

March , 2015

VOLUME 11 ISSUE 5

Trainings & Events

Central Standard Time

ADA Audio Conference Series

Overview of the Workforce Opportunity and Innovation Act - Implications for Persons with Disabilities

March 17, 2015 1-2:30 CT. President Obama signed the Workforce Innovation and Opportunity Act (WIOA) into law on July 22, 2014. WIOA replaces the Workforce Investment Act of 1998 and makes amendments in the Rehabilitation Act of 1973. It is aimed at increasing opportunities, particularly for those facing barriers to employment, and invests in the important connection between education and career preparation. The Act takes effect on July 1, 2015. Our speaker, Bobby Silverstein, former staff person for the Senate HELP Committee under the leadership of Senator Tom Harkin and a leading disability policy expert, will present a review of the WIOA legislation and it's implications for persons with disabilities.

Speakers:
[Robert "Bobby" Silverstein](#), Principal, Powers Pyles Sutter & Verville PC

For more information visit [ADA Audio Conference site](#) at [http://www.ada-audio.org/or call \(877\) 232-1990](http://www.ada-audio.org/or call (877) 232-1990).

ADA Legal Webinar Series

What the ADA Is and Isn't: Where the "Accessible Sidewalk" Ends

March 18, 2015 1-2:30 CT. This webinar will provide a discussion and update on thresholds and boundaries of the Americans with Disabilities Act. Presenter J. Aaron McCullough will give an overview of limits who and what is covered under the ADA, and what thresholds or boundaries exist along with updated case information on issues including:

- Transitory and Minor Impairments
- ADA Specific Exclusions

News from the Federal Agencies

U.S. Equal Employment Opportunity Commission (EEOC)

EEOC Sues S&B Industry for Disability Discrimination

A Fort Worth cellphone repair facility, violated federal law by denying employment to two hearing-impaired applicants because of their disability, the U.S. Equal Employment Opportunity Commission charged in a lawsuit it filed. The EEOC lawsuit also alleges that S&B Industry violated the law by denying the two applicants a reasonable accommodation during the application process.

[Read More about the EEOC Lawsuit against S&B Industry...](#)

Disability Services Company Sued by EEOC for Discriminating Against Disabled Employees

ValleyLife, a disability support services company, unlawfully discriminated against disabled employees by refusing to provide them with reasonable accommodations in violation of federal law, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit it has filed in the United States District Court for the District of Arizona. ValleyLife is an Arizona corporation which provides programs and support services for individuals with disabilities in the greater Phoenix metropolitan area.

[Read More about the EEOC Lawsuit against ...](#)

Wal-Mart to Pay \$150,000 to Settle EEOC Age and Disability Discrimination Suit

Wal-Mart Stores of Texas, L.L.C. (Wal-Mart) has agreed to pay \$150,000 and provide other significant relief to settle an age and disability discrimination lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC),. The EEOC charged in its suit that Wal-Mart discriminated against the manager of the Keller, Texas Walmart store by subjecting him to harassment, discriminatory treatment, and discharge because of his age and failed to provide him with a reasonable accommodation for his diabetes.

[Read More about the Wal-Mart Settlement with the EEOC...](#)

EEOC Sues Sims Recycling and All-Star Personnel for Disability Discrimination

The An international electronics recycling company and a local staffing agency refused to assign an employee because of her hearing impairment in violation of federal law, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit it filed. In its complaint, the EEOC charges that Sims Recycling

- Employee Count Thresholds and Title II Entities
- If and how ADA applies to American Indian Tribes & Reservations under Titles I, II and III
- The ADA and Private Clubs
- The ADA and Churches, Clergy & the Ministerial Exception
- ADA borders, Cruise Ships and International Air Carriers

Speakers:

[Aaron McCullough](#) ADAConsult Services
 For more information visit [ADA Audio Conference site](#) at <http://www.ada-audio.org/or> call (877) 232-1990.

Accessible Technology Webinar Series

What is speech recognition software, how it is used, and what you should know about when authoring web content
 March 19, 2015 1-2:30 CT.

This presentation will describe what speech recognition is and the people who use and benefit from speech recognition. It will cover what is available on different platforms such as Windows, Mac, and mobile platforms. Sample demonstration of speech recognition will be provided and a review of designing websites for use with speech recognition will be provided. This review will include what to know about speech recognition and the Accessible Rich Internet Applications Specification (ARIA). Follow-up resources will also be provided and questions will be taken.

Speakers:

[Jonathan Avila](#), Chief Accessibility Officer, SSB
 For more information visit [ADA Audio Conference site](#) at <http://www.ada-audio.org/or> call (877) 232-1990.

AccessibilityOnline Webinar Series

Open Q & A

April 2nd, 2015 1:30pm to 3 pm CT
 This is a regular session in our webinar, series providing an

Solutions, Inc. and All-Star Personnel, Inc. refused to assign an individual temporary work because she has a hearing impairment.

[Read More about the EEOC Lawsuit against Sims Recycling...](#)

St. Alexius Medical Center of Hoffman Estates To Pay \$125,000 to Resolve Disability Suit

St. Alexius Medical Center of Hoffman Estates will pay \$125,000 to a former employee as part of a two-year consent decree resolving a civil rights suit by the U.S. Equal Employment Opportunity Commission (EEOC). The EEOC charged that the hospital violated the Americans with Disabilities Act (ADA) by failing to provide a disabled employee, who worked as a greeter, with reasonable accommodations which would have allowed her to do her job and by terminating the employee instead.

[Read about the St. Alexius Brothers Settlement with EEOC...](#)

U.S. Department of Housing and Urban Development (HUD)

HUD Awards Money to Provide Permanent Homes and Services To Low-income Persons with Disabilities

The U.S. Department of Housing and Urban Development (HUD) announced it is awarding \$150 million in rental assistance to 25 State Housing Agencies. The state agencies will provide permanent affordable rental housing and needed supportive services to nearly 4,600 households who are extremely low-income persons with disabilities, many of whom hoping to transition out of institutional settings back to the community. HUD's support of state housing agencies is made possible through the Section 811 Project Rental Assistance (PRA)

[Read More about the HUD Awards...](#)

U.S. Department of Justice (DOJ)

Justice Department Announces New Online ADA Complaint Form

The Department of Justice announced that, as of March 3, 2015, individuals wishing to file ADA complaints with the Department will be able to fill out an online form and submit it completely electronically. Filers will also immediately receive a "reference number" that can be used whenever contacting the Department about that complaint. Effective March 15, 2015, e-mail complaints will no longer be accepted by the Department. However, complaints will still be accepted by U. S. mail.

[View the Justice Department Online Complaint Form...](#)

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

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opportunity to ask questions on any topic related to the Board's activities. Session participants are requested to submit questions in advance on the 2010 ADA Accessibility Standard, the Architectural Barriers Act Accessibility Standard, Medical Diagnostic Equipment or other Board rulemakings or activities. Accessibility specialists will answer questions submitted in advance during the first half of the session, leaving time in the second half to answer questions in the live session.

Speakers:

[Marsha K. Mazz](#) Director, Office of Technical and Information Services, US Access Board

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

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

AccessibilityOnline Webinar Series

Application of the ADA and ABA Accessibility Standards

May 7th, 2015 1:30-3:00 CT. The ADA and ABA Accessibility Standards apply to a wide range of facilities in the public and private sectors and specify which elements and spaces must be accessible. This session will cover how the standards apply in new construction, alterations, and additions and review scoping requirements, general exceptions, and other provisions relevant to application. Examples of different types of facilities will be used to illustrate application of the standards.

Speakers:

[Dave Yanchulis](#) Coordinator of Public Affairs, Office of Technical and Information Services, US Access Board

[Jim Pecht](#), Accessibility Specialist/Librarian, US Access Board

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AccessibilityOnline Webinar Series

Access Board Sponsored Research Projects

June 4th, 2015 1:30-3:00 CT.

Settlement with Rapid City, South Dakota Continues Year of ADA's 25th Anniversary

The Justice Department announced an agreement with Rapid City, South Dakota (City), to improve access to aspects of civic life for people with disabilities. The agreement was reached under Project Civic Access (PCA), the department's wide-ranging initiative to ensure that cities, towns and counties throughout the country comply with the Americans with Disabilities Act (ADA). Under the agreement, the City will take important steps to improve physical access for people with disabilities to the City's Rushmore Plaza Civic Center, such as providing: the appropriate number of accessible parking spaces adjacent to the various designated accessible entrances; seating and companion seating for wheelchair users, public restrooms, interior ramps, drinking fountains, and dressing rooms for performers with disabilities. For additional information about the Rapid City settlement, please visit the Justice department blog where we will highlight each month different ways that the ADA benefits people with disabilities.

[Read the Justice Department Settlement with Rapid City, SD...](#)

Justice Department Announces Settlement Agreement with Washington County, Missouri

The Justice Department announced a settlement agreement with Washington County, Missouri, to improve access to all aspects of civic life for people with disabilities. The agreement was reached under Project Civic Access, the department's wide-ranging initiative to ensure that cities, towns and counties throughout the country comply with the Americans with Disabilities Act (ADA). Under the agreement, the County will take important steps to improve access for people with disabilities, such as: physically modifying facilities surveyed by the Department so that they are accessible; retaining an Independent Licensed Architect; appointing an ADA Coordinator; adopting a Grievance Procedure; providing auxiliary aids and services necessary to ensure effective communication; ensuring accessibility of polling places; ensuring that emergency procedures, plans, and shelters accommodate people with disabilities; and posting and publishing a notice to inform members of the public of the provisions of Title II and their applicability to the County's programs, services, and activities.

[Read the Settlement between the Justice Department and Washington County...](#)

Great Lakes In Focus

U.S. Access Board Proposes Updated ICT Accessibility Requirements

The U.S. Access Board has released for public comment a proposed rule updating accessibility requirements for information and communication technology (ICT) in the federal sector covered by Section 508 of the Rehabilitation Act. The rule also would jointly update guidelines for telecommunications equipment subject to

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Most of the Board's research projects are designed to develop information for its use in writing or updating design criteria and/or develop technical assistance material. This session will provide an overview of the diverse projects completed since the late 1990's including anthropometry for persons with disabilities and wheeled mobility, exterior surfaces, playground surfaces, swimming pool accessibility, and much more.

Speakers:

[Rex Pace](#), Senior Accessibility Specialist and Technical Assistance Coordinator, US Access Board
[Peggy H. Greenwell](#), Accessibility Specialist, Office of Technical and Information Services, US Access Board

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ADA Legal Webinar Series

The Most Important Cases Since the ADA Was Passed 25 Years Ago

July 15, 2015 1-2:30 CT
Since the ADA was passed in 1990, a number of significant cases have been decided by the courts that have shaped how the ADA has been interpreted and implemented. To commemorate the 25th Anniversary of the ADA, we will take a look back at the most influential ADA cases by first reviewing the facts and ruling of these cases, and then discussing the broader impact these cases have had. This webinar promises to cover a wide variety of ADA issues under Titles I, II and III.

Speakers:

[Barry Taylor](#) Vice President of Civil Rights and Systemic Litigation
[Rachel M. Weisberg](#) - Staff Attorney, Equip for Equality
For more information visit [ADA Audio Conference site](#) at <http://www.ada-audio.org> or call (877) 232-1990.

Accessible Technology Webinar Series

How do I know if my PDF is accessible?

September 17, 2015 1-2:30 CT.
PDF files are not going away anytime soon so it is important to make sure that all individuals, including those with disabilities can retrieve the information contained

Section 255 of the Communications Act. Public comments on the rule, as well as on a preliminary assessment of its estimated costs and benefits, are due on or before May 28, 2015. The Board also will hold public hearings on the rule in San Diego on March 5 and in Washington, DC on March 11.

[Read the ICT Proposed Rule Summary...](#)

[The NPRM is available on the Access Board's website... Regulations.gov](#)

The Docket

[votny v. Health Alliance Medical Plans, Inc](#)

The 7th Circuit Court of Appeals affirmed a lower Court's summary judgment in favor of an employer in an Americans with Disabilities Act (ADA) case. The Court held that the employee was not a "qualified individual with a disability" under the ADA because she could not perform the essential function of regular attendance. The court held that regular attendance could be an essential function even where the employer has allowed the employee to work from home pursuant to a work-at-home policy. In this case, the policy required employees working from home to maintain an agreed-upon schedule and to be accessible by phone or email during that timeframe. The employee failed to meet these legitimate requirements, so she was therefore not a "qualified individual with a disability."

The court further stated that even if the employee had been a qualified individual with a disability, she would not have been meeting the employer's legitimate expectations because she failed to report her time accurately or notify her supervisor when she was tardy or absent.

The court also held that the employer had made good-faith efforts to accommodate the employee's disability by seeking information from her physician about her accommodation needs, participating in the interactive process and providing several accommodations to the employee.

From the ADA Expert

Question: I am the ADA Coordinator for a local community college and the college allows local organizations to hold events in the college's facilities. Some groups use classrooms and others use larger spaces such as the theater. The college only provides the rooms and does not have anything to do with putting on the event. Recently I was contacted by an individual needing an interpreter for an upcoming event and wanted to know if the college was going to provide the interpreter because the organization putting on the event said they will not provide one. Does the college have any responsibility to provide the interpreter for this event?

Answer:

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in them. This session will give a definition of what an accessible PDF should include as well as show how to test a PDF for accessibility. The session will also look at forms and tables. Participants should have a basic understanding of accessible PDF principles such as tagging and navigational structure.

Speakers:

[Christy Blew](#), IT Accessibility Specialist, University of IL - Urbana-Champaign

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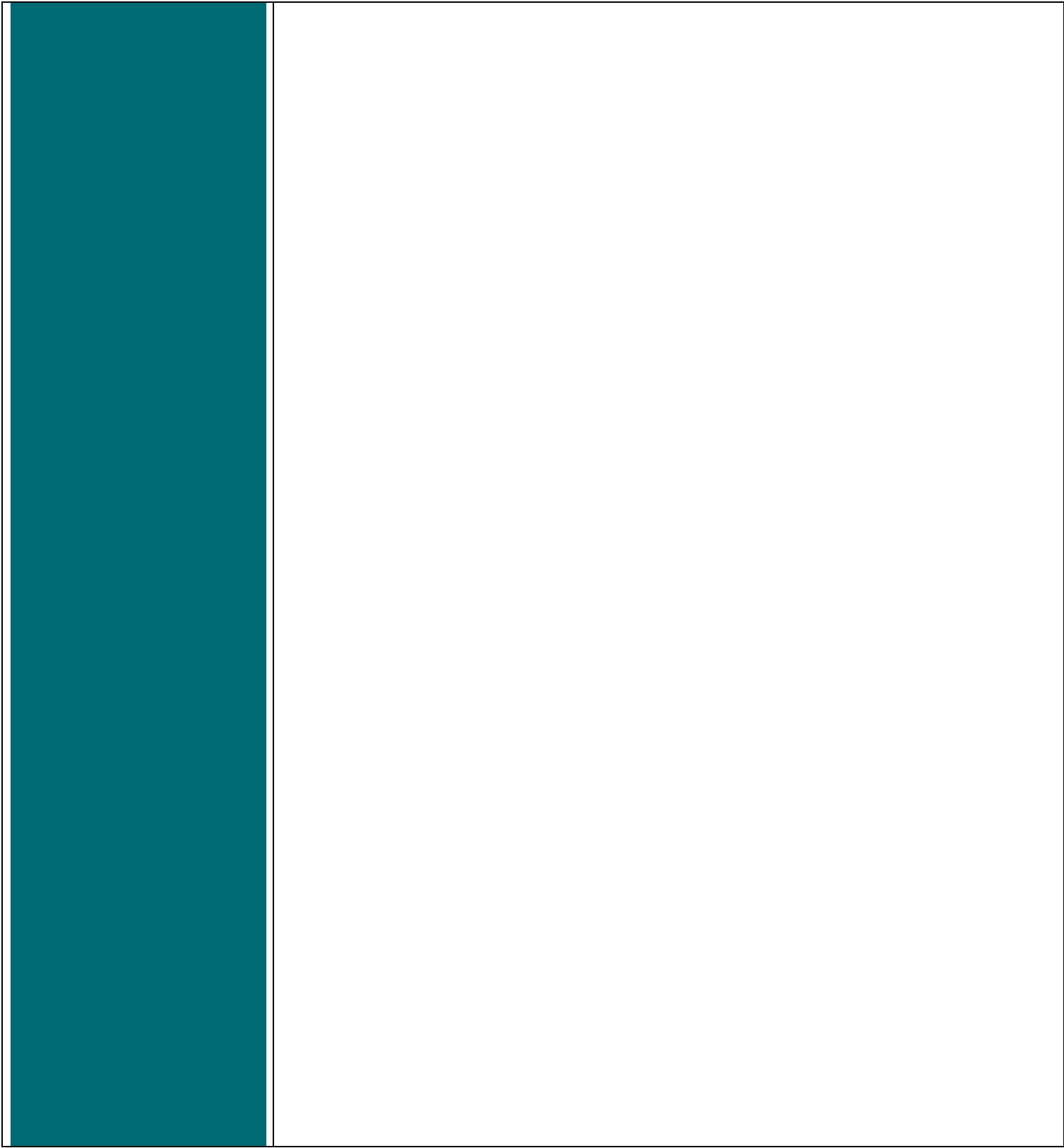
The Americans with Disabilities Act (ADA) requires that state and local governments and places of public accommodation to provide individuals with disabilities with the same level of access to information that is provided to individuals without disabilities. In some instances that may require the provision of auxiliary aids and services. An example of such an auxiliary aid or service used to communicate with something that is deaf is a qualified interpreter. Every time a covered entity communicates with someone that is deaf an interpreter may not be necessary. Consideration of the complexity of the information being communicated and the length of the communication taking place, along with consultation with the deaf individual should help determine what auxiliary aid or service is needed.

Addressing your specific question, if as you state the college is only providing the space for the event then the college has no responsibility for insuring equal access for the individual that is deaf to the information being presented. The group putting on the event would have the responsibility for providing access to the information if the group is covered by the ADA or receives federal funds requiring compliance with Section 504 of the Rehabilitation Act.

For additional information please contact the Great Lakes ADA Center at (800) 949-4232 (V/TTY) or by completing the online form: <http://adagreatlakes.com/WebForms/ContactUs/>

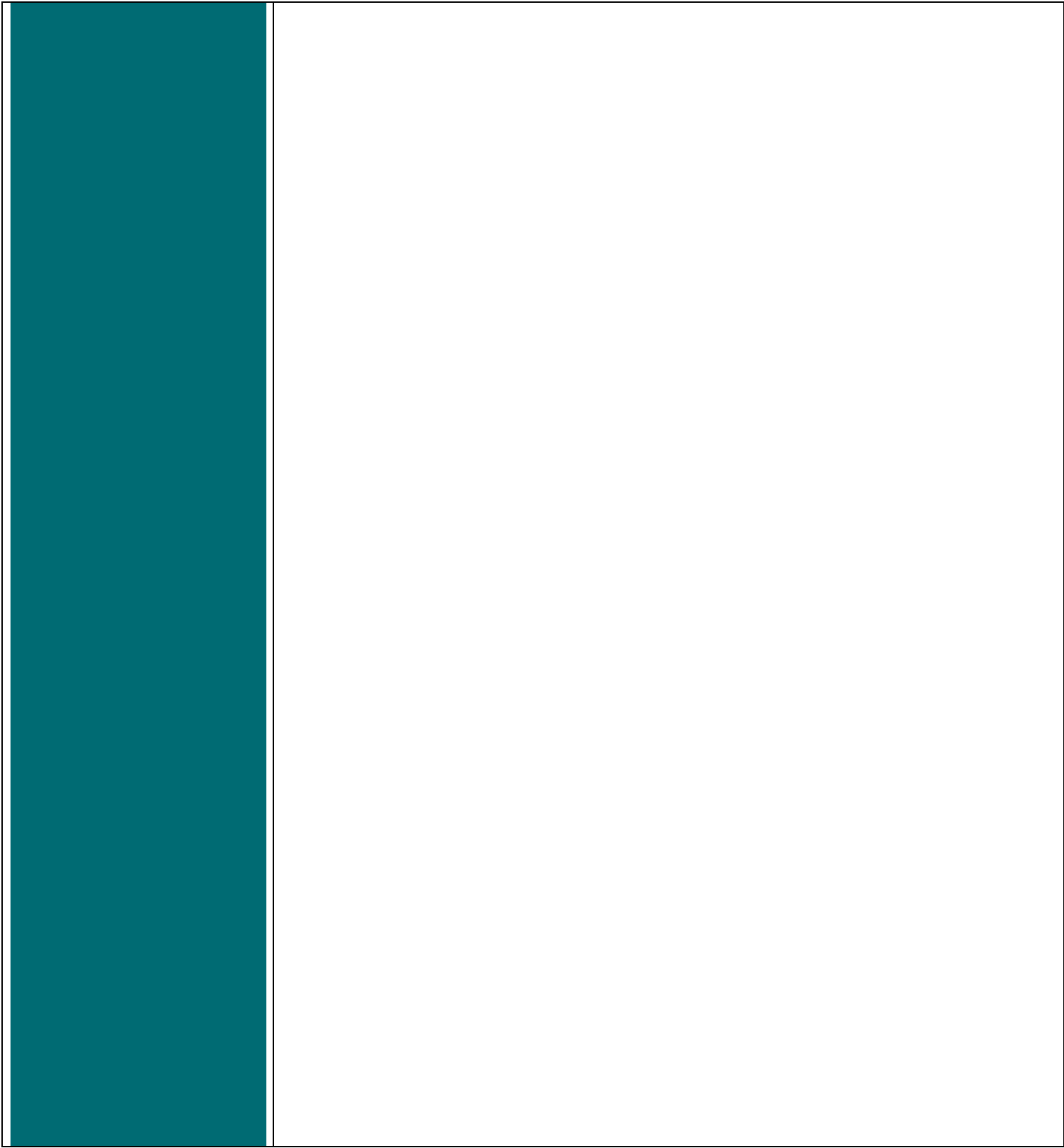
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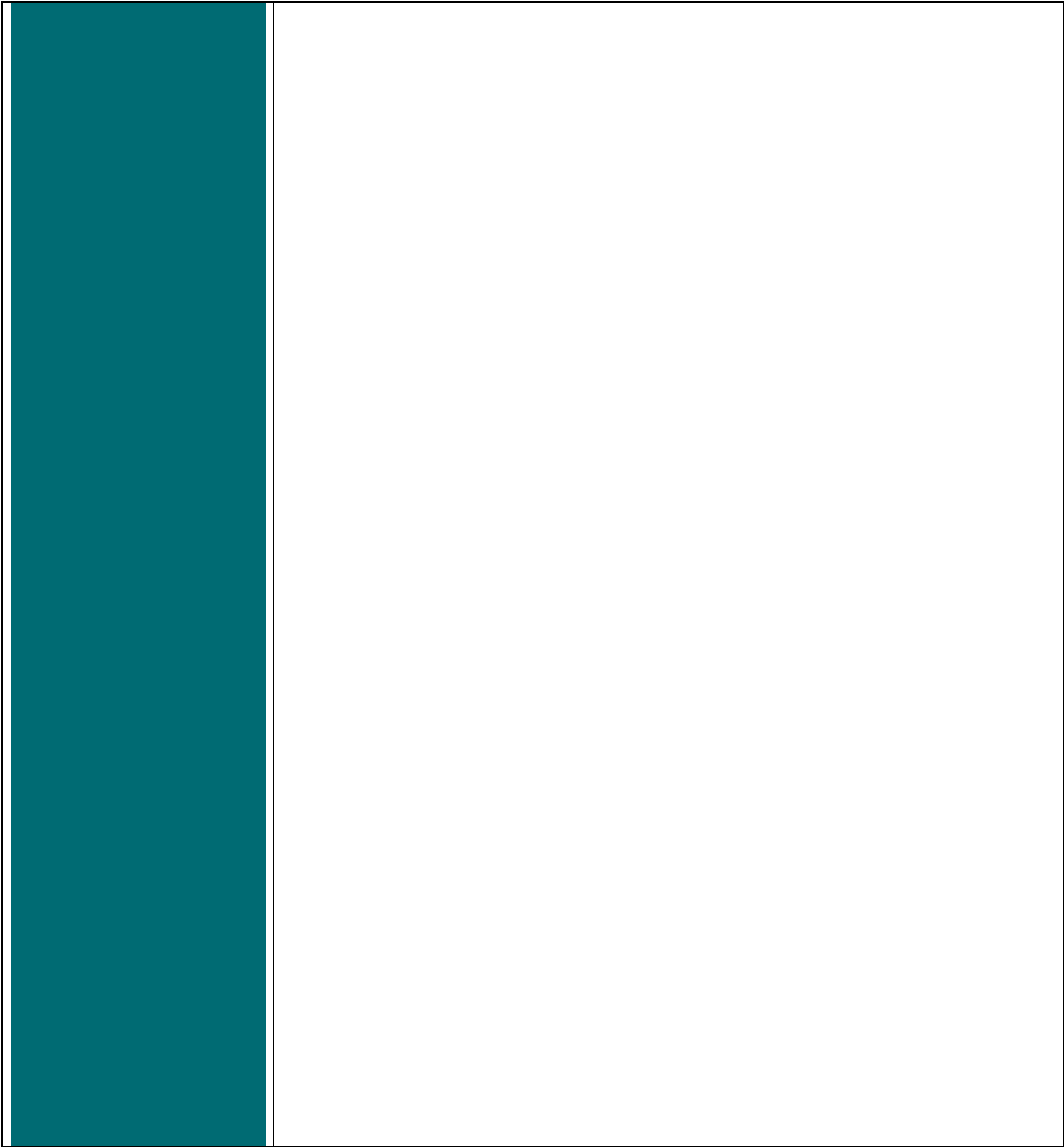
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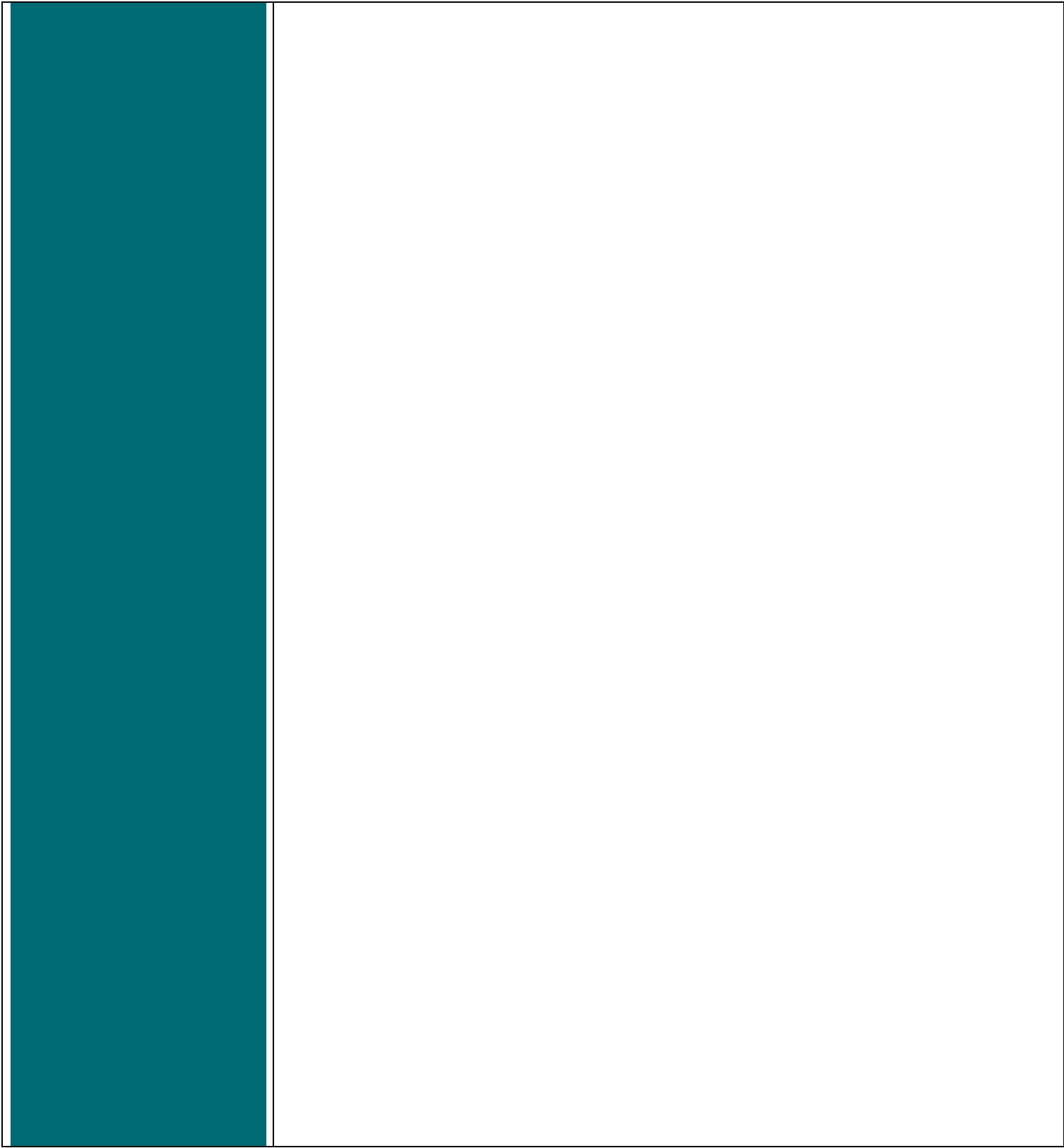
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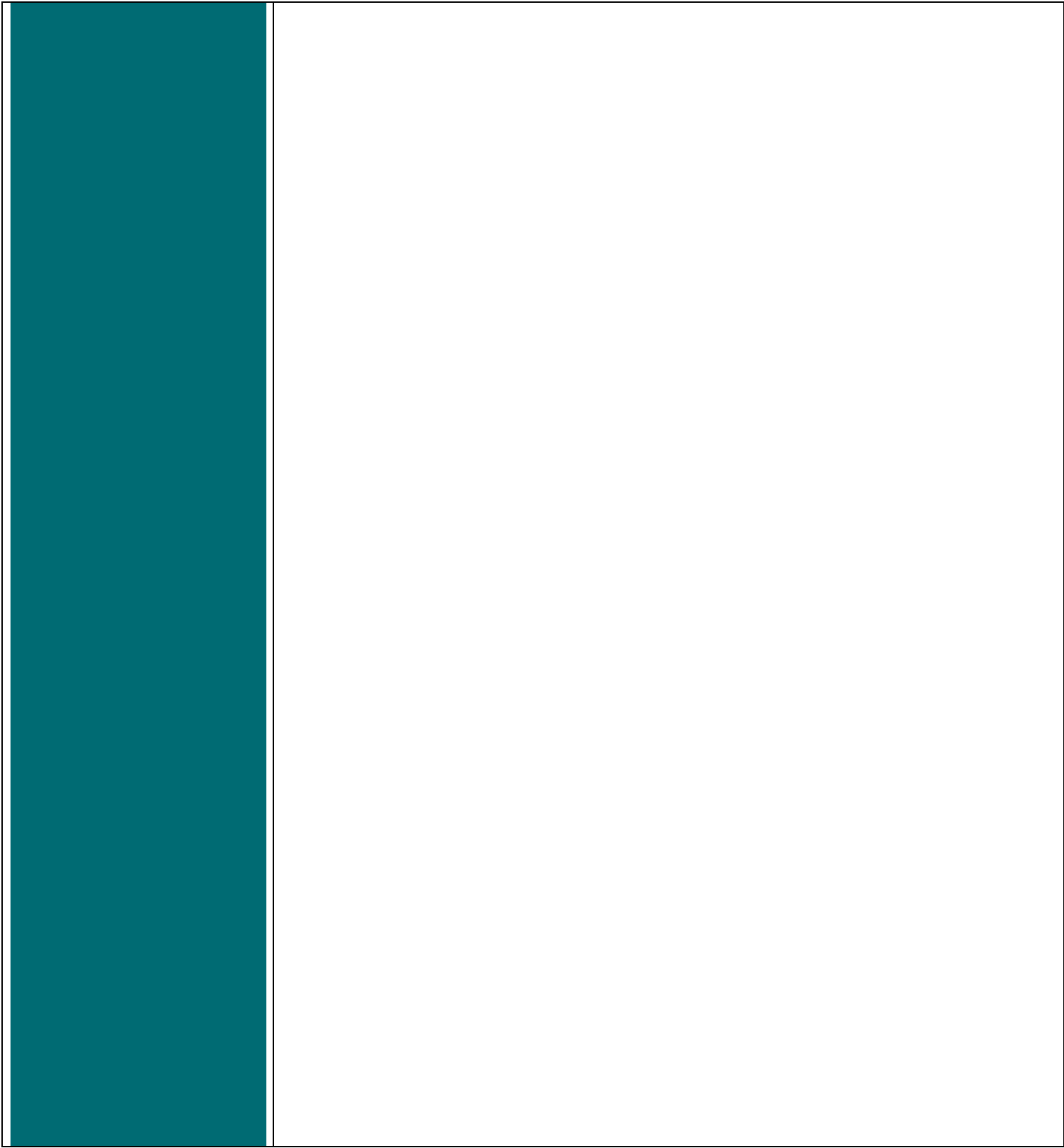
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