

Great Lakes Chronicle

ILLINOIS * INDIANA * MICHIGAN
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Welcome to the DBTAC:
Great Lakes ADA Center's
monthly Newsletter

Trainings & Events

ADA Audio Conference CHANGES TO UPCOMING SESSIONS:

1. NEW SESSION

April 17, 2007 titled,
"Comparison of Employment
Disability Discrimination
Claims with Other Statutes
Across U.S. Equal
Opportunity Commission and
Fair Employment Practice
Agencies Nationally"

The focus of this presentation will be how the Equal Employment Opportunity Commission's (EEOC) Charge Data System (CDS) can be used to explore differences between the filing of discrimination claims at EEOC offices and state Fair Employment Practice Agency (FEPA) offices. Examining the disability employment discrimination charges filed with the EEOC and Fair Employment Practice Agencies within states can inform and create an understanding of where specific issues continue.

2. NEW Topic for May 15, 2007 session, "ADA Restoration Act Legislative Update"

The ADA Restoration Act as it is currently known is

In the Headlines

The U.S. Department of Justice (DOJ) has added a new document to its *Expanding Your Market* series of technical assistance materials. The new document, "Gathering Input from Customers with Disabilities," is located on the Business Connections portion of the DOJ web site. The *Expanding Your Market* series is designed to illustrate that compliance with the ADA makes good business sense and compliance with the law makes goods and services available to a new market of customers. Read more about the new DOJ document at www.ada.gov/custinfo.htm.

The U.S. Department of Labor (DOL), Office of Disability Employment Policy (ODEP) has launched an *Alliance Initiative* to advance the employment of individuals with disabilities through voluntary partnerships. The *Alliance Initiative* is intended to encourage national dialogue on the hiring, advancement and retention of individuals with disabilities. The *Initiative* is seeking participation from businesses, trade and professional associations, labor unions, educational institutions, and government agencies. Read more about ODEP's *Alliance Initiative* at www.dol.gov/opa/media/press/odep/odep20070354.htm#content.

The U.S. Department of Housing and Urban Development (HUD) announced the settlement of a charge of discrimination against a New Jersey apartment complex. Robert Dublirer alleged in his complaint to HUD that the owner of Mediterranean Towers South, had denied his request for an assigned parking space close to his apartment. Dublirer has multiple sclerosis and walks with forearm crutches. The property owner agreed to provide the assigned space and \$10,000 to settle the complaint. Read more about HUD's settlement at www.hud.gov/news/release.cfm?content=pr07-023.cfm.

The U.S. Access Board announced the election of a new chairperson, Tricia Mason, during its March meeting. She was appointed to the Board in 2005 by President Bush. Mason is the State Government Relations Specialist at Easter Seals in its Office of Public Affairs in Washington D.C. Half of the Board's members are representatives of various federal agencies and the other half are from the public and appointed by the President. The Access Board is an independent federal agency charged with developing accessibility guidelines under the Americans with Disabilities Act and the Architectural Barriers Act. Read more about the new Board chair at www.access-board.gov/news/mason.htm.

The U.S. Department of Justice (DOJ) has posted new Project Civic Access settlement agreements to its web site. The two new settlements are with Pike County Health Department and Public Library District in Kentucky. The DOJ Project Civic Access Initiative strives to ensure that counties, cities, towns, and villages comply with the requirements of Title II of the ADA. By eliminating physical and communication barriers Project Civic Access strives to insure that persons with disabilities are able to fully participate in the activities and services offered by their communities. Read more about the Project Civic Access settlement agreements at www.ada.gov/civicac.htm.

intended to restore the ADA to its "original intent" and address several decisions made by the U.S. Supreme Court over the past 16 years. Participate in this session to learn about the history and intent of the ADA Restoration Act and the future of legislation that may affect the civil rights of individuals with disabilities.

3. SPECIAL SESSION COMING in June related to the National Council on Disability Report titled, "ADA Implementation and Impact Study Report" (originally scheduled for May).

To learn more or to register visit the Audio Conference web site at www.ada-audio.org

Accessibility Coordinator Training: Accessibility Management for Parks and Recreation May 14-17, 2007 Bloomington, IN

The National Center on Accessibility offers a training course designed to give Accessibility Coordinators in parks and recreation the foundation for implementing an accessibility management program. This course is ideal for professionals with newly appointed responsibilities and for those looking to brush up on the latest information for accessibility compliance. www.ncaonline.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

Equip for Equality, the State of Illinois protection and advocacy service, issued a call to close a state run institution housing individuals with disabilities following three deaths at the facility. The statement from Equip for Equality urges the State to take action to close the institution, ensure the safety of the individuals living there and prevent further deaths. The most recent call to close the Howe Developmental Center, issued March 8, follows a similar request that was made in February. Equip for Equality's Abuse Investigation Unit determined that the three deaths resulted from the quality of care that the individuals had been receiving at the state institution. Read more about Equip for Equality's statement at www.equipforequality.org/news/pressreleases/march_08_2007equip_for.php.

The US Access Board issued supplementary material on March 23rd regarding the ADAAG/ABA revisions published in 2004. This supplementary material includes notes related to the federal agencies that have adopted the Revised Americans with Disabilities Act Accessibility Guidelines and the Architectural Barriers Act Accessibility Guidelines. This information does not affect the current enforceable version of the ADA Accessibility Standards enforced by the Department of Justice. The information contained in the Access Board's Supplementary Materials provides additional notes related to the three federal agencies that have adopted the ADA/ABA revisions (Post Office, Department of Transportation and, General Services Administration). Read more about the ADAAG/ABA supplementary materials at www.access-board.gov/ada-aba/supplement.htm.

The Federal Communication Commission's (FCC) Consumer & Governmental Affairs Bureau has begun a review of the Commission's policies and practices under Section 504 of the Rehabilitation Act of 1973. As part of this review the FCC is accepting public comments through May 22. This Public Notice seeks comment on the accessibility of the Commission's programs and activities. Electronic comments may be submitted through the FCC's web site and must reference Docket No. 03-123. Read more about submitting an electronic comment to the FCC at www.fcc.gov/cgb/ecfs/.

Great Lakes In Focus

The DBTAC-Great Lakes ADA Center invites you to participate in our free ADA Audio Conference conducted in Spanish. This session has been designed to inform the Spanish Speaking business community about the potential to increase business and opportunities by creating access for customers with disabilities. Accessibility pays dividends and makes good business sense. Individuals can register by calling the Great Lakes Center at 1-312-413-1439 or by visiting www.adagreatlakes.org/Spanish.

Individuals can participate in the audio conference from the comfort of their own office or anywhere where there is access to a telephone. The conference is free.

This audio conference will address:

- Removing Architectural Barriers for People with Disabilities
- Alternatives for Serving Customers with Disabilities
- Tax Incentives available to Offset the Cost of Accessibility
- Resources for Making Businesses Accessible

Audio Conference in Spanish
Expanding Your Market: Providing Access to Your Business
April 25, 2007

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

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

DBTAC: Great Lakes ADA 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 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 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

1:00-2:30pm CDT
Presenter: Daniel Saavedra
Saavedra Gehlhausen Architects

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
<http://www.adagreatlakes.org/AIT/>.

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

The Docket

STEVEN M. BIRCOLL v. MIAMI-DADE COUNTY
(<http://caselaw.lp.findlaw.com/data2/circs/11th/0611098p.pdf>)

11th Circuit Court of Appeals
2007

The 11th Circuit Court of Appeals affirmed a lower court ruling in a case where a deaf individual claimed the police failed to provide him with effective communication during his arrest on a driving under the influence (DUI) charge. The lower district court had awarded Dade County a summary judgment ruling that Title II of the ADA did not apply to the law enforcement activity of the police during his DUI arrest on the roadside, at the police station, and at the jail.

STEVEN M. BIRCOLL in his appeal had argued that the lower district court had made an error in its ruling that Title II did not apply to the law enforcement activities during his arrest. The 11th Circuit Court disagreed citing a similar ruling in the 4th Circuit.

Technical Assistance Desk

Question: My company conducts training around the country on a variety of topics geared to business professionals. The training is open to the public and anyone can attend. Our office was contacted by an employer that is sending one of its employees to an up coming training. This employer informed us that the employee they were sending was deaf and would need a sign language interpreter for the day long training session. Does our company need to provide a sign language interpreter for this individual?

For more information please call 800-949-4232 (V/TTY) or online at:
<http://www.adagreatlakes.org/WebForms/ContactUs/>

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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 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.

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

Answer: The Americans with Disabilities Act (ADA) requires that places of public accommodation provide the same level of access to information for individuals with disabilities that is provided to individuals without disabilities. Individuals who are deaf and hard of hearing may require the use of auxiliary aids and services. This could include but not be limited to provision of a qualified sign language interpreter, closed captioning, note taking, use of a computer terminal or the use of a TTY or TDD.

The ADA does not require that a place of public accommodation provide a sign language interpreter every time one is requested. A business should look at the duration, nature and complexity of the information that is being provided when determining if a qualified sign language interpreter is needed to insure effective communication. For brief exchanges of information it may be possible to insure effective communication by writing notes. However, for a day long training session that is discussing complex information a sign language interpreter is likely needed to insure effective communication for this individual.

A business or place of public accommodation is not required to provide any auxiliary aid or service that would pose an undue burden or fundamentally alter the nature of the goods or services being provided. If it is determined by the entity that the provision of an auxiliary aid would result in an undue burden or fundamental alteration the business has an obligation to examine other means of providing effective communication that would not pose an undue burden or fundamentally alter the nature of the goods or services.

This question is interesting because not only does the place of public accommodation have a responsibility but the employer would also have responsibility under the employment provisions of the ADA if they employ 15 or more employees. The ADA requires covered employers to provide reasonable accommodations to qualified individuals with disabilities when needed to provide equal access to the application process, allow an individual to perform the essential functions of the job or to provide equal access to any benefit associated with the job. If the employee is attending the training seminar in his/her role with the employer or if participation is a benefit of employment then the employer has an obligation to ensure that the employee receives any accommodation needed to ensure that they have an equal opportunity to participate and benefit from this type of program.

A covered employer does not have to provide any accommodation that would pose an undue hardship. An undue hardship would include something entailing significant expense or difficulty in light of the employers size and resources.

The fact that the attendees employer may have an obligation to provide a reasonable accommodation does not lessen the 3rd party training entities obligations to insure effective communication for an individual that is deaf who would be attending.. Nor does the fact that the 3rd party has obligations lessen the obligations that the employer has to provide a qualified employee with a reasonable accommodation. It may be possible to share costs with the employer but the failure of either covered entity to meet its obligations under the ADA does not eliminate the other's responsibility under the law.

You may contact the DBTAC-Great Lakes Center by calling 800-949-4232 (V/TTY) or by visiting our on-line contact form at <http://www.adagreatlakes.org/WebForms/ContactUs/>

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Chicago, Illinois 60608-6904

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/

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 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

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

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The Great Lakes offers
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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](#).

Department of Justice ADA
Title III Regulation 28 CFR
Part 36
www.ada.gov/reg3a.html

Questions and Answers
about Deafness and Hearing
Impairments in the
Workplace and the
Americans with Disabilities
Act
[www.eeoc.gov/facts/
deafness.html](http://www.eeoc.gov/facts/deafness.html)

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