

June , 2015

VOLUME 11 ISSUE 8

Trainings & Events

(Central Standard Time)

**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

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

ADA Audio Conference

**Cognitive Innovations to
promote independence in the
home and in the Community**

June 16, 2015 1-2:30 CT.
Explore innovative assistive technologies for individuals with intellectual, cognitive, and communication disabilities or disorders for use at home, schools, work and the community. Explore options to improve autonomous independence while also providing remote support and other strategies for inclusive environments. Discover options for Smart Home technologies, monitoring technologies, apps, employment supports, community mobility and mobile technologies that can be customized to meet specific needs.

Speakers:

[Sandy Hanebrink](#) Director, Touch the Future, Inc.

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News from the Federal Agencies

U.S. Equal Employment Opportunity Commission (EEOC)

EEOC Issues Updated Pregnancy Discrimination Guidance

The U.S. Equal Employment Opportunity Commission (EEOC) issued an update of its Enforcement Guidance on Pregnancy Discrimination and Related Issues (Guidance), along with a question and answer document and a fact sheet for small businesses. All are available on the EEOC's website at http://www.eeoc.gov/laws/guidance/enforcement_guidance.cfm.

The updates to the Guidance are limited to several pages about the U.S. Supreme Court's recent decision in *Young v. UPS*, issued in March 2015. The updated Guidance reflects the Supreme Court's conclusion that women may be able to prove unlawful pregnancy discrimination if the employer accommodated some workers but refused to accommodate pregnant women. The Court explained that employer policies that are not intended to discriminate on the basis of pregnancy may still violate the Pregnancy Discrimination Act (PDA) if the policy imposes significant burdens on pregnant employees without a sufficiently strong justification.

The decision in *Young* does not affect most of the July 2014 EEOC Enforcement Guidance on Pregnancy Discrimination and Related Issues and therefore the following topics remain the same:

- the PDA's application to current, past, and potential pregnancy;
- termination or refusal to hire someone because she is pregnant and other prohibited employment actions based on pregnancy;
- application of the PDA to lactation and breastfeeding;
- prohibition of forced leave policies;
- the obligation to treat women and men the same with respect to parental leave policies; and
- access to health insurance.

The Court's opinion did not address the effect of the ADA Amendments Act of 2008 on workers with pregnancy-related impairments. Therefore that discussion in the Guidance also remains the same. The Guidance notes that, "Changes to the definition of the term 'disability' resulting from enactment of the ADA Amendments Act of 2008 make it much easier for pregnant workers with pregnancy-related impairments to demonstrate that they have disabilities for which they may be entitled to a reasonable accommodation under the ADA."

[Read the EEOC Updated Pregnancy Discrimination Guidance](#)

EEOC Sues McLane Foodservice for Disability Discrimination

McLane Foodservice, Inc., which supplies foodservice deliveries to fast-food chain restaurants, violated federal law by discriminating against an employee it believed

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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to be disabled, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit. According to the EEOC lawsuit, McLane refused to hire an applicant because it regarded him as disabled and because the applicant had a record of a disability.

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

Howard University Will Pay \$35,000 to Settle EEOC Disability Discrimination Lawsuit

Howard University, a historically black university in the District of Columbia, will pay \$35,000 to settle a disability discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC). The EEOC charged that Clarence Muse, who has diabetes that resulted in kidney failure, applied for and was interviewed for a protective services officer and protective services supervisor position with Howard University Hospital, a division of the university. According to the lawsuit, Howard University hired more than 40 security officers and supervisors but refused to hire Muse, despite his excellent qualifications, because of his disability.

[Read about the Howard University Settlement with the EEOC](#)

U.S. Department of Justice (DOJ)

Celebrating 25 years of the ADA: Ensuring Access to Jobs and Electronic Court Documents for People with Disabilities

As part of the Justice Department's celebration of the ADA's 25th Anniversary, this month's Justice Blog spotlights recent successes in access to employment and access to the courts. In the employment arena, the Department reached settlements with nine public employers to require them to remove illegal questions asking applicants about their disabilities from their job applications. In addition, several agreements required employers to ensure that their online job application websites are accessible in compliance with WCAG 2.0 AA.

The Blog also spotlights the success brought about by our settlement with the Orange County, Florida Clerk of Courts to ensure that, upon request, the Court provides electronic court documents in a format that is accessible to individuals with disabilities, such as attorney Thomas Ross, who is blind. Almost one year into the settlement agreement, the Clerk of Courts has made significant improvements to its website and has also completed training on the ADA and online accessibility requirements. This will help to ensure that Mr. Ross and other individuals who are blind can access the court documents they need to practice their professions or participate in cases in which they are a party.

[Read the Justice Department Blog](#)

Justice Department issues Letter of Findings regarding Augusta County, VA polling place accessibility

On May 13, 2015, the U.S. Department of Justice issued a letter finding that Augusta County, VA is in violation of Title II of the Americans with Disabilities Act

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

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University of Illinois at Chicago
Department of Disability and Human Development (MC 728)
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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

(ADA) by denying voters with disabilities an equal opportunity to participate in the County's voting programs, services, and activities because over 80% of the County's polling places are not physically accessible to persons with mobility disabilities and persons with vision disabilities.

Read the Justice Department Letter of Finding with Augusta County, VA=www.ada.gov Department of Justice files lawsuit against plastic surgeon who refused treatment to patient with HIV

On Wednesday, May 6, 2015, the Department filed a lawsuit against the Springfield Medical Aesthetic (doing business as Advanced Cosmetic Surgery of New York) and Emmanuel O. Asare, M.D., a plastic surgeon practice and surgeon in that practice, alleging discrimination on the basis of disability. Advanced Cosmetic, which has offices in Manhattan and Long Island, and Dr. Asare are alleged to have unlawfully discriminated against a prospective patient on the basis of his disability by refusing to provide services to the patient, without even conducting a medical assessment of his condition, because the patient has HIV.

[Read More about the Justice Department Lawsuit against the Springfield Medical Aesthetic](#)

Great Lakes In Focus

Justice Department publishes new technical assistance document for State and local governments

The Department of Justice has published a new technical assistance document, ADA Update: A Primer for State and Local Governments, to help State and local government officials understand how title II of the ADA applies to their programs, activities, and services. This 16-page illustrated guide addresses general nondiscrimination requirements, such as provisions relating to program accessibility, service animals, communicating with people with disabilities, other power-driven mobility devices, and policies and procedures. The document also addresses how the 2010 ADA Standards for Accessible Design apply to the built environment, including existing buildings and facilities, new construction, and alterations.

[Americans with Disabilities Act Title II Primer](#)

The Docket

[Dalton v. CDC, No. 14-13654, 11th Cir., 2015](#)

Lafreta Dalton worked for the Centers for Disease Control (CDC) in a department that advised localities on toxic substances in their area. When she received a poor evaluation criticizing her failure to complete a project on time, Ms. Dalton became physically ill. She called 911 and was taken away in an ambulance.

Her anxiety was so bad that she eventually requested and was approved to go out on Family Medical Leave Act.

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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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When she was ready to return, she underwent a psychiatric examination. Her doctor recommended that she not work under the same supervisor, since doing so might cause her stress and anxiety.

The CDC offered to transfer Ms. Dalton to another position as a reasonable accommodation, but she rejected it. In fact, she never came back to work and the CDC terminated her.

Ms. Dalton sued, alleging failure to accommodate. The court determined that the CDC had offered a reasonable accommodation to address the doctor's concerns-a transfer. Ms. Dalton never offered an alternative.

From the ADA Expert

Question: What is the association provision of the Americans with Disabilities Act (ADA) with regards to employment and to whom does it provide protection?

Answer:

The ADA covers private employers with 15 or more full or part-time employees and also state and local government employers. The ADA prohibits discrimination on the basis of disability in all employment practices of covered employers. A covered employer may hire, fire or promote the most qualified individual he or she chooses but that employer is prohibited from using disability in that decision making process.

The purpose of the association provision is to prohibit employers from taking adverse actions based on unfounded stereotypes and assumptions about individuals who associate with people who have disabilities. The ADA makes actions such as refusing to hire an individual who has a child with a disability based on an assumption that the applicant will be away from work excessively or be otherwise unreliable, firing an employee who works with people who are HIV-positive or have AIDS based on the assumption that the employee will contract the disease, or denying an employee health care coverage available to others because of the disability of an employee's dependent unlawful.

The association provision of the ADA prohibits employment discrimination against a person, whether or not he or she has a disability, because of his or Her known relationship or association with a person with a known disability. This means that an employer is prohibited from making adverse employment Decisions based on unfounded concerns about the known disability of a family member or anyone else with which the applicant or employee has a relationship or association.

The ADA does not require a family relationship for an individual to be protected by the association provision. The important factor is whether the employer is motivated by the individual's relationship or association with a person who has a disability.

Employers don't have to provide reasonable accommodations to employees who associate with individuals with disabilities. Only qualified applicants and employees with disabilities are entitled to reasonable accommodation.

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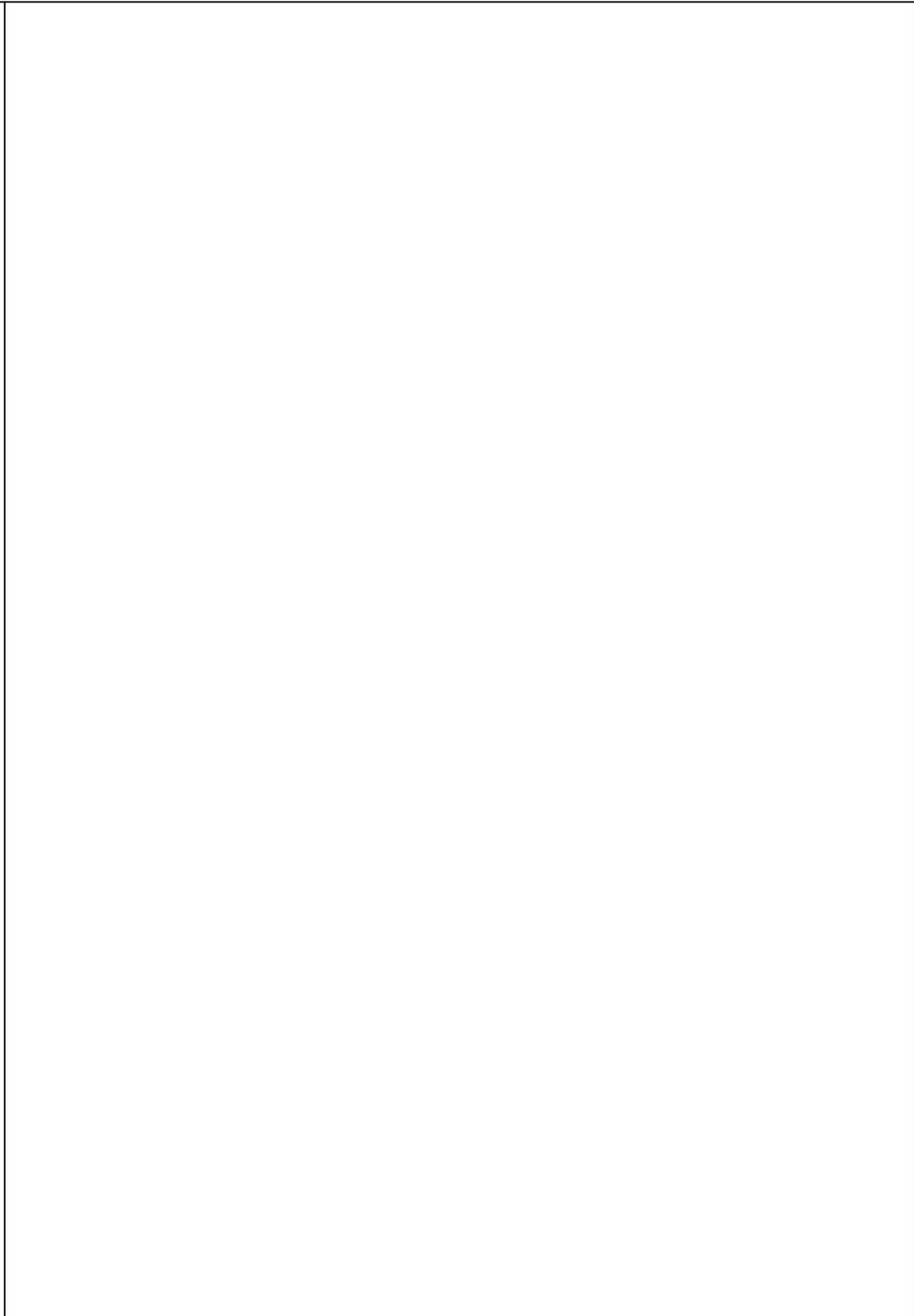
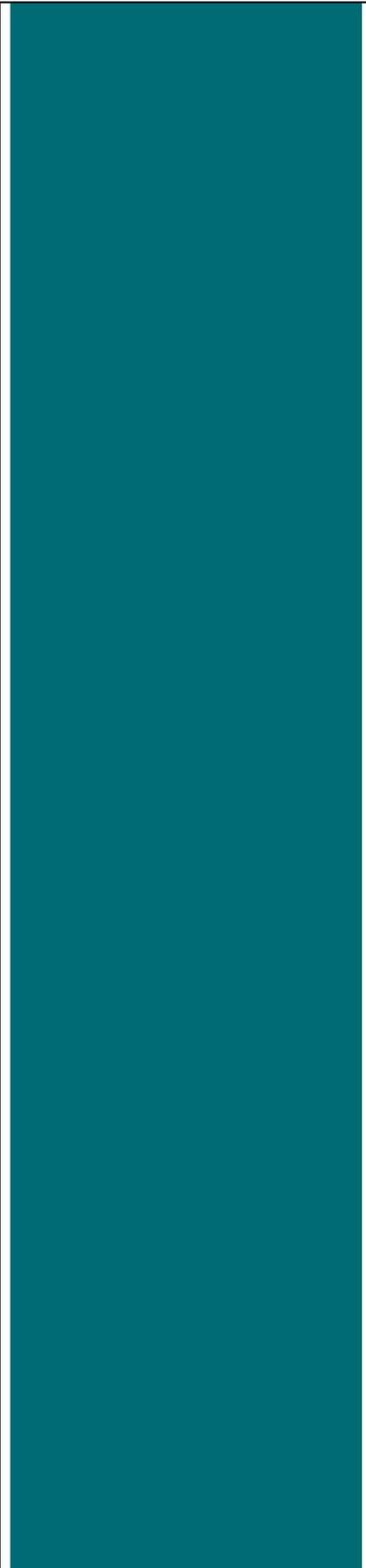
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For example, the ADA would not require an employer to modify its leave policy for an employee who needs time off to care for a child with a disability. However, an employer must avoid treating an employee differently than other employees because of his or her association with a person with a disability.

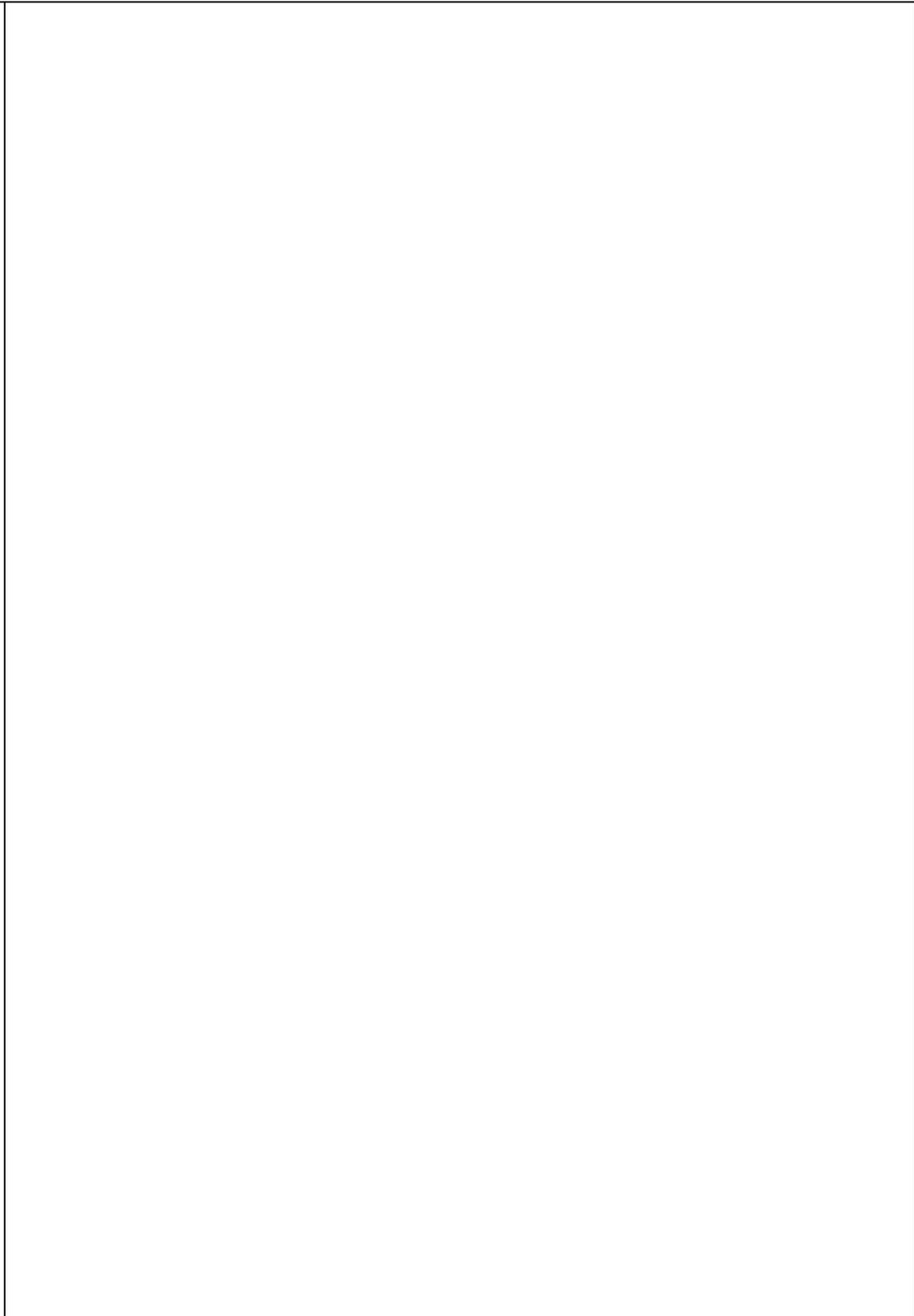
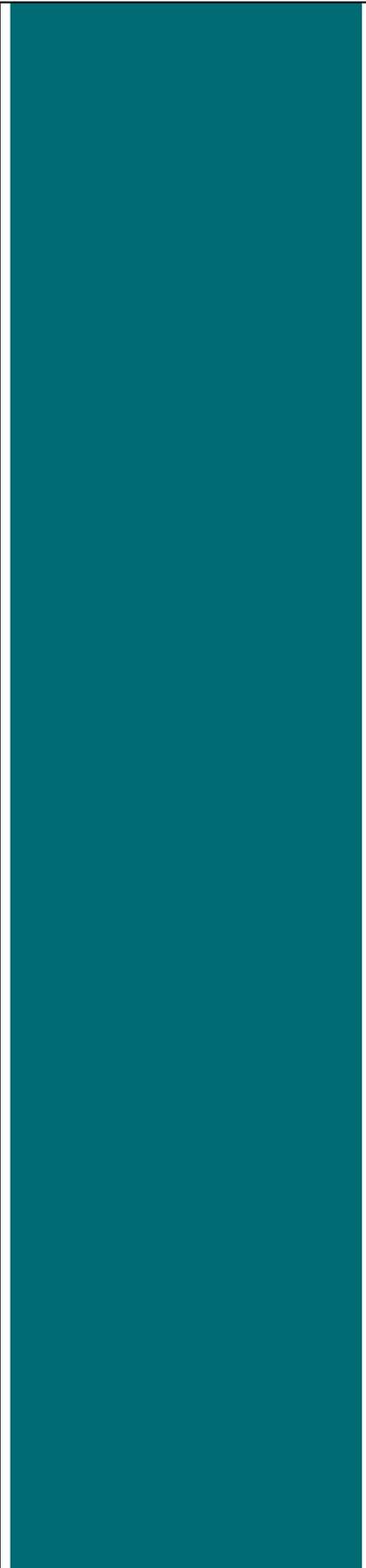
For additional information please contact the Great Lakes ADA Center at (800) 949-4232 (V/TTY) or by completing the online form: <http://adagreatlakes.com/WebForms/ContactUs/>>

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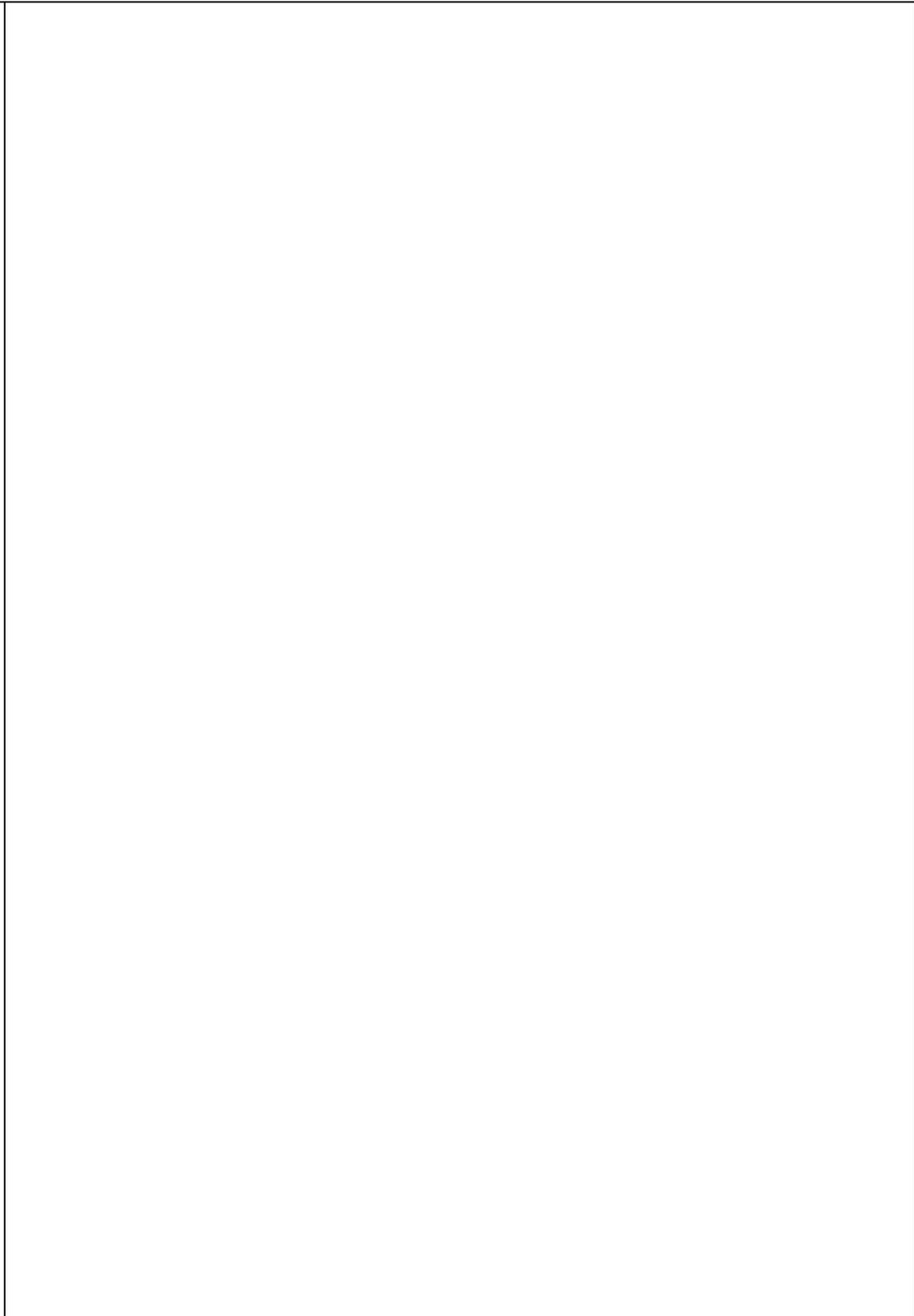
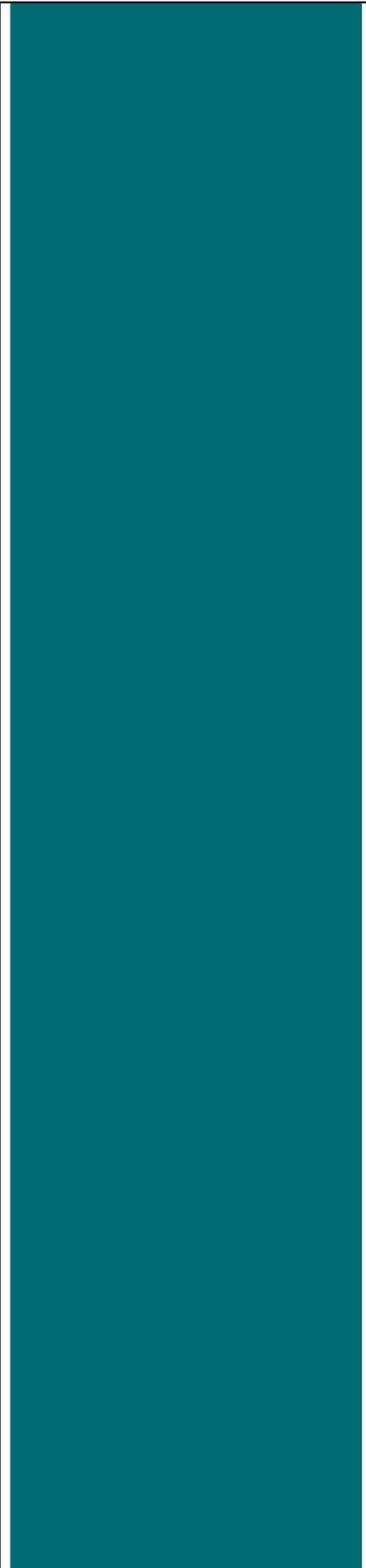
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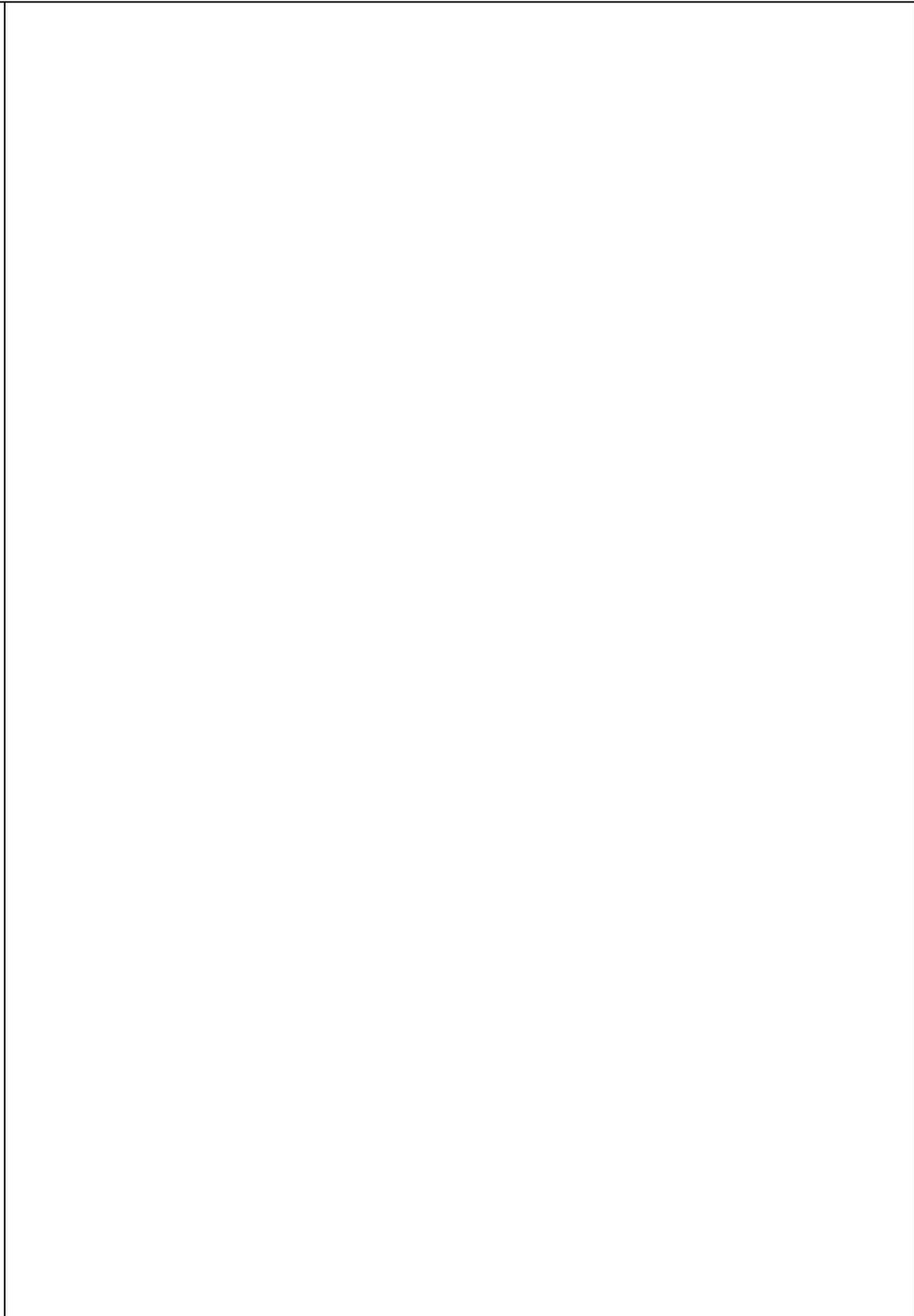
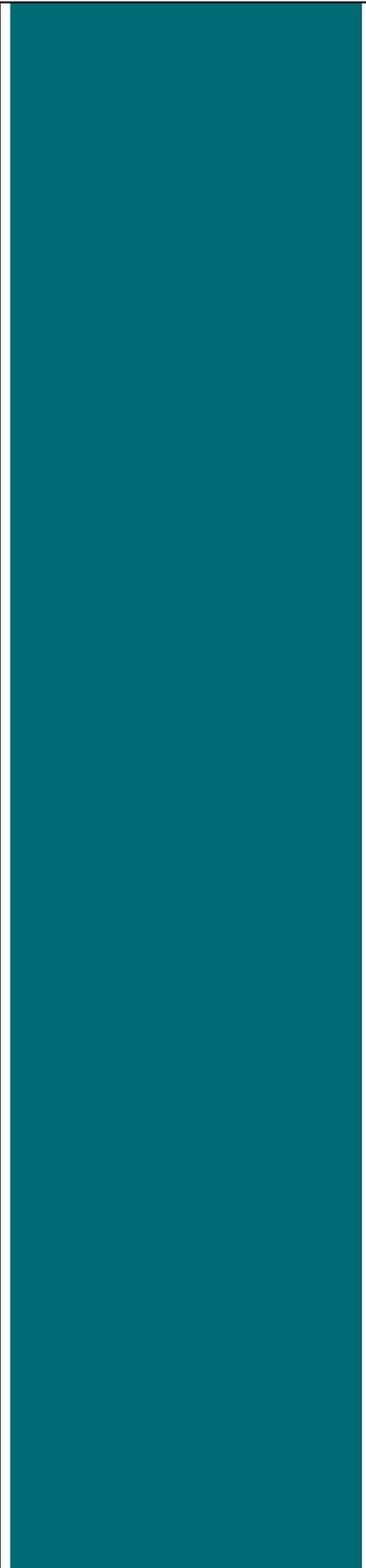
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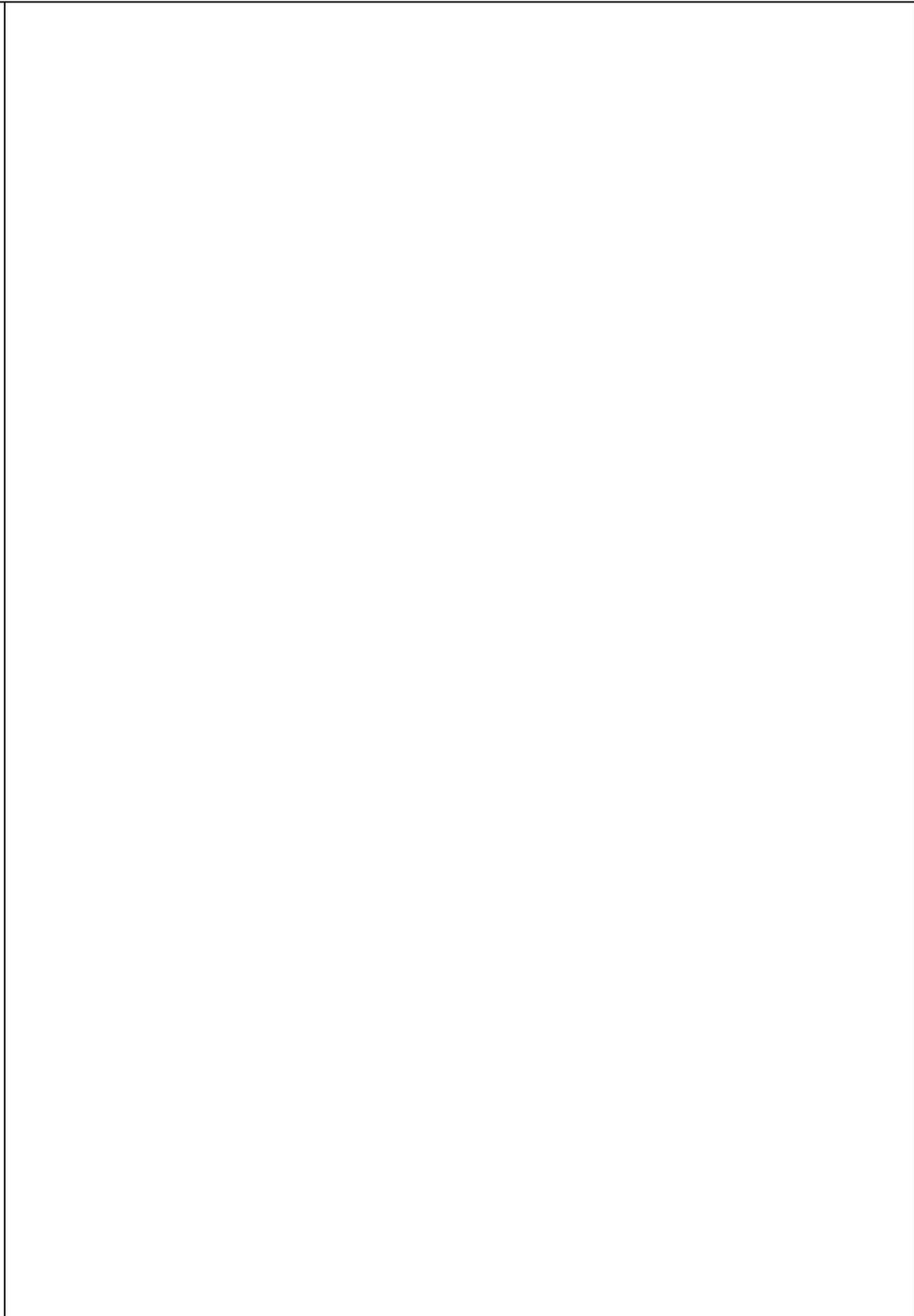
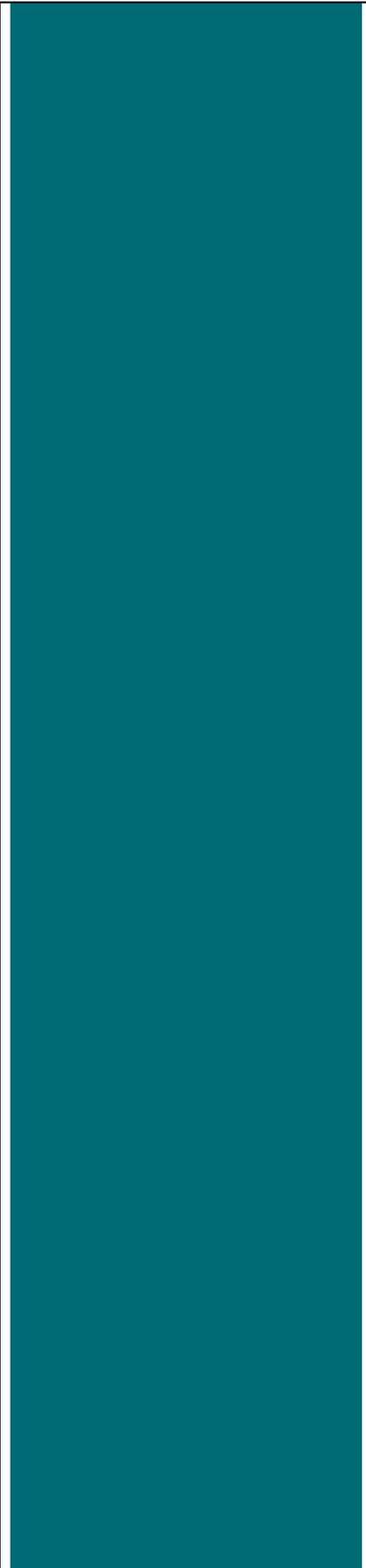
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