

Great Lakes Chronicle

ILLINOIS * INDIANA * MICHIGAN
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DECEMBER/JANUARY 2007

VOLUME 3 ISSUE 3

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

Due to holiday schedules following the posting of the December 2006 edition of the Great Lakes Chronicle The next edition will be available on the Great Lakes web site on February 1, 2007. If you have any questions regarding the Great Lakes Chronicle please contact Peter Berg at 312-413-1407 or via the [on-line contact form](#).

Trainings & Events

ADA Audio Conference Series: "U.S. Access Board: Status of ADA Related Rulemaking"

It has been over 15 years since the initial ADA Accessibility Guidelines were published. Join us as we hear from the U.S. Access Board about the status of rulemaking under the Americans with Disabilities Act. This session will discuss the status of developing and pending accessibility guidelines including the revised ADA/ABA Accessibility Guidelines, public rights of way, outdoor developed areas and passenger vessels. In addition, this session will explore the direction that the U.S. Access Board is going in related to their research agenda and future areas of rulemaking/guidance. December 12, 2006

In the Headlines

The Equal Employment Opportunity Commission (EEOC) announced a 2.2 million dollar settlement agreement with JPMorgan Chase & Co. The original charge involved Bank One regarding its policy of not returning individuals to their previous positions after being out of work for more than 6 months. The company had a policy that returned employees to their positions if out on leave for less than 6 months. In the view of the EEOC this violated the requirement to conduct an individualized assessment of requests for extended leave as a reasonable accommodation under the ADA. Read more about the Settlement at <http://www.eeoc.gov/press/11-22-06.html>

The Office of Disability Employment Policy (ODEP) within the U.S. Department of Labor (DOL) announced the formation of a partnership with the Society of Human Resource Managers (SHRM). The goal of the alliance is to promote the employment of workers with disabilities by providing information, guidance, and access to resources. The collaboration is the first between ODEP and a major organization. Read more about the Alliance at <http://www.dol.gov/opa/media/press/odep/odep20061963.htm>

The U.S. Department of Justice has posted a new fact sheet to the ADA Business Connections portion of its web site. The document titled, "Expanding Your Market: Accessibility Benefits Older Adult Customers," outlines how compliance with the Americans with Disabilities Act (ADA) makes good business sense. The new fact sheet highlights the benefits of increasing accessibility in order to meet the needs of individuals who are aging. Read more about the New Document at <http://www.ada.gov/business.htm#Anchor-49575>

The Courthouse Access Committee presented its report to the U.S. Access Board during the Board's November 15 meeting. The Committee's report provides design guidance and best practice recommendations for access to courthouses for persons with disabilities. The report guidelines address new construction but can also be adapted for use in existing courthouse facilities. Read more about the Report at <http://www.access-board.gov/news/caac-report.htm>

The U.S. Department of Justice (DOJ) has posted the latest edition of the Disability Rights Online News to its web site. This publication is a bi-monthly update on the Civil Rights Division's activities in the area of disability rights. The new issue was posted on October 30th. Read more about the Disability Rights Online News at <http://www.ada.gov/disabilitynews.htm>

Secretary Elaine Chow of the U.S. Department of Labor presented the New Freedom Initiative awards to employers that helped improve employment

1:00-2:30pm Central Time
www.ada-audio.org

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 Agency

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 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

opportunities for people with disabilities. The awards recognize exemplary and innovative efforts to recruit, hire and promote people with disabilities. This year's winners included:

Ilene Morris-Sambur, Marshall, VA.
Disabilityworks, Chicago, IL.
National Technical Institute for the Deaf, Rochester, NY.
PRIDE Industries, Roseville, CA.
The Rave Program, University of Alabama at Birmingham, AL.
Highmark Inc., Pittsburgh, PA.
Aetna Inc., Hartford, CT.
Raytheon Missile Systems, Tucson, AZ.
CVS/pharmacy Inc., Woonsocket, RI.

Read more about the New Freedom Awards at
<http://www.dol.gov/opa/media/press/odep/odep20061818.htm>

The U.S. Department of Justice announced a settlement agreement with the City of Philadelphia, PA. The agreement settles a lawsuit that alleged that City paramedics refused to provide emergency care to an individual that had AIDS. The settlement requires that the City provide on-going training for its paramedics and pay the individual \$50,000 in damages.

Read More about the settlement at
http://www.usdoj.gov/opa/pr/2006/November/06_crt_758%20%20%20.html

The U.S. Department of Transportation (DOT) issued a final rule adopting new accessibility standards under the Americans with Disabilities Act (ADA.) The regulations were published on October 30, 2006 in the Federal Register. The move amends DOT's ADA regulations and adopts as its regulatory standards the revised standards published in 2004 by the Access Board. The rule took effect on November 29, 2006.

Read More about the New Regulations at
<http://a257.g.akamaitech.net/7/257/2422/01jan20061800/edocket.access.gpo.gov/2006/E6-16680.htm>

The US Department of Justice (DOJ) has posted the latest settlement agreements reached under Titles II and III of the ADA to its website.

Title III (Places of Public Accommodation):
Jo-Ann Stores, Inc.
Bethesda Memorial Hospital
Victorian Palace Hotel, Branson, Missouri
Winston Motor Sports
South Florida Baptist Hospital

Title II (State and Local Governments)
Shreveport, Louisiana
City of Claremont , New Hampshire

Read more about the Settlement Agreements at <http://www.ada.gov/new.htm>

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

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

Great Lakes ADA and Accessible IT Center
University of Illinois at Chicago
Department of Disability and Human Development (MC 728)
1640 West Roosevelt Road, Room 405
Chicago, Illinois 60608-6904

The **Office of Civil Rights within the Federal Transit Administration of the U.S. Department of**

Transportation ensures full implementation of civil rights and equal opportunity initiatives by all recipients of FTA assistance.

www.fta.dot.gov/17851_ENG_HTML.htm

The **Office of Civil Rights within the U.S.**

Department of Education ensure equal access to education and to promote educational excellence throughout the nation through vigorous enforcement of civil rights.

www.ed.gov

The **Federal Communications Commission (FCC)** has

rules requiring telecommunications manufacturers and service providers to make their products and services accessible to people with disabilities, if readily achievable.

www.fcc.gov

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/

Great Lakes In Focus

Health Care Providers and the ADA

The Americans with Disabilities Act (ADA) is a comprehensive Federal civil rights law that requires equal opportunities and access for individuals with disabilities to all goods and services offered by health care providers and medical care facilities. Health care providers and medical care facilities, such as hospitals, are covered as places of public accommodations under the ADA. Knowledge and understanding of the requirements of the ADA are essential to compliance.

While the ADA has been in effect for 16 years, many health care providers and medical care facilities continue to struggle with understanding their obligations. Effective communication is particularly critical in health care settings where miscommunication may lead to misdiagnosis and improper or delayed medical treatment. Under the ADA, health care providers and medical care facilities must provide effective means of communication for patients, family members, and visitors who are deaf or hard of hearing. Do to the complexity of the information that is being exchanged during many interactions with medical personnel a qualified interpreter is needed to achieve effective communication.

Additionally, many health care providers and medical care facilities do not realize that they are required to do what is readily achievable in order to remove existing architectural and communication barriers. Readily achievable barrier removal is defined as barriers which can be removed without much difficulty or expense. There is a misperception that if no alterations have been undertaken then there is no requirement to address accessibility. The ADA does not contain a grandfather clause.

Complying with the ADA and training employees on its requirements can seem overwhelming for health care providers and medical care facilities. However, it is critical that health care providers understand issues such as the requirements for providing effective communication and this information needs to be known by staff answering phones and making appointments. Knowledge on the ADA requirements helps to insure compliance and the provision of services in the most non-discriminatory manner.

For additional information and materials on the ADA contact the DBTAC Great Lakes ADA Center by calling (800) 949-4232 (V/TTY) or by visiting the on-line contact form at <http://www.adagreatlakes.org/WebForms/ContactUs/>

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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

Accessible Technology

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 <http://www.adagreatlakes.org/AIT/> of the Great Lakes web site for more information on the services provided by the Center.

To get additional information about accessible technology visit the Accessible Technology Bulletin <http://www.adagreatlakes.org/Publications/ATBulletin/>

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

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

EEOC v. Watkins Motor Lines, Inc., 463 F.3d 436 (September, 2006)

The 6th Circuit Court of Appeals has upheld a lower court's ruling granting summary judgment to an employer in an ADA employment case. The Court of Appeals stated that the plaintiff had not demonstrated that the employee's weight condition has a physiological cause and therefore was not considered a disability under the ADA.

The case involved a driver/dock worker that was injured on the job after falling from a ladder. Following a 6 month leave the trucking firm declared that he was not fit to do his job based on an examination by the company's doctor and would not allow the worker to return and terminated him.

The Equal Employment Opportunity Commission (EEOC) sued Watkins in a federal district court in October 2002. A judge there ruled for Watkins, finding that morbid obesity that does not have a physiological cause is not a disability under the ADA, nor was the employee substantially limited in any major life activity.

Read more about EEOC vs. Watkins Motor Lines at <http://caselaw.lp.findlaw.com/data2/circs/6th/053218p.pdf>

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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](#).

[ADA Tax Incentives Packet](#)
www.ada.gov/taxpack.htm

[Expanding your Market: Accessibility Benefits Older Adult Customers](#)
www.ada.gov/olderaccess.htm

Technical Assistance Desk

Question: What type of tax breaks are there for businesses trying to comply with the requirements of the ADA?

Answer: In order to assist businesses with complying with the ADA, Section 44 of the IRS Code allows a tax credit for small businesses and Section 190 of the IRS Code allows a tax deduction for all businesses.

The tax credit is available to businesses that have total revenues of \$1,000,000 or less in the previous tax year or 30 or fewer full-time employees. This credit can cover 50% of the eligible access expenditures in a year up to \$10,250 (maximum credit of \$5000). The tax credit can be used to offset the cost of undertaking barrier removal and alterations to improve accessibility; providing accessible formats such as Braille, large print and audio tape; making available a sign language interpreter or a reader for customers or employees, and for purchasing certain adaptive equipment.

The tax deduction is available to all businesses with a maximum deduction of \$15,000 per year. The tax deduction can be claimed for expenses incurred in barrier removal and alterations. It is not available for new construction.

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