

November 2012

VOLUME 9 ISSUE 2

Trainings & Events

(Central Standard Time)

**Accessibility Online Webinar Series**

**Accessible Medical Diagnostic Equipment**

December 6th, 2012 1:30-3:00 CST  
The Board recently released for public comment accessibility standards for medical diagnostic equipment. Developed under the Patient Protection and Affordable Care Act, the proposed standards address access for people with disabilities to examination tables and chairs, weight scales, mammography equipment, and other equipment used for diagnostic purposes. The standards provide design criteria that will allow independent access to diagnostic equipment, including types that require transfer from wheelchairs and other mobility aids. Provisions address transfer surfaces, support rails, armrests, compatibility with lift devices, and other features to facilitate transfer. This session will provide an overview and update on the status of this important rulemaking.

Presenters:

[Rex Pace](#) - Senior Accessibility Specialist and Technical Assistance Coordinator, US Access Board

[Earlene Sesker](#) - Accessibility Specialist, US Access Board

For more information visit

[AccessibilityOnline Webinar Series](#)  
at <http://www.accessibilityonline.org>  
(877) 232-1990

**ACCESSIBLE INFORMATION TECHNOLOGY SERIES**

## News from the Federal Agencies

U.S. Equal Employment Opportunity Commission (EEOC)

### EEOC Obtains \$40,000 in Settlement of ADA Case with Jim Walter Resources

Walter Resources (JWR), will pay \$40,000 and furnish other relief to settle a disability discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC). According to the EEOC lawsuit an employee who has profound hearing loss, was continuously assigned to areas of the mine that exposed him to working conditions that would harm his hearing aids. In April 2007 the employee requested an accommodation to be assigned to another location. however, JWR failed to honor his request.

[Read more Settlement of ADA Case with Jim Walter Resources](http://www.eeoc.gov/eeoc/newsroom/release/10-19-12a.cfm) at <http://www.eeoc.gov/eeoc/newsroom/release/10-19-12a.cfm>

### DuPriest and Sons To Pay \$24,000 to Silk-Screener Fired Because of Disability

**DALLAS** - DuPriest and Sons Holding and other related entities that owned and operated a Dallas silk-screening company have agreed to pay a long-term former employee \$24,000 to settle a disability discrimination lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC). The EEOC had charged that DuPriest violated the Americans with Disabilities Act (ADA) by selecting an employee for layoff because of a recent hospitalization for diabetes and kidney failure.

[Read more about DuPriest and Sons disability discrimination lawsuit](http://www.eeoc.gov/eeoc/newsroom/release/9-27-12r.cfm) at <http://www.eeoc.gov/eeoc/newsroom/release/9-27-12r.cfm>

### Wendy's Franchisee to Pay \$41,500 to Settle EEOC Disability Discrimination Suit

**DALLAS** - CTW L.L.C., a Wendy's franchisee, has agreed to pay \$41,500 and provide other relief to settle a disability discrimination lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC). The EEOC charged the company with unlawfully denying employment to a hearing-impaired applicant because of his disability. According to the EEOC lawsuit the general manager of the restaurant

**MOBILE ACCESSIBILITY -  
THE STATUS OF  
ACCESSIBILITY IN MOBILE  
DEVICES**

DECEMBER 11, 2012 1-2:30 CST

David Dzumba, Chair of the Accessibility Working Group of the Mobile Manufacturer's Forum will take the lead in providing an insight into and perspective on the status of accessibility in mobile devices.

David currently serves as the FCC Emergency Access Advisory Committee co-chair and is senior manager of Accessibility at Nokia.

Presenters:

David Dzumba - Mobile  
Manufacturers' Forum

For more information visit [ADA  
Audio Conference site](http://www.ada-audio.org/) at

<http://www.ada-audio.org/> or call  
(877) 232-1990.

**ADA Audio Conference Series**

**\*NOTE:Special date due to  
Holiday\***

**THE INTERPLAY BETWEEN  
GINA AND THE ADA: WHAT  
QUESTIONS CAN AN  
EMPLOYER ASK?**

DECEMBER 18, 2012 1-2:30 CST

Title I of the ADA and Title II of GINA limit employer access to medical information. Regardless of whether an employer or an occupational health provider maintains information in paper or electronic files, it must ensure that personal health information about applicants or employees cannot be accessed, except under specific circumstances. Join us for this session as the relationship between GINA and the Employment Provisions of the ADA are discussed.

refused to hire an applicant for a cooker position, despite the applicant's qualifications and experience.

[Read more about Wendy's franchisee disability discrimination lawsuit](http://www.eeoc.gov/eeoc/newsroom/release/10-10-12a.cfm) at  
<http://www.eeoc.gov/eeoc/newsroom/release/10-10-12a.cfm>

**New Hanover Regional Medical Center to Pay \$146,000 to Settle  
LawSuit**

New Hanover Regional Medical Center will pay \$146,000 to settle a disability discrimination lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC). The EEOC had charged that the center violated the Americans with Disabilities Act (ADA) by prohibiting applicants and employees from working if they were taking legally prescribed narcotic medications.

[Read more about New Hanover Regional Medical Center's settlement](http://www.eeoc.gov/eeoc/newsroom/release/10-3-12c.cfm) at  
<http://www.eeoc.gov/eeoc/newsroom/release/10-3-12c.cfm>

**U.S. Department of Justice (DOJ)**

**DOJ reaches Settlement Agreement with Lesley University**

The Department of Justice (DOJ) has reached an agreement with Lesley University of Cambridge, Massachusetts, under which Lesley agreed to modify its food services and meal plan system to accommodate students with celiac disease and other food allergies under the Americans with Disabilities Act (ADA).

[Read more about DOJ settlement agreemnt with Lesley University](http://www.justice.gov/opa/pr/2012/December/12-crt-1538.html) at  
<http://www.justice.gov/opa/pr/2012/December/12-crt-1538.html>

**Department of Justice Announces New Project Civic Access  
Settlements**

The U.S. Department of Justice has posted new Project Civic Access settlement agreements with North Adams, MA and Providence, RI to its web site. 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 north adams agreement](http://www.ada.gov/north_adams_pca/north-adams-pca-sa.htm) at  
[http://www.ada.gov/north\\_adams\\_pca/north-adams-pca-sa.htm](http://www.ada.gov/north_adams_pca/north-adams-pca-sa.htm)

For more information please call 800-949-4232 (Voice/TTY) or Online via [Contact Us form](#).

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

Speakers:

[Sharon Rennert](#) - Senior Attorney, ADA and GINA Division, EEOC  
For more information visit [ADA Audio Conference site](#) at <http://www.ada-audio.org/> or call (877) 232-1990.

### Accessibility Online Webinar Series

**Accessible Amusement Rides**  
January 3rd, 2013 1:30 - 3:00 CST  
The 2010 ADA Accessibility Standards and the Architectural Barriers Act Accessibility Standards address permanent amusement rides. Scoping provisions applying to newly designed and constructed rides provide the option to choose the type of access that is suitable for a particular ride. Three options for providing accessibility include a wheelchair space on the ride, a ride seat designed for transfer, or a transfer device. This session will provide details on the technical provisions for each type of access required on rides. Additional information recently obtained from a research project related to "independent" transferring will also be discussed.

Presenters:

[Peggy H. Greenwell](#) - Accessibility Specialist, Office of Technical and Information Services, US Access Board

[Bill R. Botten](#) - Accessibility Specialist, Office of Technical and Information Services, US Access Board

For more information visit [AccessibilityOnline Webinar Series](#) at <http://www.accessibilityonline.org> (877) 232-1990

[Read more about providence agreement](#) at [http://www.ada.gov/providence\\_ri\\_pca/providence\\_pca\\_sa.htm](http://www.ada.gov/providence_ri_pca/providence_pca_sa.htm)

## Justice Department Intervenes in Lawsuit Against Law School Admission Council on Behalf of Test Takers with Disabilities Nationwide

A federal judge issued an order today allowing the Justice Department to intervene in a disability discrimination lawsuit against the Law School Admission Council (LSAC). The department's intervention expands the case from a statewide class action limited to California residents to a nationwide pattern or practice lawsuit.

The lawsuit, *The Department of Fair Employment and Housing v. LSAC Inc. et al.*, charges LSAC with widespread and systemic deficiencies in the way it processes requests by people with disabilities for testing accommodations for the Law School Admission Test (LSAT). As a result, the lawsuit alleges, LSAC fails to provide testing accommodations where needed to best ensure that those test takers can demonstrate their aptitude and achievement level rather than their disability.

[Read more about justice department lawsuit against law school admission council](#) at <http://www.justice.gov/opa/pr/2012/October/12-crt-1261.html>

### From the ADA Expert

**Question:** I am an architect and we have been having a discussion in the firm about whether the Uniform Federal Accessibility Standards (UFAS) are still used by any federal agency. Are any federal agencies using UFAS as their accessibility standards?

**Answer:**

Federal facilities must comply with standards issued under the Architectural Barriers Act (ABA). The ABA applies to facilities designed, built, altered, or leased with Federal funds. Several agencies maintain standards under the ABA according to minimum guidelines established by the U.S. Access Board: the General Services Administration (GSA), the U.S. Postal Service (USPS), the Department of Defense (DOD), and the Department of Housing and Urban Development (HUD).

HUD is the only federal agency yet to update its standards based on the U.S. Access Board's 2004 ADA/ABA revisions. As a result residential facilities covered by the HUD standards must follow UFAS.

For more information please call 800-949-4232 (Voice/TTY) or Online via [Contact Us form](#).

Great Lakes ADA Center  
University of Illinois at Chicago  
Department of Disability and Human Development (MC 728)  
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Chicago, Illinois 60608-6904

**ADA Audio Conference Series**

TBA

January 15, 2013 1-2:30 CST

Speakers:

TBA

For more information visit [ADA Audio Conference site](#) at

<http://www.ada-audio.org/> or call (877) 232-1990.

For additional information contact the Great Lakes ADA Center by calling (800) 949-4232 (V/TTY) or via the [online contact form](#)

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