

# Great Lakes Chronicle

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

OCTOBER 2007

VOLUME 4 ISSUE 1

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

## Trainings & Events

### ADA Audio Conference Series » ADA Legal Update: Current litigation trends under the ADA

The courts and federal agencies are shaping the ADA through their decisions and settlements. This session will outline the key issues that are currently before the courts as well as discuss some trends in case law at the lower courts which will have an impact on decisions at all levels, including any future cases to be argued before the Supreme Court. October 16, 2007  
1:00-2:30pm Central Time  
[www.ada-audio.org](http://www.ada-audio.org)

### The National Association of ADA Coordinators (NAAC): Fall 2007 National Conference

The NAAC fall conference will take place in Salt Lake City, UT. The conference will include six tracks on the following topics:

- Accessibility
- Employment
- Higher education
- Transit
- Emergency preparedness
- Law enforcement

October 22-25, 2007  
[www.jan.wvu.edu/naadac/na](http://www.jan.wvu.edu/naadac/na)

## In the Headlines

### National Council on Disability

The National Council on Disability (NCD) released its latest report, Empowerment for Americans with Disabilities: Breaking Barriers to Careers and Full Employment. The report was released at a news conference and panel discussion held on October 1. The purpose of the report is to summarize existing knowledge regarding the employment of people with disabilities in a series of short issue briefs. Also, the report provides new information on barriers to employment for individuals with disabilities from the perspectives of employers, people with disabilities, and disability specialists. Read more about the report at [www.ncd.gov/newsroom/publications/2007/NCDEmployment\\_20071001.htm#skip](http://www.ncd.gov/newsroom/publications/2007/NCDEmployment_20071001.htm#skip).

### U.S. Access Board

The U.S. Access Board announced the publication of a new Guide on Rights-of-Way Alterations. The guide was published by the Institute of Transportation Engineers with support from the Access Board. The guide includes illustrations of 25 design solutions, model sidewalks, case studies and other resources. Read the Guide at [www.access-board.gov/provac/alterations/guide.htm](http://www.access-board.gov/provac/alterations/guide.htm).

The U.S. Access Board Held a Second Hearing on Guidelines for Federal Outdoor Developed Areas. Representatives from several Federal land management agencies participated in the hearing and provided testimony on the proposed guidelines. Other speakers included representatives from industry groups and organizations representing individuals with disabilities. Most comments addressed trails and outdoor access routes.

The Board was urged by many to complete development of the guidelines that will apply to land owned and leased by the federal government under the Architectural Barriers Act. Read more about the hearing at [www.access-board.gov/news/outdoor-hearing-dc.htm](http://www.access-board.gov/news/outdoor-hearing-dc.htm).

### U.S. Department of Homeland Security

The U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) released a new reference guide that addresses legal requirements and standards regarding access for people with disabilities. "A Reference Guide for Accommodating Individuals with Disabilities in the Provision of Disaster Mass Care, Housing and Human Services", is the first of a series of disability-related guidelines to be produced by FEMA for disaster preparedness and response planners and service providers. Read the Reference Guide at [www.fema.gov/oer/reference](http://www.fema.gov/oer/reference).

### U.S. Department of Justice

The U.S. Department of Justice has filed a lawsuit against eleven apartment complexes in Louisville, KY alleging housing discrimination. The lawsuit states that the eleven complexes failed to provide required accessible features in all of the ground level units in the complexes in violation of the Fair Housing Act. The Justice Department's lawsuit alleges that public and common use areas of the developments have steps leading to covered dwelling units, lack walkway connections to covered dwelling units, lack accessible parking, and have accessible routes leading to covered dwelling units that are too steep. Read more about the

[adac/conferences.html](#)

### **Minnesota Career Development for the 21st Century Career Fair and Disability Mentoring Day**

The Minnesota Business Leadership Network (BLN) will be holding its 2007 conference at the McNamara Alumni Center, University of Minnesota, Minneapolis, MN. The event will feature a keynote address by Jennifer Sheehy and will include sessions for high school students, transition students, college students, job seekers and veterans with disabilities. A job fair for college students and veterans will also take place.

November 8, 2007

[www.mnbln.org](http://www.mnbln.org)

### **Road to Freedom Bus Tour**

The Road to Freedom Bus Tour is a year-long cross country bus ride that began on November 16, 2006 in Washington D.C. The tour educates 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](http://www.adabasics.org)

lawsuit at

[www.usdoj.gov/opa/pr/2007/September/07\\_crt\\_764.html](http://www.usdoj.gov/opa/pr/2007/September/07_crt_764.html).

The U.S. Department of Justice announced it had reached a settlement agreement with OZARK ENTERTAINMENT, INC. The agreement resulted from a compliance review of Mickey Gilley's Theatre and Mickey's Texas Café. The settlement prohibits any further alterations that are not in compliance with the ADA standards for accessible design. It also requires the removal of existing barriers that are readily achievable. Read more about the settlement at [www.ada.gov/ozarkentertain.htm](http://www.ada.gov/ozarkentertain.htm).

The U.S. Department of Justice announced it has filed a Fair Housing lawsuit against St. John, IN. The lawsuit charges that St. John violated a resident's rights when the city refused a variance to an ordinance that would have allowed one unrelated individual with multiple sclerosis to live with the resident. Read more about the lawsuit at [www.usdoj.gov/opa/pr/2007/September/07\\_crt\\_750.html](http://www.usdoj.gov/opa/pr/2007/September/07_crt_750.html).

## **Great Lakes In Focus**

### **2007 National Disability Employment Month**

The U.S. Department of Labor, Office of Disability Employment Policy (ODEP) has materials available to mark October as the 2007 National Disability Employment Month. They have a poster available for downloading as well as full size copies available upon request from their website. This year's theme is: Workers with Disabilities: Talent for a winning team. More information is available on their website at [www.dol.gov/odep](http://www.dol.gov/odep).

The Great Lakes Center has developed a calendar of activities taking place within IL, IN, MI, MN, OH and WI related to the celebration of the National Disability Employment Month. You may view the calendar on the Center's website at [www.adagreatlakes.org](http://www.adagreatlakes.org).

If you have questions the employment of individuals with disabilities you may contact the DBTAC: Great Lakes ADA Center by calling 800-949-4232 (V/TTY) or by visiting our online contact form at <http://www.adagreatlakes.org/WebForms/ContactUs/>.

## **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/](http://www.adagreatlakes.org/AIT/).

To get additional information about accessible technology visit the Accessible Technology Bulletin at [www.adagreatlakes.org/Publications/ATBulletin/](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 our on-line contact form at

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 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](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** ensures equal access to

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

## The Docket

### Jarek Molski vs. Mandarin Touch Restaurant

<http://media.washingtonpost.com/wp-srv/business/documents/molskivevergreen.pdf>

The 9th Circuit Court of Appeals upheld a lower court's order barring Jarek Molski and his attorney, Thomas Frankovich, from filing any lawsuits under the Americans with Disabilities Act in the Central District of California without prior court approval. Molski has filed over 400 lawsuits against California businesses under Title III of the ADA. The court held that the orders against Molski were within the "discretion" of the district court.

The ruling stems from a suit Molski filed against the owners of the Mandarin Touch restaurant following a 2003 visit. He alleged that there was not enough clear space in the restroom to permit him to access the toilet from his wheelchair, and when he left the restroom, his hand got caught in the restroom door. The defendants moved to declare Molski a vexatious litigant and to sanction him and his attorney.

## Technical Assistance Desk

**Question:** I experienced my second seizure at work in the past week. These were the first seizures I have had in over a year and the first ones that have occurred at work. My employer now wants me to provide documentation from my physician. What information am I required to provide and what information does my employer have the right to receive from me under the ADA? Can my employer share this information with my co-workers?

**Answer:** 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.

An employer in certain instances has the right to request medical information that is job related and consistent with business necessity. If an employee is having difficulty performing the job and the employer based on objective information has a reasonable belief that it is related to a medical condition or disability or that the individual may be a direct threat to the health and safety of himself/herself or others then the employer has the right to receive limited medical information.

The employer has the right to information from an employee indicating that the employee is able to perform the job or essential functions of the position or that the employee is not a direct threat to himself/herself or to others. Direct threat means that there is a significant risk of substantial harm to himself or others. This should not be based on assumptions or perceptions about a medical condition but should be based on current and relevant medical information.

An employer should provide a job description to the employee's physician so the physician understands the job duties associated with the job. The employer does not have the right to a complete medical history and only information related to

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

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)

**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](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

the medical condition in question.

An employer is prohibited from sharing medical information with co-workers. Any medical information an employer receives should be kept confidential and in a separate file from the employee's regular work file.

If you have questions about the ADA you may contact the DBTAC: Great Lakes ADA Center by calling **800-949-4232 (V/TTY)** or by visiting our on-line contact form at [www.adagreatlakes.org/WebForms/ContactUs/](http://www.adagreatlakes.org/WebForms/ContactUs/)

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

[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)

**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](http://www.adata.org)

---

**The Great Lakes offers  
resource materials on a  
variety of issues under the  
ADA and Accessible  
Information Technology.**

---

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

## 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](#).

Questions and Answers about Epilepsy in the Workplace and the Americans with Disabilities Act (ADA)  
[www.eeoc.gov/facts/epilepsy.html](http://www.eeoc.gov/facts/epilepsy.html)

Enforcement Guidance on Disability-Related Inquiries and Medical Examinations  
[www.eeoc.gov/policy/docs/guidance-inquiries.html](http://www.eeoc.gov/policy/docs/guidance-inquiries.html)

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