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ADA Knowledge
Addressing your ADA Concerns

July , 2015

VOLUME 11 ISSUE 9

Trainings & Events

(Central Standard Time)

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

For more information
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<http://www.accessibilityonline.org>
or call (877) 232-1990

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

News from the Federal Agencies

U.S. Access Board

U.S. Access Board's Advisory Committee on Rail Access to Issue Report

On July 29, the U.S. Access Board's Rail Vehicles Access Advisory Committee (RVAAC) will release its final report on updating the ADA Accessibility Guidelines for Transportation Vehicles. The committee's report will provide recommendations for revising and refreshing provisions in the guidelines for fixed guideway systems, including rapid, light, commuter, intercity, and high speed rail. Recommendations will address boarding and alighting accessibility, on-board circulation, seating, communications, and rooms and spaces, among other topics. The Board will use the committee's report to propose updates to its ADA vehicle guidelines and will make them available for public comment. The Board is currently finalizing updated to sections of the vehicle guidelines covering buses and vans which were previously released for public comment. Committee representatives will brief the Board on the report during a presentation on July 29 from 9:30 to 11:30 (ET) at the Board's conference center.

[Read More about the Access Board Briefing](#)

U.S. Equal Employment Opportunity Commission (EEOC)

Rehabilitation Facility Agrees to Pay \$55,000 to Settle EEOC Discrimination Suit

Alden Estates of Naperville, Inc. will pay \$55,000 to settle a disability discrimination lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC), the agency announced. EEOC's suit had alleged that Alden fired its admissions director while she was out on a medical leave of absence, one week before she was able to return to work. Alden Estates of Naperville, Inc. provides transitional care and rehabilitation services to patients in the western suburbs of Chicago.

[Read More about the EEOC Settlement with Alden Estates of Naperville](#)

Waste Connections to Pay \$45,000 to Settle EEOC Disability Discrimination Lawsuit

Waste Connections, Inc. (WCI) of Houston, Texas will pay \$45,000 to settle a disability discrimination lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC), the agency announced. In the summer of 2013, WCI offered a pilot's job to John Frame. During a call from WCI offering him the job, Frame mentioned his wife's disability, at which time WCI ended the telephone call, then called back and withdrew its job offer within hours. EEOC alleged that WCI's decision was based entirely on its learning of Frame's wife's disability status, not on his qualifications or experience as a pilot.

[Read More about the Waste Connections Settlement](#)

[Rachel M. Weisberg](#) - Staff Attorney, Equip for Equality
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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:

Aurora Health Care Will Pay \$80,000 to Settle EEOC Disability Discrimination Suit

Aurora Health Care, Inc., will pay \$80,000 to settle a disability discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC). The EEOC lawsuit charged that in 2009, Aurora withdrew a job offer it had made to Kelly Beckwith for a position as hospice care coordinator upon learning during her pre-employment medical examination that she has multiple sclerosis (MS).

[Read More about the Aurora Health Care Settlement](#)

Roto Rooter to Pay \$100,000 to Settle EEOC Disability Discrimination Charge

In a conciliation agreement with the U.S. Equal Employment Opportunity Commission (EEOC), Roto Rooter Services Company will pay \$100,000 to resolve a disability discrimination charge filed with the U.S. Equal Employment Opportunity Commission (EEOC). An investigation by the EEOC's Minneapolis Area Office revealed that a Plymouth, Minn., Roto Rooter location denied an employee who returned from the Iraq War with service-related disabilities reasonable accommodations to enable him to return to work.

[Read More about the Roto Rooter Settlement](#)

Nursing Center Sued by EEOC for Pregnancy and Disability Discrimination

NHC Healthcare/Clinton, LLC, a licensed nursing center that provides a wide array of skilled nursing, therapeutic and rehabilitative services, violated federal law when it failed to accommodate a pregnant employee and subsequently fired her because of her pregnancy and her disability, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit it filed.

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

U.S. Department of Justice (DOJ)

Justice Department issues Letter of Findings regarding the Georgia Network for Educational and Therapeutic Support

On July 15, 2015, the United States sent its findings to the State of Georgia stating that the State's administration of the Georgia Network for Educational and Therapeutic Support (GNETS) program violates Title II of the Americans with Disabilities Act by unnecessarily segregating students with disabilities from their peers in school. The State fails to ensure that students with behavior-related disabilities receive services and supports that could enable them to remain in, or return to, the most integrated educational placements appropriate to their needs.

[Read the Justice Department Letter of Finding to the State of Georgia](#)

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[Jonathan Campbell](#) Assistive Technology Specialist Minnesota State Services for the Blind
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ADA Audio Conference ADA Anniversary Update: 25 Years Later

July 21, 2015 1-2:30 CT.
Mark the 25th Anniversary of the ADA by joining this audio conference as we listen to representatives of the EEOC and DOJ present an update on their litigation, technical assistance and enforcement efforts over the past year. Participants will have an opportunity to pose questions to the presenters regarding issues in their own workplace or community. Speakers:

[Representative from the U.S. Department of Justice](#)
[Representative from the U.S. Equal Employment Opportunity Commission](#)

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

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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ADA Audio Conference

Accessible Temporary Events
August 25, 2015 1-2:30pm CT

New ADA technical assistance document published: Frequently Asked Questions about Service Animals and the ADA

The Department of Justice has published a new 9-page ADA technical assistance document, Frequently Asked Questions about Service Animals and the ADA to further assist covered entities and people with disabilities to understand how the ADA's service animal provisions apply to them. The document answers questions that continue to be asked since the publication of the Department's 2011 document, Revised ADA Requirements: Service Animals.

[Read the Justice Department Frequently Asked Questions about Service Animals Document](#)

Justice Department Settles Title III Effective Communication Investigation with Fairfax Nursing Center, Inc.

The Justice Department announced that the Fairfax Nursing Center (FNC) has agreed to pay \$97,500.00 to resolve allegations that it violated the Americans with Disabilities Act (ADA) by failing to provide effective communication services to individuals who are deaf or hard of hearing in the provision of medical services. The investigation, conducted by the U. S. Attorney's Office for the Eastern District of Virginia, began with a complaint from the companions (daughter and granddaughter, both of whom are deaf) of a patient at FNC that the skilled nursing facility failed to provide them with appropriate auxiliary aids and services, including a sign language interpreter, during critical interactions with FNC's staff regarding the patient's treatment plan and medical care. The Settlement Agreement required FNC to: (1) adopt policies and procedures that ensure that individuals who are deaf or hard of hearing - patients and companions- receive auxiliary aids and services that insure effective communication; (2) train its staff on the ADA's effective communication requirements; (3) pay \$80,000.00 to the complainants and \$5,000.00 to the United States to vindicate the public interest; and (4) establish a fund of \$12,500.00 to sponsor training on the ADA's requirements for others in the Virginia nursing facility industry.

[Read the Justice Department Settlement Agreement with Fairfax Nursing Center](#)

Justice Department Files Statements of Interest in Title III and Section 504 Lawsuits against Harvard and MIT

The Justice Department announced that it has filed Statements of Interest in two private cases pending in the United States District Court for the District of Massachusetts, National Association of the Deaf, et al., v. Harvard University, et al., and National Association of the Deaf, et al., v. Massachusetts Institute of Technology. In these cases, plaintiffs allege that Harvard and MIT violated the ADA and Section 504 by denying equal access to free online courses and lectures to individuals who are deaf or hard of hearing. Specifically, plaintiffs allege that Harvard and MIT fail to provide appropriate auxiliary aids, benefits and services, including captioning. The U. S. Department of Education, which enforces Section 504 against post-secondary institutions such as Harvard and MIT, is a signatory to the Statements of Interest.

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Street festivals, craft fairs, music events, state and county fairs, regattas, book fairs, air shows, sports tournaments, parades and political rallies are just a few of the many temporary events that take place every day in communities throughout the nation. This session will focus on the application of the general non-discrimination requirements of the Americans with Disabilities Act (ADA) to both indoor and outdoor temporary events as well as the obligation for the venues/facilities being used to comply with the 2010 ADA standards. In addition, the presenters will highlight a new online resource available from the ADA National Network, "A Planning Guide for Making Temporary Events Accessible to People With Disabilities", and strategies for insuring access for all persons.

Speakers:

[Peter Berg](#), Technical Assistance Coordinator, Great Lakes ADA Center

[Rob Gilkerson](#), Architectural Information Specialist, Rocky Mountain ADA Center

[Jennifer Lin Perry](#), Access Specialist, Northeast ADA Center
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 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

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

[Read the Justice Department Brief for the MIT Case](#)

Department Reaches Agreement With Maryland Day Camp To Ensure Equal Rights For Children With Epilepsy

The Justice Department signed a settlement agreement today with Camp Bravo, a day camp that operates in Towson, Maryland, just outside Baltimore. The settlement resolves allegations that Camp Bravo violated the Americans with Disabilities Act (ADA) by denying a child admission to the camp because she has epilepsy and requires administration of the emergency medication Diastat if she were to have a prolonged or acute repetitive seizure. Though Diastat is designed to be administered by trained laypersons and could save the child's life, Camp Bravo would not permit non-medical staff to administer the medication and later refused to permit the camp nurse to accompany the child on field trips or bus rides. As a result, the child was not able to attend Camp Bravo for two consecutive summers. Under the agreement, Camp Bravo will admit the child for all future camp sessions for which she is eligible, and will pay \$8,000 to the family to compensate them for Camp Bravo's failure to admit the child in the past. The agreement also requires staff training and changes to the camp's policies and procedures.

[Read the Settlement Agreement between the United States of America and Camp Bravo](#)

Justice Department issues Letter of Findings regarding Amtrak failing to make stations accessible

On June 9, 2015, the U.S. Department of Justice issued a letter finding that Amtrak, the National Railroad Passenger Corporation, is in violation of Title II of the Americans with Disabilities Act (ADA) by failing to make stations for which it is responsible physically accessible to persons with mobility disabilities by the deadline in the ADA of July 26, 2010. That is, currently only 18 out of nearly 400 Amtrak stations are accessible.

[Read the Justice Department Letter of Finding with Amtrak](#)

Great Lakes In Focus

Celebrate 25 Years of the Americans with Disabilities Act

The 25th anniversary of the Americans with Disabilities Act (ADA) is rapidly approaching. The ADA was signed into law on July 26, 1990. Throughout the year the Great Lakes Center will participate in celebrating this landmark event as a way of bringing attention to the important work that has been done to promote equal opportunity for people with disabilities and to highlight the work that is yet to be done.

The Great Lakes ADA Center, along with its ADA Affiliate Network has accomplished significant results toward voluntary compliance with the ADA. The ADA Anniversary Information and Resources has been designed to capture our collective achievements and highlight useful ADA information and materials that can be used

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to enhance your ADA anniversary events. We encourage duplication of these materials for print and distribution purposes.

The information and resources include the following materials:

1. [Press Release](#): The Great Lakes ADA Celebrates 25 Years of Facilitating Voluntary Compliance of the Americans with Disabilities Act
2. [Disability-Related Statistics from the Great Lakes Region You Can Use](#): Disability and ADA-related statistics from a variety of sources.
3. [ADA Celebration Events](#): Many organizations in the region are holding celebrations - check to see if any are near you.
4. [Case Law Developments in the Great Lakes Region \(IL,IN,MI,MN,OH,WI\)](#): Most recent circuit court decisions in the Great Lakes Region
5. [Major Cases Impacting the ADA in the Great Lakes Region Over the Past 25 Years](#)-Significant cases over the past 25 years from the Great Lakes region (IL, IN, MI, MN, OH, & WI)
6. [The ADA Legacy Project](#) The ADA Legacy Project celebrates our present by partnering with those who work to honor the milestones and accomplishmet

The Docket

[Noll v. International Business Machines Corporation, No. 1:2012cv06239 - Document 58 \(S.D.N.Y 2013\):: Justia](#)

Alfred J Noll works for the International Business Machines (IBM), which provided American Sign Language ("ASL") interpreters to deaf employees on an as-needed basis. IBM also operates an intranet where employees can access and post videos for training purposes.

Noll requested that the videos be transcribed and captioned. IBM objected, noting that these videos may be posted at any time by any employee. Instead, IBM provided text transcriptions of the videos as needed and offered American Sign Language (ASL) interpreters to interpret the videos in real time for deaf employees. Noll countered that delays in the transcript request process and the inconvenience of having to read along with a video render the accommodation unacceptable.

The Second Circuit disagreed with Noll, suggesting that flaws in an accommodation system "do not invalidate the system itself as a reasonable accommodation." As Noll had conceded that live interpreters were acceptable for business meetings, the court found that there was no real difference between such a meeting and a video. Also, despite IBM's failure to engage in an interactive process to create a new reasonable accommodation, the court found that there is a difference between refusing to undertake an accommodation and refusal to explore every other possible accommodation when the accommodation already provided was reasonable.

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From the ADA Expert

Question: I am an administrator for a local for-profit hospital. Recently we had a patient in our emergency room whose mother was deaf. The mother requested we provide her with an interpreter so she could communicate with the doctors and nurses. Since the mother is not the patient are we obligated to provide an interpreter for her?

Answer:

Title III of the Americans with Disabilities Act requires covered businesses and organizations to insure that individuals with disabilities have the same level of access to information that individuals without disabilities have. If your hospital communicates with companions of family members without disabilities then you must insure that you communicate effectively with companions, family members with disabilities, if you regularly communicate with companions of patients. The obligation to communicate effectively applies to patients, family members and visitors with disabilities. The Department of Justice regulations implementing title III of the Americans with Disabilities (ADA) makes clear the obligation to communicate effectively with the companions of patients, customers, participants etc.

This may require the provision of auxiliary aids or services. For communicating with some one that is deaf or hard of hearing that could include Qualified interpreters, note takers, computer-aided transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDD's), videotext displays, or other effective methods of making aurally delivered materials available to individuals that are deaf or hard of hearing.

This does not mean that every time you need to communicate with some one that is deaf or hard of hearing that an interpreter is needed. However, in situations where the information being provided orally is complex or the information is being provided over a long period of time it is likely an interpreter would be needed. The ADA does not require a covered business or organization to provide any auxiliary aid or services that would result in an undue burden or fundamentally alter the nature of the goods or services being offered. If a particular auxiliary aid or service poses an undue burden then you would need to insure effective communication by providing something that does not pose an undue burden.

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/>](http://adagreatlakes.com/WebForms/ContactUs/)

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