

April, 2015

VOLUME 11 ISSUE 6

Trainings & Events

(Central Standard Time)

### 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 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](http://www.accessibilityonline.org) at <http://www.accessibilityonline.org> or call (877) 232-1990

### ADA Audio Conference

#### Supporting Students with Disabilities to Gain Full Employment

April 21, 2015 1-2:30 CT.

Barriers to employment, transportation, public accommodations, public services, and telecommunications have imposed staggering economic and social costs on American society and have undermined our well-intentioned efforts to educate, rehabilitate, and employ individuals with disabilities. This session will discuss tools available for young adults for successful transition to the work environment. Attending participants will learn about the free, Punch-In Self-Directed resource sponsored by the Great Lakes ADA Center.

#### Speakers:

[Janet Peters](#) Principal, Project Coordinator, Great Lakes ADA Center

## News from the Federal Agencies

### U.S. Access Board

#### Sachin Dev Pavithran Elected Chair of the Access Board

The U.S. Access Board unanimously elected Sachin Dev Pavithran as its new Chair on March 11. Pavithran of Logan, Utah is Program Director of the Utah Assistive Technology Program at Utah State University's Center for Persons with Disabilities. He was named to the Access Board by President Barack Obama in 2012.

[Read More about Sachin Dev](#)

### U.S. Equal Employment Opportunity Commission (EEOC)

#### EEOC Sends Notice of Proposed Rulemaking on ADA and Wellness Programs to OMB

The U.S. Equal Employment Opportunity Commission (EEOC) on March 20 voted to send a Notice of Proposed Rulemaking (NPRM) on the interplay of the Americans with Disabilities Act (ADA) and the Affordable Care Act (ACA) with respect to wellness programs to the White House Office of Management and Budget (OMB). This proposed rule would amend the regulations implementing the equal employment provisions of the ADA to address the interaction between Title I of the ADA and financial incentives as part of wellness programs offered through group health plans.

[Read More about the EEOC Proposed Rule on Wellness Programs and the ADA](#)

#### EEOC Seeks Public Input on Plan to Review its Significant Regulations

The U.S. Equal Employment Opportunity Commission (EEOC) announced that it is inviting the public to provide input on its ongoing review of significant existing EEOC regulations to determine whether they should be modified, streamlined, expanded, or repealed. The review is conducted pursuant to Executive Order (EO) 13563, "Improving Regulation and Regulatory Review. Comments may be submitted to [Public.Comments.RegulatoryReview@eoc.gov](mailto:Public.Comments.RegulatoryReview@eoc.gov) through April 20, 2015

[Read More about the EEOC Initiative](#)

#### The Lash Group Will Pay \$75,000 to Settle EEOC Disability Discrimination Lawsuit

The Lash Group, a Charlotte, N.C.-based consulting company, will pay \$75,000 and provide equitable relief to settle a federal disability discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC), the federal agency announced. According to the EEOC's suit, Meron Debru worked as a reimbursement case advocate at The Lash Group's Rockville, Md., facility when she went on maternity leave. She received short-term disability benefits while on maternity leave and advised the disability benefits carrier that she needed

[Adriene Kleinman](#) , Punch-In Consultant, Punch-In  
[Marnie O'Brien](#) , Punch-In Consultant, Punch-In  
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### 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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### Accessible Technology Webinar Series

#### Digital and Technology Access: the Role of Law I the Limits of Law

May 21, 2015 1-2:30 CT.  
This session will explore the role of the law in advancing digital accessibility in the United States. The ADA doesn't mention websites or the Internet. Does it matter? Court decisions, voluntary settlements, advocacy by the Department of Justice and Department of Education and new regulations are making the digital environment more accessible. But is it enough? Participants in this webinar will learn about recent litigation, Structured Negotiations, and administrative actions making websites, mobile applications and other technology available to people with disabilities. We'll talk about how the ADA and other state and federal laws can advance

additional unpaid leave due to post-partum depression. The Lash Group initially fired her.

[Read More about the EEOC Settlement with The Lash Group](#)

## Great Lakes In Focus

### The ADA Legacy Project

The ADA Legacy Project was conceived by Mark Johnson, Director of Advocacy at the Shepard Center in Atlanta, and further developed during a retreat with disability leaders from across the nation. The first retreat was held at the Shepherd Center. This group set the goals of the project:

#### Preserve

- We preserve our past by partnering with those who work to collect, promote and exhibit materials from the disability rights movement.

#### Celebrate

- We celebrate our present by partnering with those who work to honor the milestones and accomplishments of the disability rights movement, including the 25th anniversary of the passage of the Americans with Disabilities Act.

#### Educate

- We educate our future by partnering with those who work to raise awareness of the history, contributions and issues still facing people with disabilities, developing our next generation of advocate

The mission of The ADA Legacy Project is to honor the contributions of people with disabilities and their allies by:

- preserving the history of the disability rights movement;
- celebrating its milestones; and
- educating the public and future generations of advocates.

Preservation, celebration, and education: this is how we will honor this historic civil rights legislation and create its legacy: a world in which every citizen is

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digital inclusion and the various strategies that advocates have at their disposal to effectively use those laws. We'll look at the law's role in expanding digital access in education, finance, healthcare, retail and more. Can effective use of the law help close the digital divide? What do you think? There will be plenty of time for questions and answers. Participants will learn:

- What laws (in the U.S.) require digital accessibility and how are they being implemented
- What does the U.S. Department of Justice have to say about digital accessibility
- Does the law protect the privacy of financial and health information for people with disabilities.

**Speakers:**

[Lainey Feingold](#), Law Office of Lainey Feingold  
For more information visit [ADA Audio Conference site](#) at <http://www.ada-audio.org/> or call (877) 232-1990.

**AccessibilityOnline Webinar Series**

**Access Board Sponsored Research Projects**

June 4th, 2015 1:30-3:00 CT.  
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 Legacy Bus Tour July, 2014-July, 2015



The ADA Legacy Bus recently completed the first portion of our cross-country tour commemorating the 25th anniversary of the passage of the Americans with Disabilities Act. Overseen by The ADA Legacy Project, the bus has partnered with many sponsors and organizations around the country to accomplish this extraordinary effort, which covered more than 11,000 miles with stops at city halls, disability organizations, public schools, universities, disability conferences and Abilities Expos, while driving through 18 states.

Tom Olin, a social documentarian of the disability rights movement for over 30 years, has proven a familiar face on the tour. His photographs have been featured at the Smithsonian Institute and at the United Nations, as well as in the Washington Post and numerous publications and books. Tom has served as a unifying force in connecting communities across the nation to educate the public on 25 years of the ADA.

### History of the ADA Bus

The ADA bus was originally procured for the 2006-2007 Road to Freedom, a tour which promoted the importance of the 2008 amendments to the Americans with Disabilities Act. This tour was inspired by the historic 50-state journey taken in 1983 by Justin and Yoshiko Dart as a fact-finding mission for the National Council on the Handicapped. The Darts toured again in 1988, that time to garner grassroots support for the burgeoning Americans with Disabilities Act.

The present ADA Tour builds on these past efforts by paying tribute to the cross-disability efforts that culminated in the passage of this historic civil rights

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## AccessibilityOnline Webinar Series

### Accessible Swimming Pools and Spas - Question and Answer Session

July 2nd, 2015 1:30-3:00 CT.

We will provide an overview of the scoping and technical requirements for accessible swimming pools and spas and to respond to your burning questions. Session participants are encouraged to submit your questions in advance regarding swimming pool lifts, sloped entries, requirements for multiple pools and spaces on the same site, or on any of the other provisions. Participants are also encouraged to view a previous archived session on the basic provisions for swimming pools and spas <http://www.accessibilityonline.org/Archives/index.php?app=4&type=transcript&id=2011-03-03>

Speakers:

[Bill R. Botten](#) Accessibility Specialist  
Office of Technical and Information Services 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

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legislation. We invite communities nationwide to come together in celebrating the 25th anniversary of the ADA this coming July 26, 2015.

## About the 2014 - 2015 ADA Legacy Tour

The 2014-15 tour began with an impromptu champagne christening by Youth Organizing (YO)! Disabled and Proud, a grassroots disability rights group led by and for young adults and youth with disabilities. Christina Mills, Deputy Director of the California Foundation for Independent Living, and Sarah Triano, Executive Officer at the California Committee for the Employment of People with Disabilities, arranged the spirited event at the capitol building in Sacramento, California. The energy was palpable and unifying.

Mentoring young leaders with disabilities is one important aspect of The ADA Legacy Project, as well as supporting their fresh interests, outlooks, and political work. Communication between three generations of disability leaders and advocates has been an especially fruitful outcome of the tour. When people with disabilities, especially young people, see the bus, their initial reaction is excitement, followed by photos and selfies with the ADA Bus and its crew.

Despite the success of organizations like YO!, there are still problems of segregation, undereducation, unemployment, and institutionalization in the disability community. The disability civil rights movement coalesced later than other civil rights movements, and mainstream society still does not honor, respect, or integrate disability culture. For young leaders who experience exclusion and bullying even today, connecting with the bus and affirms their own worth as part of a strong, vibrant community. For the pre-ADA generation, the bus and exhibits draw out their knowledge of history and validate their life experiences.

The ADA Tour travels with interactive exhibits that draw people with disabilities of all ages and cultures. These include:

- A four-panel display on the history of self-advocacy, courtesy of the Museum of disABILITY History;
- Displays on The ADA Legacy Project and its efforts to preserve disability history, celebrate major milestones and educate future generations of disability advocates;
- "Because of the ADA . . ." booth where advocates post their thoughts and photos to illustrate the difference the ADA has made in their lives;
- The ADA quilt where advocates add their signature to thousands of others who have participated in the Tour;
- Displays on the history of the Road to Freedom Tour;
- An information table with handouts on The ADA Legacy Project and the ADA Network, plus information from the project's partners and sponsors; and
- Events, workshops, artifacts, and other programming provided by local hos

[Visit the ADA Legacy Project homepage](#)

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## Accessible Technology Webinar Series

### Turning Text Into Speech: Real World Applications and Examples

July 16, 2015

Computers these days have a lot to say but only if you know the right way to ask them. With text-to-speech a user can have the computer read almost any text out loud. This can be a life changing tool for people who are blind, low vision, or have a print related disability. But what are these tools, how do they work, and what does it look like in real life for an everyday user? In this Webinar we will explore text-to-speech tools available on computers, tablets, and smart phones through the use of real world examples. As a trainer of blind and low vision computer users Jonathan has gained a significant amount of hands-on experience of text-to-speech technology and will demonstrate the way his clients find success with text-to-speech tools. You'll also learn how people with print related disabilities like dyslexia can leverage these tools to find success. Demonstrations will include:

- Screen readers like JAWS for Windows and VoiceOver for Apple devices
- Text-to-Speech and magnification software like ZoomText and MAGic
- Built-in reading tools on the iPad and iPhone like Speak Selection and Speak Screen
- Optical Character Recognition (OCR) software like the KNFB Reader and ABBYY FineReader
- Highlight and read tools like NaturalReader and Snap&Read and more

Demonstrations will include both paid and free software options. Speakers:

[Jonathan Campbell](#) Assistive Technology Specialist Minnesota State Services for the Blind  
For more information visit [ADA Audio Conference site](#) at

## The Docket

### [U.S. Equal Employment Opportunity Commission vs. Ford Motor Corp](#)

The full panel of the U.S. Court of Appeals for the Sixth Circuit affirmed a lower court's summary judgement decision in favor of Ford Motor Company on April 10, 2015. The U.S. Equal Employment Opportunity Commission (EEOC) had filed suit against Ford alleging violation of the Americans with Disabilities Act (ADA)).

The EEOC had charged that Ford violated the ADA by denying a former employee the opportunity to telework and by firing her after she filed an EEOC charge.

The EEOC sued Ford Motor in 2011, charging that the company's denial of Jane Harris's request to work from home up to four days a week as an accommodation for her irritable bowel syndrome violated the ADA, and that Ford had then retaliated against her by firing her after she filed an EEOC charge. Ford's telecommuting policy authorized employees to work up to four days a week from a telecommuting site. Harris was a resale steel buyer whose job primarily required telephone and computer contact with coworkers and suppliers.

The district court granted summary judgment for Ford Motor, holding that attendance at the job site was an essential function of Harris's job, and that Harris's disability-related absences meant that she was not a "qualified" individual under the ADA. The lower court also ruled that Harris's telework request was not a reasonable accommodation for her job. The district court also said the EEOC could not prove Harris's termination was retaliatory because it was based on attendance and performance issues that pre-dated her charge filing.

## From the ADA Expert

**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

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## AccessibilityOnline Webinar Series

### Federal Facilities & the Architectural Barriers Act Accessibility Standard (ABA) - "A Refresher"

August 6th, 2015 1:30-3:00 CT.  
This is an important session if you are responsible for Federal facilities or do design and construction work under both the ADA and the ABA. We will provide an overview of the ABA Standard and key differences with the 2010 ADA Accessibility Standard. A compliance specialist with the Board will also provide an update on the status of compliance over the past five years.

Speakers:

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

[Jeffery Hill](#) Compliance Specialist, Office of Compliance and Enforcement

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## 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 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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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.

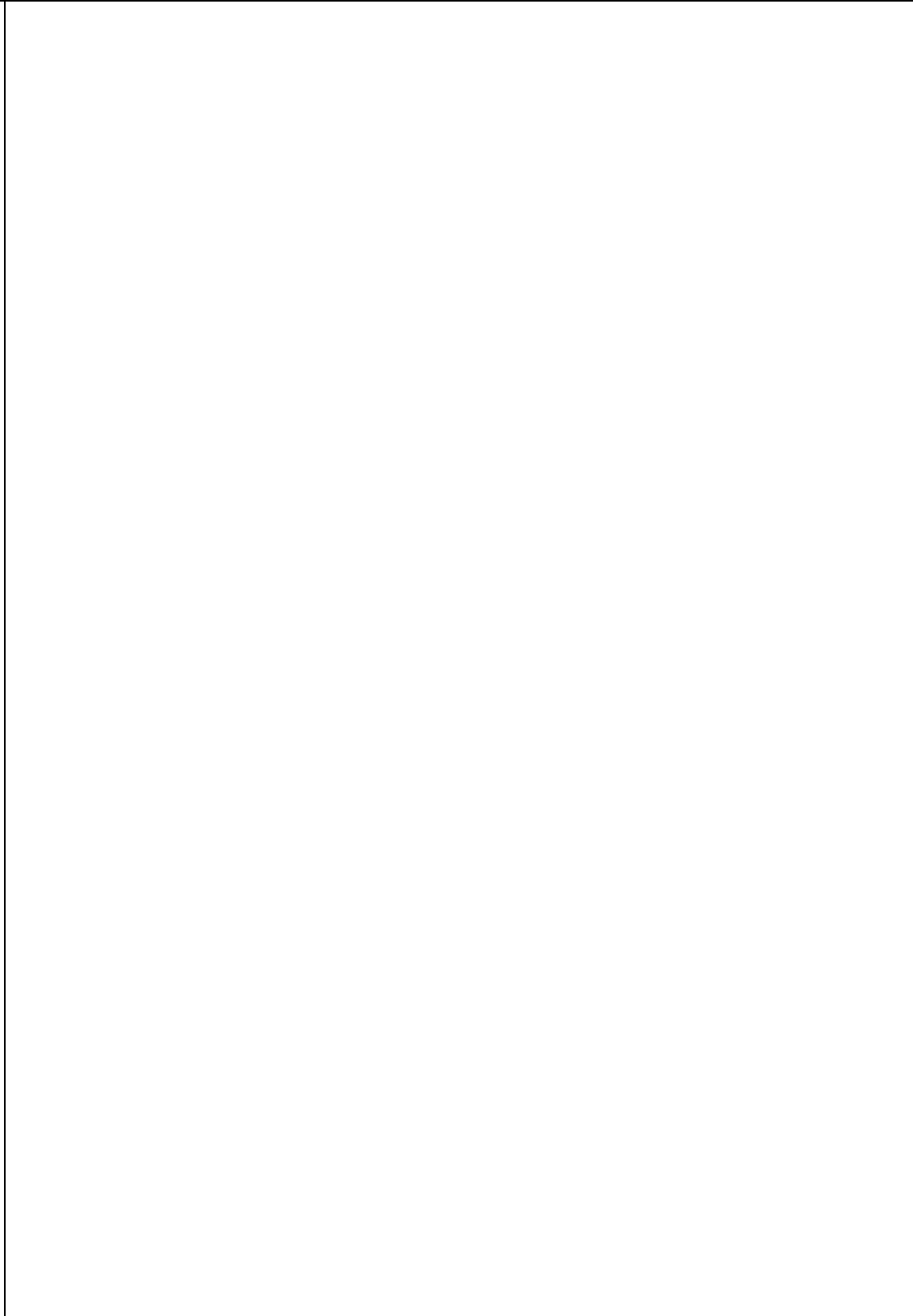
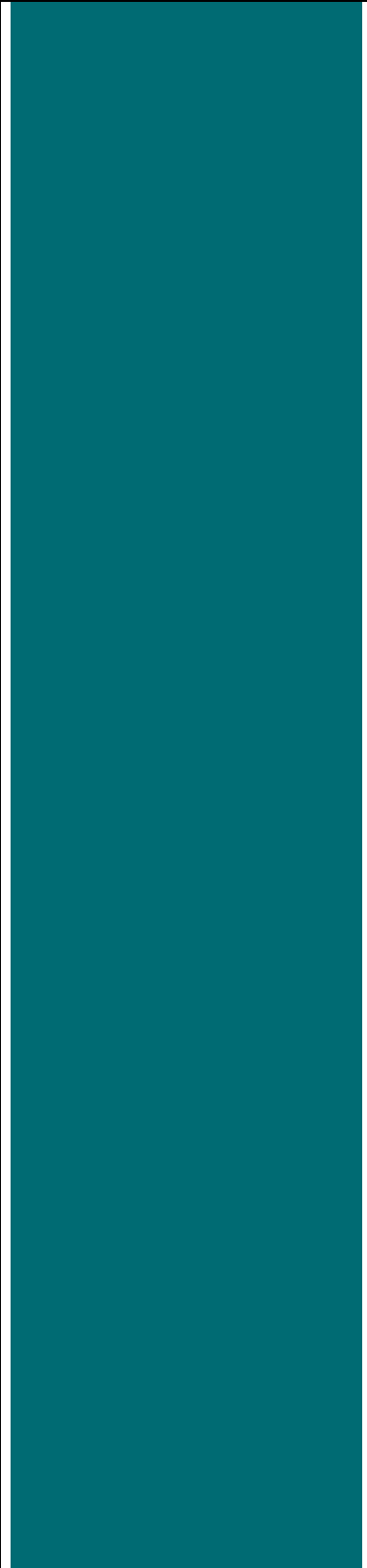
An employer should provide a job description to the employee's physician so the physician understands the job duties associated with the job. The employer does not have the right to a complete medical history and only information related to the medical condition in question.

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.

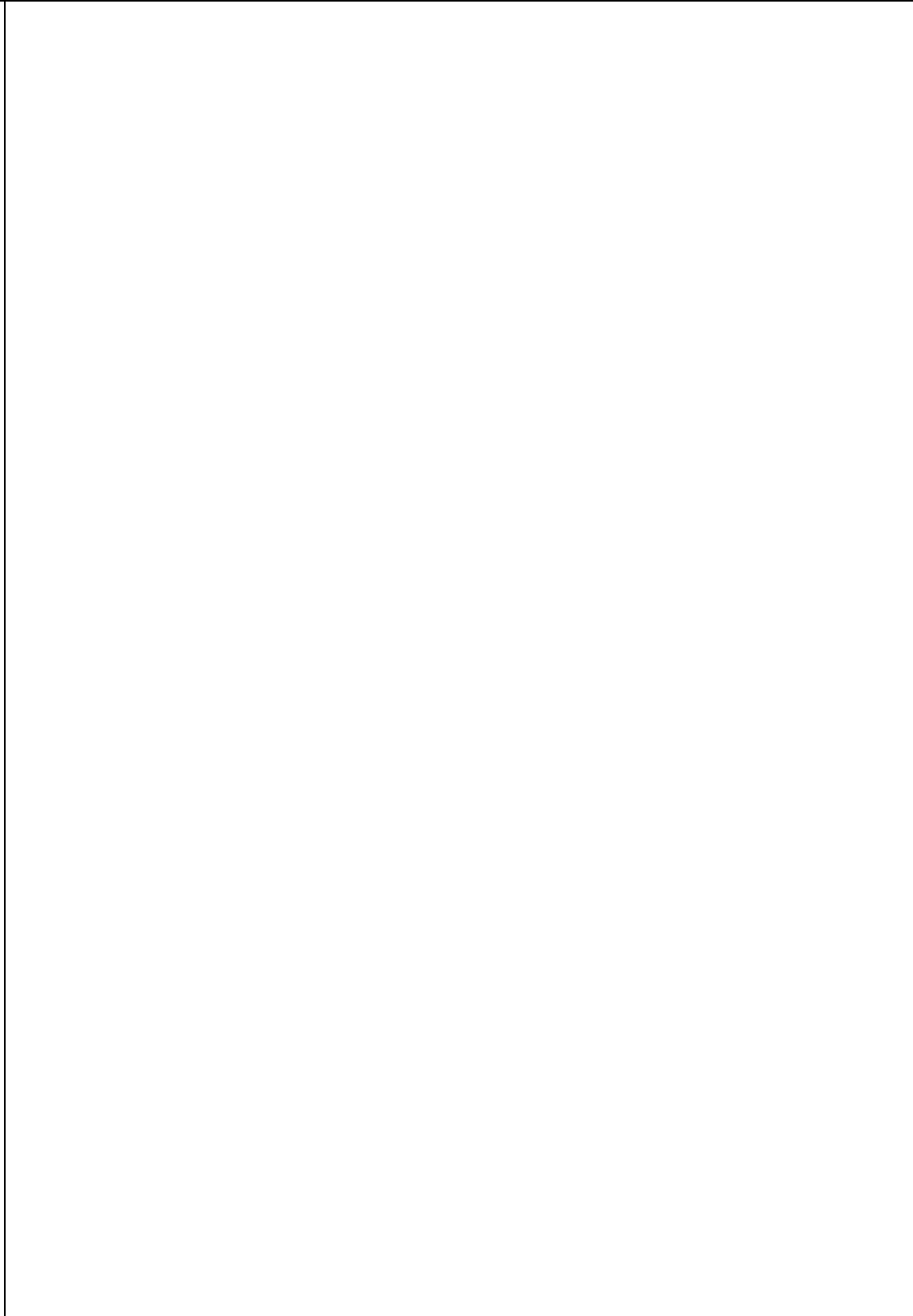
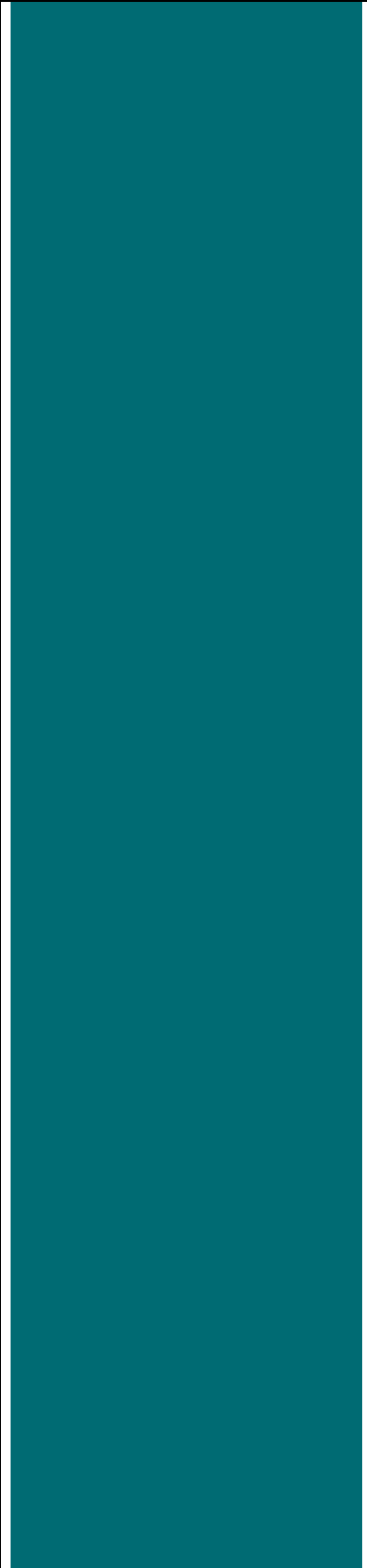
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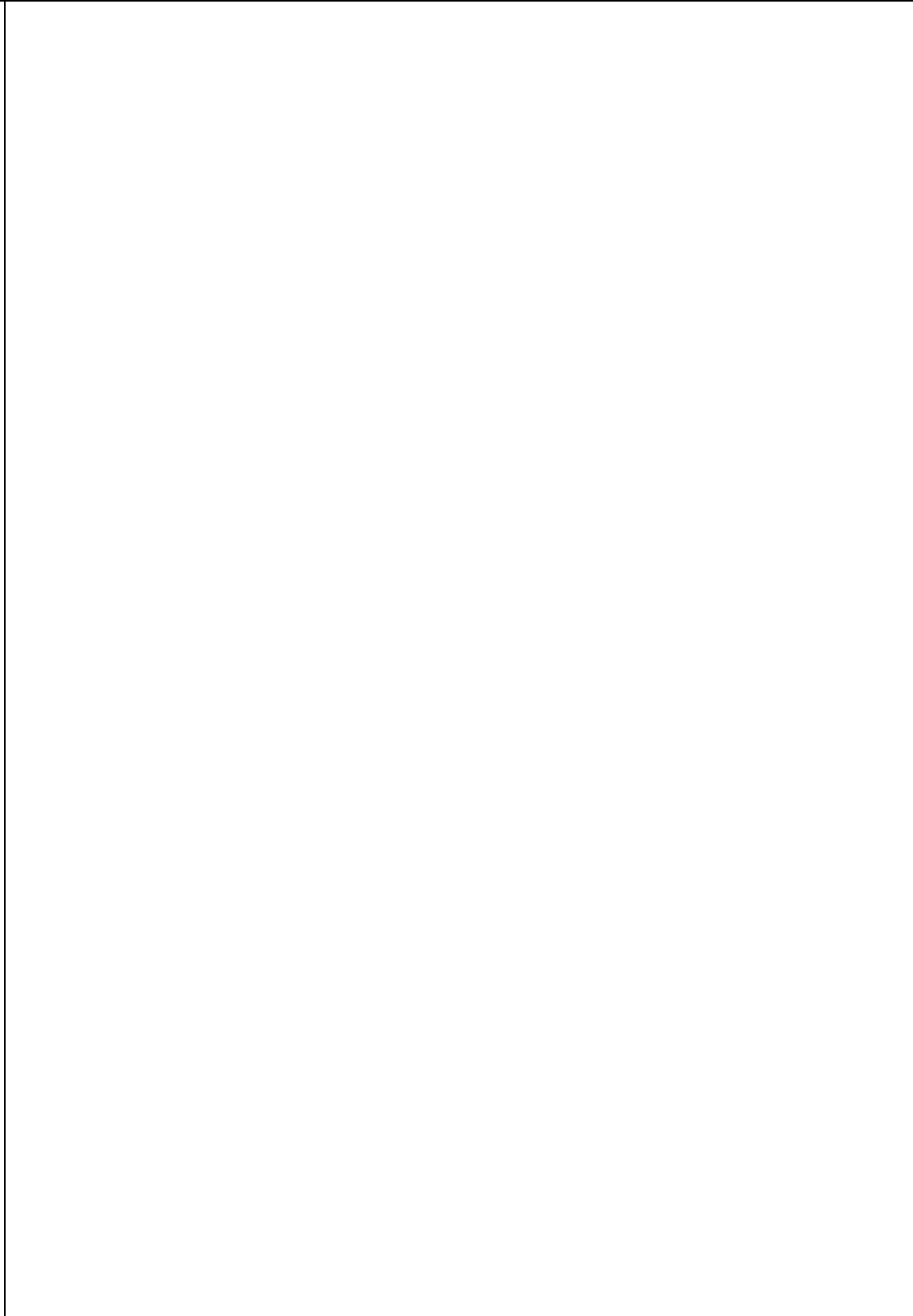
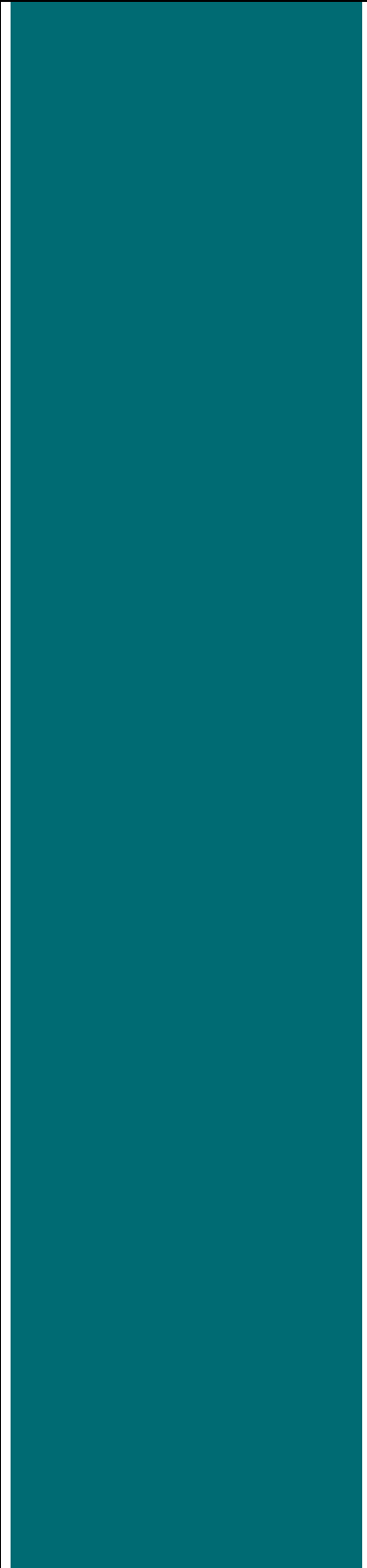


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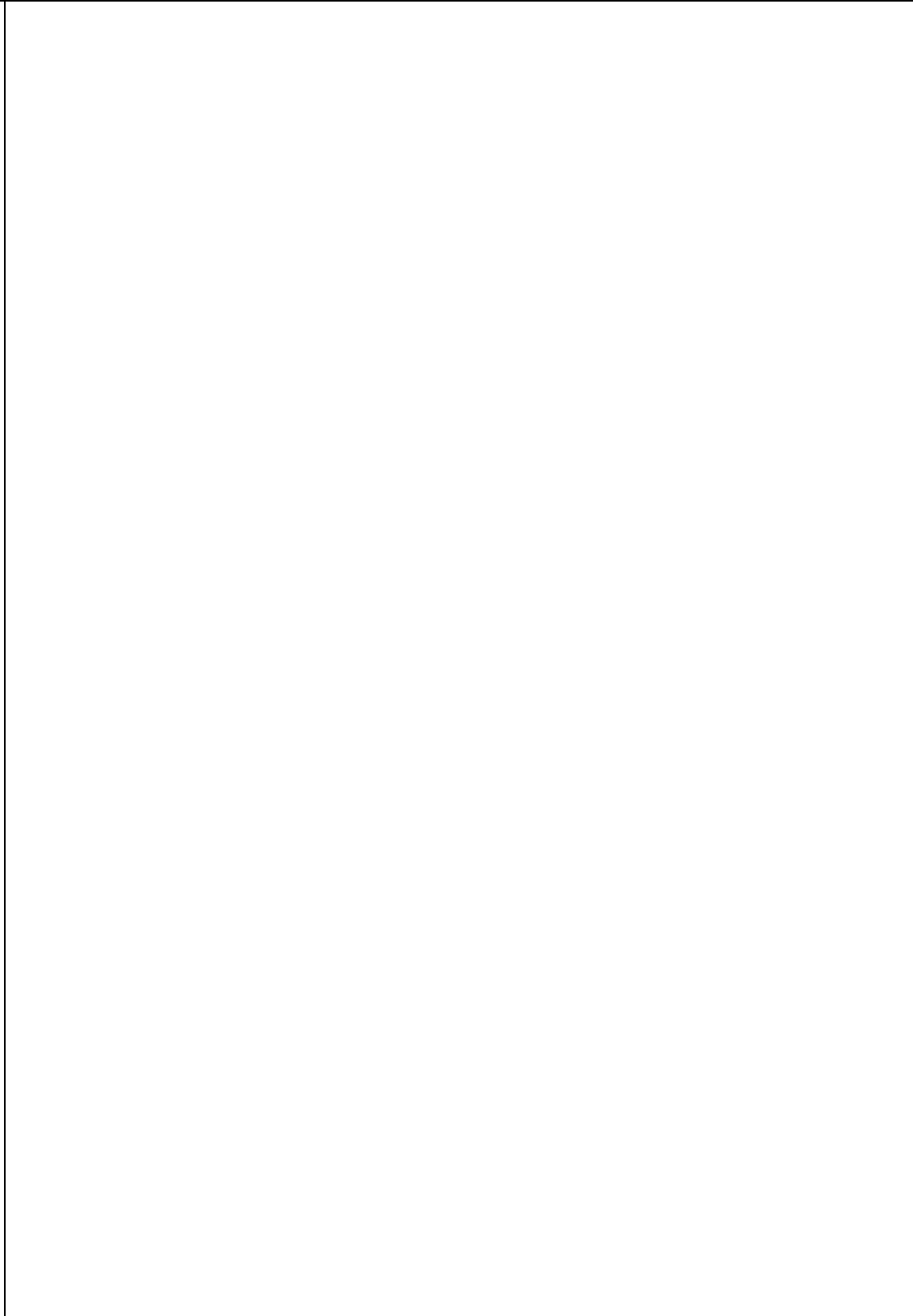
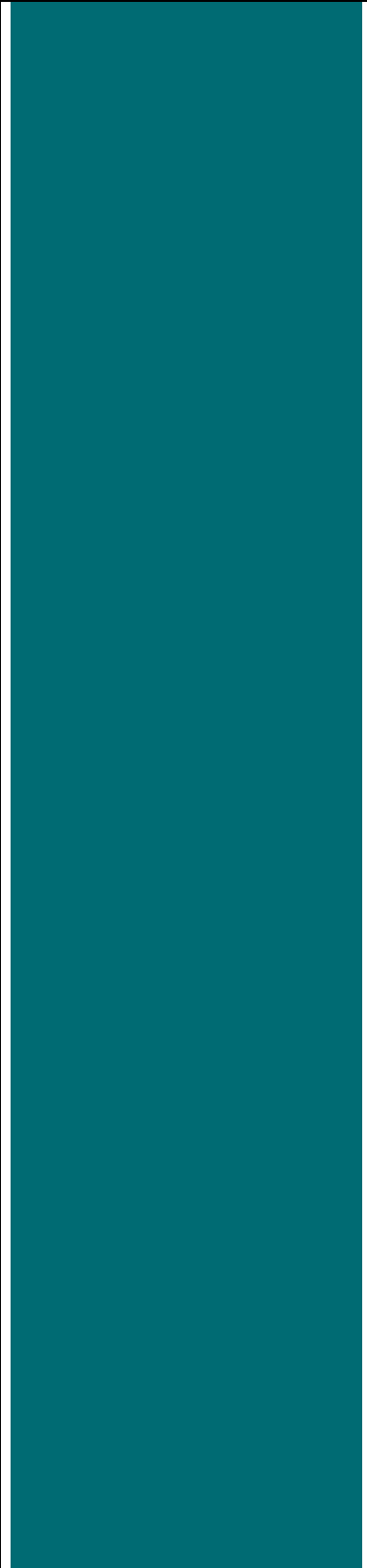


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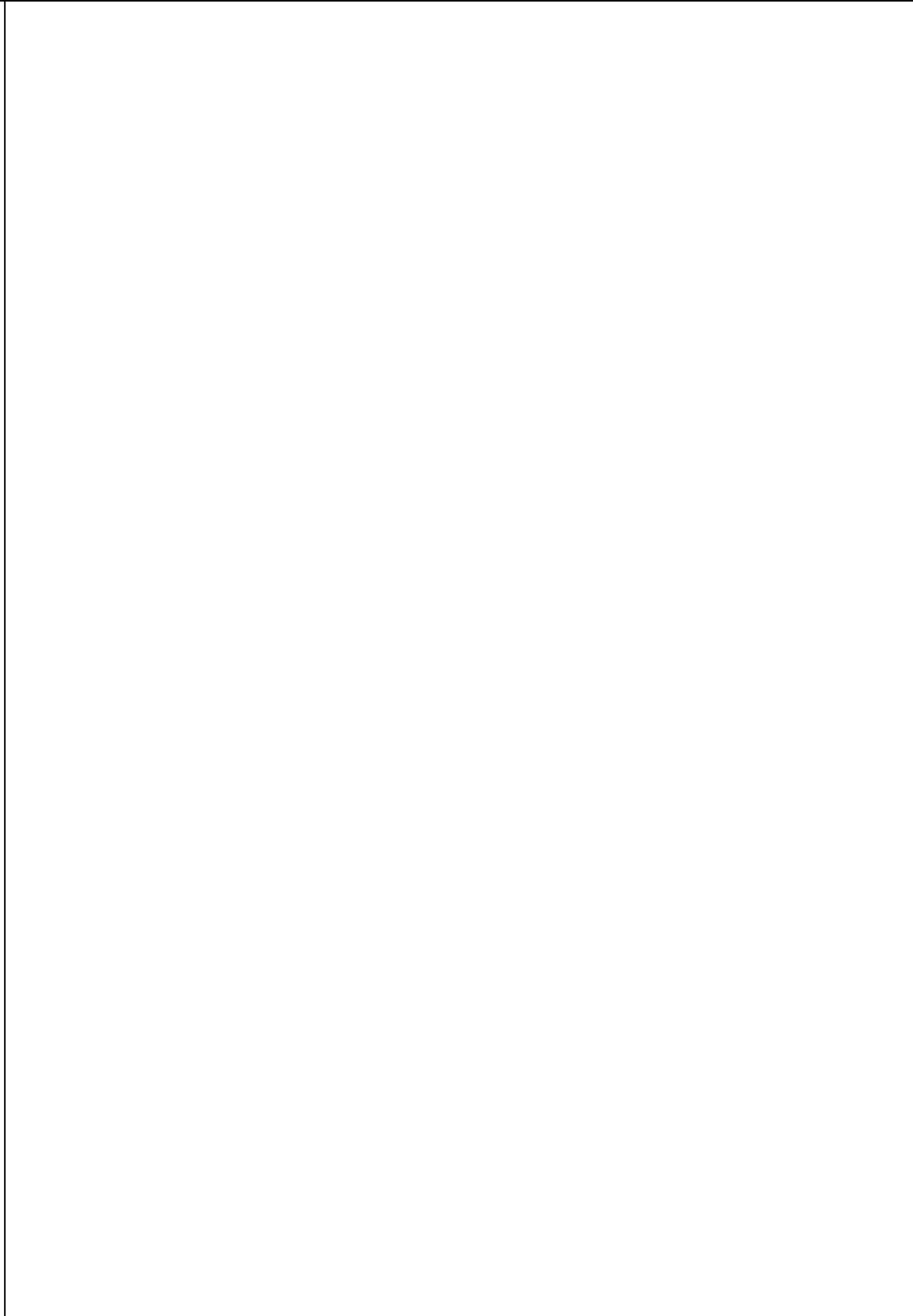
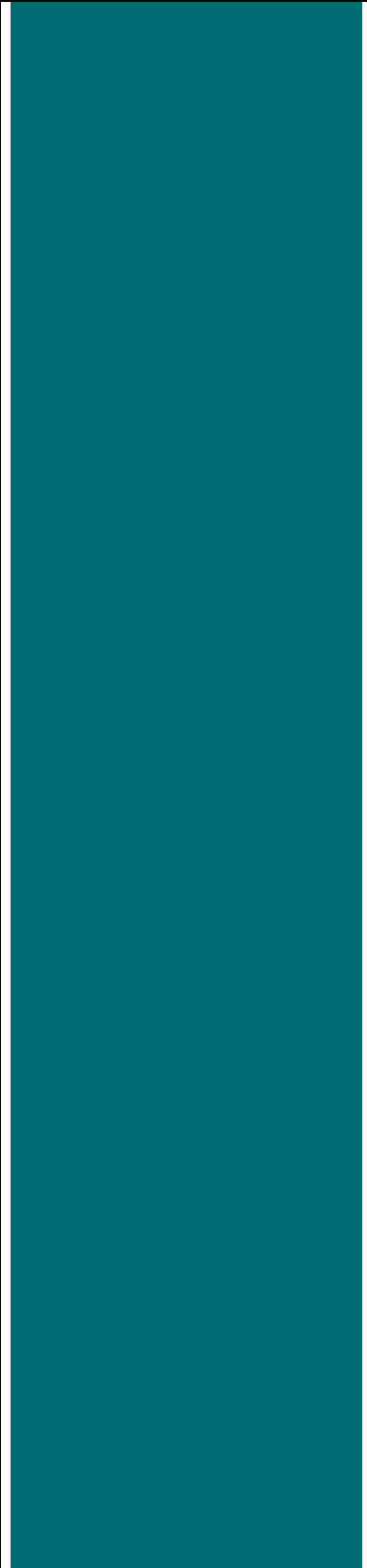




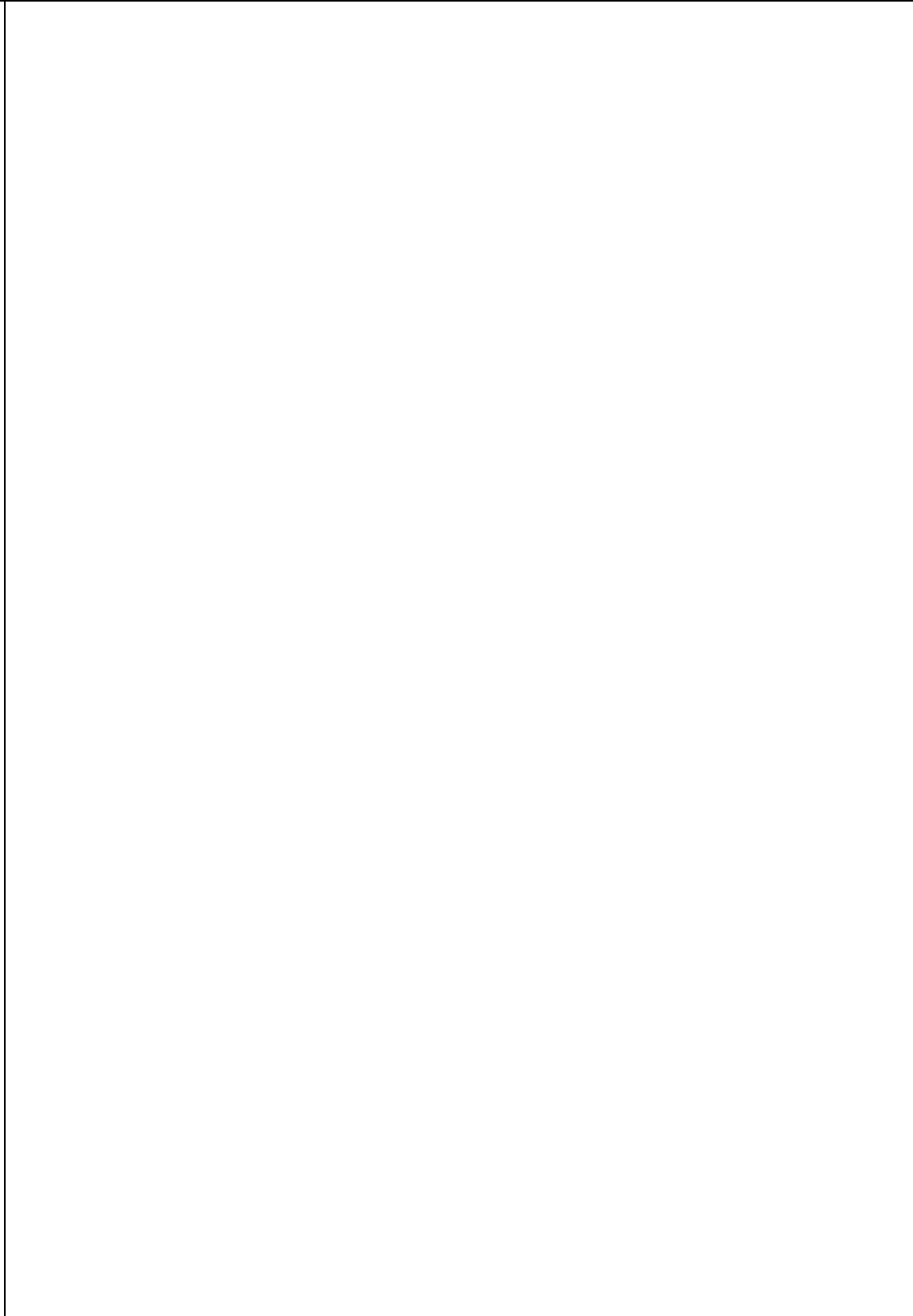
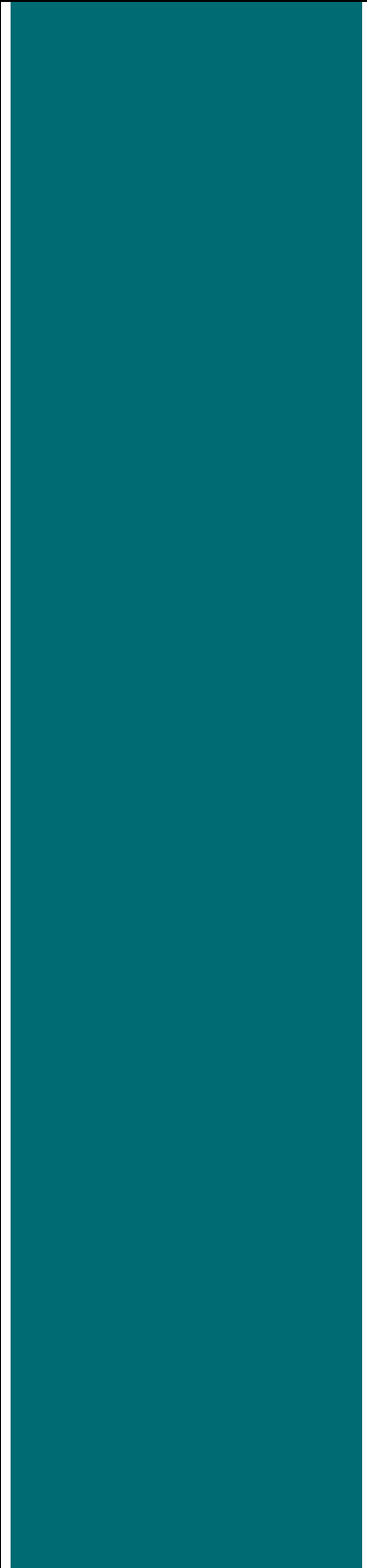
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