

NOVEMBER 2011

VOLUME 8 ISSUE 2

Trainings & Events
(Central Standard Time)

News from the Federal Agencies

Accessibility Online Webinar Series

**Accessible Marinas and Boating
Facilities**
November 3rd, 2011 1-2:30 CT

The 2010 ADA Accessibility Standard and the Architectural Barriers Act Accessibility Standards include scoping provisions for recreational boating facilities. Facilities covered by these standards include municipal marinas, Federal boating facilities, and private sector marinas and boating facilities. Learn more about boat slip scoping and special technical provisions that apply to gangways connecting floating facilities, clear space requirements at accessible boat slips, and parking at specialized facilities.

For more Information visit
[Accessibility Online Webinar Series](#)

ADA Audio Conference Series

**Did you hear me? Ensuring
effective communication with
your customers**
November 15, 2011 1-2:30 CDT.

The Department of Justice has investigated hundreds and hundreds of complaints about the failure to provide effective communication. Historically, they have received more complaints about failure to provide effective communication than any other issues they have dealt with. Join this session to learn about the obligations of medical providers, lawyers, tax preparers, local and state government agencies, social service providers, etc. to ensure

U.S. Equal Employment Opportunity Commission (EEOC)

Tic Wyoming Agrees To Pay \$135,000 to Settle EEOC Lawsuit for Disability Discrimination

T.I.C.-The Industrial Company Wyoming, Inc. has agreed to pay \$135,000 and provide other relief to settle a disability discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC). In addition to the monetary award the company will also provide annual training for employees, managers and supervisors

According to the EEOC lawsuit the employee was fired by TIC Wyoming because the employee needed to have a reasonable accommodation so he could perform his job. The accommodations were needed for the employee's physical impairments, which included a leg amputation.

[Read more about Tic Wyoming Agrees To Pay \\$135,000 to Settle EEOC Lawsuit for Disability Discrimination](http://www.eeoc.gov/eeoc/newsroom/release/10-21-11.cfm) at <http://www.eeoc.gov/eeoc/newsroom/release/10-21-11.cfm>

AT&T Sued By EEOC for Disability Discrimination

A company in Puerto Rico now owned by AT&T violated the Americans with Disabilities Act (ADA) when it refused to accommodate an employee after he went blind according to a lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC). The employee has diabetic retinopathy, which caused the employee to lose vision in both eyes. The employee requested an accommodation that would have allowed the employee to continue working as a switch technician by using computer software that allows blind persons to use computer programs and applications. The employer failed to provide the accommodation to the employee making it impossible for the employee to perform the job.

[Read more about AT&T Sued By EEOC for Disability Discrimination](http://www.eeoc.gov/eeoc/newsroom/release/10-6-11c.cfm) at <http://www.eeoc.gov/eeoc/newsroom/release/10-6-11c.cfm>

EEOC Sues Capital Healthcare Solutions for Disability Discrimination

The U.S. Equal Employment Opportunity Commission (EEOC) has charged that a nursing staffing agency violated federal law by withdrawing an offer of employment to a certified nursing assistant because she was HIV-positive in a lawsuit the agency has filed. The EEOC has alleged that Pittsburgh-based Capital Healthcare Solutions, Inc. extended a job offer to a certified nursing assistant but unlawfully rescinded the job offer less than one month later because of the individual's disability.

[Read more about EEOC Sues Capital Healthcare Solutions for Disability Discrimination](http://www.eeoc.gov/eeoc/newsroom/release/10-5-11a.cfm) at <http://www.eeoc.gov/eeoc/newsroom/release/10-5-11a.cfm>

that their customers are able to communicate with them. Learn what "effective" means; what you need to do to ensure that you are prepared to respond to requests; what type of notice you should give to your customers about requesting accommodations if needed and some of the best practices that are used.

For more information visit [ADA Audio Conference site](http://www.ada-audio.org/Schedule/#fy2011session2) at <http://www.ada-audio.org/Schedule/#fy2011session2> or call (877) 232-1990.

Accessibility Online Webinar Series

**Accessible Schools
December 1st, 2011 1-2:30 CT**

The 2010 ADA Accessibility Standards and the Architectural Barriers Act (ABA) Accessibility Standard apply to many types of schools in the public and private sectors, including primary, secondary, trade schools and colleges and universities. This session will provide an overview of requirements in the ADA and ABA standards for newly constructed and altered school facilities and their related elements and spaces such as student laboratories, assembly seating, assistive listening systems, and much more.

For more information visit [Accessibility Online Webinar Series](http://www.ada-audio.org/Schedule/#fy2011session2)

EEOC Files Lawsuit against Continental Structural Plastics, Inc. for Disability Discrimination

Continental Structural Plastics, Inc. (CSP) an industrial-components molding company with manufacturing facilities in Conneaut, Ohio, violated federal law by terminating a disabled employee and failing to reasonably accommodate him, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit it announced today.

The U.S. Equal Employment Opportunity Commission (EEOC) charged that CSP terminated an employee after one day of employment because of the employee's disability according to a lawsuit filed by the federal agency. The EEOC lawsuit the company concluded that the employee, who does not have fingers on his right hand, could not operate certain machinery because the employee is disabled. The EEOC stated that the company failed to engage in the interactive process with the employee or discuss with the employee any performance issues.

[Read more about EEOC Files Lawsuit against Continental Structural Plastics, Inc. for Disability Discrimination](http://www.eeoc.gov/eeoc/newsroom/release/10-5-11.cfm) at <http://www.eeoc.gov/eeoc/newsroom/release/10-5-11.cfm>

U.S. Department of Justice (DOJ)

Justice Department Announces Settlement with the Law School Admission Council

The settlement resolves a complaint filed under Title III of the Americans with Disabilities Act (ADA) by a Minnesota resident. The complaint alleged that the Law School Admission Council denied the accommodations sought by the individual. The complain taints disabilities include Congenital Hypotonia, Attention Deficit Disorder ("ADD"), and a Learning Disability. The Admissions Council will allow the individual double time to take the exam, allow the use of scratch paper and allow the individual to bring in his own computer and printer for the writing portion of the exam.

[Read more about Justice Department Announces Settlement with the Law School Admission Council](http://www.ada.gov/lisac_2011.htm) at http://www.ada.gov/lisac_2011.htm

U.S. Department of Labor

Labor Department Announces \$2.2 million to improve employment opportunities for people with disabilities

Secretary of Labor Hilda L. Solis announced four two-year cooperative agreements totaling \$2,165,998 to a consortia led by the Board of Trustees of the University of Illinois in Chicago, the National Organization on Disability in New York City, TransCen Inc. in Rockville, Md., and the World Institute on Disability in Oakland, Calif. These awards represent the second round of funding provided through the "Add Us In" initiative of the U.S. Department of Labor's Office of Disability Employment Policy (ODEP).

[Read more about Labor Department](http://www.dol.gov/opa/media/press/odep/odep20111435.htm) at <http://www.dol.gov/opa/media/press/odep/odep20111435.htm>

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

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Great Lakes In Focus

Implementing Universal Design for Education in Illinois Webinar Series

The Great Lakes ADA Center and the Illinois Board of Higher Education are pleased to announce a free webinar series titled "Implementing Universal Design for Education in Illinois" This series was developed as a result of information collected via a survey conducted by the Illinois Web Accessibility Consortium in early 2011. The survey collected information regarding the technologies being employed around the State of Illinois to create and deliver instructional materials, how individuals at educational institutions learn about these technologies and their interest in learning more about accessible techniques and universal design. Individuals outside of Illinois are invited to participate in one or all of the sessions.

This series will run monthly from October 2011 through May 2012 and focus on Universal Design for Education. Universal Design for Education (UDE) is the incorporation of principles from both universal design for learning and universal design for instruction. Universal Design for Learning (UDL) employs learning guidelines for multiple means of representation, expression, and engagement for the student. Universal Design for Instruction (UDI) applies the same seven principles as universal design for architecture with two additional principles related to education.

The webinar series will provide insights into how to begin to implement these principles into classroom instruction to provide a more inclusive learning environment for a diverse student population, including those with disabilities. The sessions will focus on key concepts, strategies and instructional technology that may be used to develop course materials that are universally designed. Universally designed course materials often provide benefits on multiple levels, including accessibility, content retention, varied learning styles, as well as platform and device independent delivery.

All sessions are 60 minutes in length and will be held from 2:00-3:00pm Central Time

The program will be delivered via the ElluminateLive! Webinar platform and will be real-time captioned. The sessions will be recorded and archived for future viewing.

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Topics to be covered include:

- October 20, 2011 - Introduction to Universal Design for Education
- November 17, 2011 - Introduction to the Illinois Information Accessibility Act (IITAA)
- December 15, 2011 - Utilizing LecShare for Delivering Instructional Content
- January 19, 2012 - Microsoft Office 2010 Accessibility
- February 16, 2012 - Implementing Accessible Math on the Web
- March 15, 2012 - Quick Checks for PDF Accessibility
- April 15, 2012 - Engaging E-learning with SoftChalk LessonBuilder
- May 17, 2012 - Creating Accessible Presentations with Adobe Captivate

For more information about each session, presenters and to register please visit <http://www.adaconferences.org/IBHE/>

To join or learn more about the Illinois Web Accessibility Consortium visit <http://ibhe.cita.illinois.edu/>

Great Lakes ADA Center
ADAConferences Team
877-232-1990 (V/TTY)
Email : adaconferences@adagreatlakes.org

The Docket

NIXON-TINKELMAN v. NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE

The Second Circuit Court of Appeals revived a claim by a municipal employee who alleged that her employer had failed to provide her with a reasonable accommodation. The employee alleged that her employer had not assisted her with getting to work as a reasonable accommodation. The lower court had dismissed the claim ruling that commuting fell outside the scope of the plaintiff's job. The Court ruled that such an accommodation is outside an employer's obligations under the ADA. The Second Circuit disagreed with the lower Court, ruling that "there is nothing inherently unreasonable in requiring an employer to furnish an otherwise qualified disabled employee with assistance related to her ability to get to work." The Court ruled that depending on the circumstances, "an employer may have an obligation to assist in an employee's commute." The case was remanded back to the lower court for a determination as to whether it would have been reasonable for the employer to provide assistance. The Second Circuit provided the district court with additional guidance suggesting that it consider whether defendants could have reasonably accommodated the employee's needs "simply by transferring her back to

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Queens or another closer location, allowing her to work from home, or providing a car or parking permit." In addition, the lower court was asked to consider factors such as the number of employees employed by the employer, the number and location of its offices, whether other available positions existed for which the plaintiff was qualified, whether she could have been transferred to another office without unduly burdening the employer's operations, and the reasonableness of allowing her to work without on-site supervision.

From the ADA Expert

Question: I am director of a village's public works department. Someone told me that the new 2010 ADA standards no longer require detectable warnings on curb ramps. Is this correct?

Answer:

On September 15, 2010 the U.S. Department of Justice (DOJ) published revised regulations covering state and local governments and places of public accommodations and commercial facilities. These revised regulations included the adoption of the 2010 standards. Compliance with the 2010 standards becomes mandatory on March 15, 2012. Between now and March 15 a covered entity may choose to follow either the 1991 standards or the 2010 standards.

In the 2010 ADA standards detectable warnings are only required on transit platforms. They are no longer required on curb ramps. The U.S. Access Board is working on guidelines for public rights of way that will require detectable warnings on curb ramps in the public right-of-way. The Access Board recognized the unique issues present in the public right-of-way and began work on a separate guideline for that environment. The Board published proposed guidelines for the public right-of-way on July 26, 2011. Public comment is being accepted on the proposed guidelines until November 23, 2011.

If state and local governments are using the 1991 standards or using money provided by the U.S. Federal Highway Administration for projects in the public right-of-way detectable warnings are still required on curb ramps. Also, the U.S. Department of Transportation ADA standards require detectable warnings on curb ramps located at transit facilities which fall under the Transportation Department's jurisdiction. Additionally, the Access Board will eventually publish a final guideline for public rights-of-way and those guidelines will be adopted by the U.S. Department of Justice and U.S. Department of Transportation in the future as enforceable standards.

For additional information contact the DBTAC Great Lakes ADA Center by calling (800) 949-4232 (V/TTY) or via the [online contact form](http://www.adagreatlakes.org/WebForms/ContactUs/) at <http://www.adagreatlakes.org/WebForms/ContactUs/>

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Suggested Resources

- [ADA 2010 Revised Requirements: Effective Date and Compliance Date](http://www.ada.gov/revised_effective_dates-2010.htm) For more information visit http://www.ada.gov/revised_effective_dates-2010.htm
- [2010 ADA Standards for Accessible Design](http://www.ada.gov/2010ADASTandards_index.htm) For more information visit http://www.ada.gov/2010ADASTandards_index.htm
- [Public Rights-of-Way Homepage](http://www.access-board.gov/prowac/index.htm) For more information visit <http://www.access-board.gov/prowac/index.htm>
- [ADA Standards for Transportation Facilities](http://www.access-board.gov/ada-aba/ada-standards-dot.cfm) For more information visit <http://www.access-board.gov/ada-aba/ada-standards-dot.cfm>
- [Detectable Warnings Memorandum - Bicycle and Pedestrian Program - Human Environment - Environment - Environment and Planning - FHWA](#)

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