Lakes Accessible Technology Initiative provides individuals, businesses, governmental entities, 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 accessible technology section of the Great Lakes web site for more information on the services provided by the Center at

www.adagreatlakes.org/AIT/.

To get additional information about accessible technology visit the Accessible Technology Bulletin at www.adagreatlakes.org/Publications/ATBulletin/.

For technical assistance questions contact the Great Lakes Center by calling 800-949-4232 (V/TTY) or by visiting our on-line contact form at www.adagreatlakes.org/WebForms/ContactUs/.

The Docket

McPherson v. O'Reilly Automotive Inc.

www.ca8.uscourts.gov/opndir/07/07/063846P.pdf

The 8th U.S. Circuit Court of Appeals ruled that an employer is not required to create a position for an employee who is not qualified to perform any vacant positions. McPherson was injured on the job and during his leave of absence his job as a regional sales person was filled by another employee. When McPherson was ready to return to work following back surgery he had several restrictions related to prolonged sitting and standing, performing repetitive motions and lifting. O'Reilly offered McPherson the position of installer service specialist. This job required five to six hours of standing each day and frequent lifting of 51 to 75 pounds. McPherson's physician would not release him to do this position.

O'Reilly subsequently fired McPherson stating that his previous position was filled and he was not able to perform any positions that they had available. The Appeals Court affirmed the lower Court's summary judgment in favor of the employer. In its decision the Eighth Circuit of Appeals stated that the ADA doesn't require any employer to create an entirely new position for some one that is not qualified to perform any open positions and that the plaintiff had not presented any evidence that he was able to perform any open positions.

Technical Assistance Desk

Question: The City where I live recently held its Fourth of July celebration which included a festival, fireworks, games and food booths. I am an individual that has a mobility impairment and use crutches and I also have a friend that uses a wheelchair. Does the city need to provide access to this type of event?

Answer: Title II of the Americans with Disabilities Act (ADA) requires that all

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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.adaminnnesota.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

The network of Regional DBTAC ADA Centers

Your comprehensive resource for information on the Americans with Disabilities Act and accessible information technology. Call toll free at **800-949-4232 (V/TTY)** for the **MOST** complete and

programs, services and activities of state and local governments are accessible to and useable by individuals with disabilities. This would include but is not limited to temporary events such as street festivals, craft fairs, parades, music events, state and county fairs, regattas, air shows and, sports tournaments. The fact that an event is temporary doesn't exempt governmental entities from their obligations to insure that individuals with disabilities have an equal opportunity to participate.

Temporary events may pose unique barriers for individuals with disabilities. Uneven terrain, temporary structures and gravel and grass paths are just a few of the unique situations that face temporary event organizers. However, considering accessibility issues when planning temporary events should help eliminate obstacles that would prevent individuals with disabilities from full participation.

Organizers should consider:

- Accessible Parking
- Accessible Paths of Travel from parking locations
- Accessible Paths of travel to all areas open to the public
- Accessible temporary structures such as viewing stands
- Wheelchair locations at performing areas
- Accessible toilet facilities
- Accessible picnic areas
- Directional Signage

This is not an exhaustive list of things to consider when planning a temporary event. Technical assistance and materials exist to assist entities planning temporary events.

Obligations extend beyond ensuring that the physical environment of a temporary event is accessible. Event organizers must provide auxiliary aids and services to ensure that communication is as effective for individuals with disabilities as it is for individuals without disabilities. This may include providing sign language interpreters for an individual attending a musical performance or producing written materials in alternative formats such as the schedule of events and event locations.

In addition, entities must make reasonable modifications in policies, practices and procedures when needed to provide an equal opportunity for an individual with a disability. This might include modifying "No Pet" policies for an individual with a disability using a service animal.

To get information on planning accessible temporary events individuals may contact the Great Lakes Center by calling 800-949-4232 (V/TTY) or by visiting our on-line contact form at www.adagreatlakes.org/WebForms/ContactUs/

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experienced services available to American businesses, government entities and the public. To find you local Center or for more information, visit their website.

www.adata.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](#).

Accessible Temporary Events Planning Guide

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

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