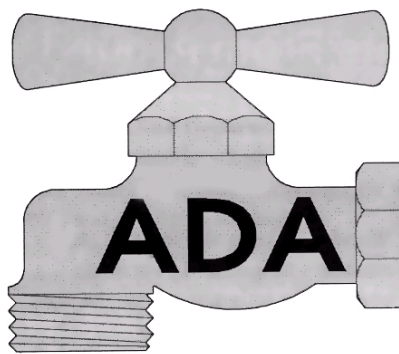




A Project of the Burton Blatt
Institute: Centers of Innovation on
Disability at Syracuse University



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Southeast Disability and
Business Technical
Assistance Center

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We Did It! Five More Years to Serve the Southeast Region!

New Name — New Challenging Initiatives — Same Great Services

By Shelley Kaplan

We are delighted to announce that the Southeast Disability and Business Technical Assistance Center (DBTAC) has been awarded a fourth round of funding, allowing us to continue serving the Southeast Region through 2011. As part of our funding, we also have a new name, **DBTAC: Southeast ADA Center**. We are one of 10 regional resource centers funded by the National Institute on Disability and Rehabilitation Research, part of the U.S. Department of Education. The Centers will now be identified by the DBTAC name and the geographic region they serve. This will avoid the confusion of each resource center having a different name and will also ensure national branding for all 10 DBTACs.

We are also pleased to introduce you to our collaborative partners for the next five years – the Burton Blatt Institute: Centers of Innovation on Disability (BBI) at Syracuse University, the Center for Assistive Technology and Environmental Access (CATEA) at Georgia Institute of Technology, Living Independence for Everyone (LIFE) of Mississippi, and Partnerships in Assistive Technology (PAT) of North Carolina. In addition to their specific responsibilities within the project, each partner also provides leadership and project oversight as a member of our Executive Leadership Council.

We have also convened two Advisory Groups — an Affiliate Leadership Council (ALC) and a Business Leadership Council (BLC) — to guide outreach, research, information dissemination, technical assistance and training to specific audiences. The eight-member ALC represents the grassroots interests and expertise of people with disabilities from each of the eight Southeastern states. Its members consist of the State Affiliates that have partnered with the Southeast DBTAC for the past 15 years. The BLC is made up of business leaders from the eight Southeastern states who were nominated by ALC members because of their demonstrated commitment to hiring individuals with disabilities.

The Next Five Years — Continuation and Innovation

With renewed funding for the next five years, the DBTAC: Southeast ADA Center will continue and expand upon its mission to facilitate voluntary implementation of the ADA. We will

continue to respond to the hundreds of calls we receive each month via our toll free hotline. We will also provide customized training programs and more online educational opportunities and continue to disseminate publications and materials to meet your needs.



In addition, as part of its mission, the Southeast DBTAC has developed an innovative research plan to reduce and eliminate barriers to employment and economic self-sufficiency and to increase the civic and social participation of Americans with disabilities. These research initiatives will create new knowledge with great potential to impact policy and practice in these two areas. Three research projects have been proposed as part of these initiatives. Two projects focus on eliminating barriers to employment and economic self-sufficiency: a “Case Study

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Highlights from Around the Region

Facilitating Voluntary Compliance with the ADA

As our cover story indicates, DBTAC state and local affiliates throughout our eight-state region have been successful in promoting voluntary compliance with the Americans with Disabilities Act (ADA) in their state and local communities. Some of their successful outcomes are reported below.

Onward and Upward with the Arts

The Tennessee Disability Coalition (TDC) conducted a training series for the Frist Center for the Visual Arts to ensure it could welcome everyone to their museum, including people with disabilities, as well as all the other groups that make up the diverse city of Nashville. As a result, access, including structural, programmatic and communication, is woven into every aspect of the Frist Center, which receives more than 20,000 visitors each year. With exhibits changing every 6-8 weeks, staff and representatives from the disability community often collaborate on ways to make individual shows accessible. In addition, beginning in January 2001, a training session entitled "ADA Disability Awareness" has been a part of the Frist Center's ongoing volunteer training. The

training is conducted in collaboration with ADA affiliates, the TDC and the Center for Independent Living of Middle Tennessee, and with a variety of other ADA partners including the Disability Law and Advocacy Center, the League for the Deaf and Hard of Hearing, Easter Seals, the Epilepsy Foundation of Middle Tennessee, the

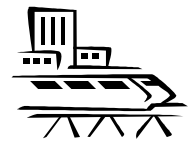


Tennessee Council on Developmental Disabilities, and community members with disabilities.

In North Carolina, as a result of outreach by the ADA affiliate Arts Access, five performing and visual arts organizations made accessibility improvements, including changes or improvements to signage, audio description and on-going staff training.

All Aboard!

The Music City Star (www.musiccitystar.org) is Nashville's first commuter rail service, which began operation in September 2006. As the Music City Star was being constructed and initially run, the Center for Independent Living of Middle Tennessee



transportation committee provided input on physical accessibility. Most recently, Tennessee Disability Coalition staff have contacted the Music City Star's customer assistance staff about the accessibility of their website and provided information on accessibility features.

Increasing Access — Title III Public Accommodations

Eight ADA Affiliates in North Carolina made increased access to hotels, businesses, stores and restaurants their priority for 2006. As a result:

- Ten hotels made accessibility improvements, including changes and improvements to signage, guest rooms, paths of travel, policies and procedures, parking and on-going staff training. In addition, one hotel dropped the surcharge for accessible transportation for their otherwise free shuttle service. (Alliance of Disability Advocates, STAR);



ADA Pipeline

ADA Pipeline is published twice each year by the DBTAC: Southeast ADA Center (Southeast DBTAC). The Southeast DBTAC is authorized by the National Institute on Disability and Rehabilitation Research, Grant #133A060094 to provide information, materials, and technical assistance to individuals with rights, as well as entities, that are covered by the ADA. The information, materials, and technical assistance are intended solely as informal guidance; this assistance does not serve as determination of your legal rights or responsibilities under the ADA, nor is it binding on any agency with enforcement responsibilities under the ADA.

ADA Pipeline is available, free of charge, to subscribers in the eight southeastern states. *ADA Pipeline* is available upon request in large print, braille, audio cassette, and computer disk.

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Highlights from Around the Region

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- 26 businesses made improvements to or added accessible parking spaces and curb cuts (Citizens Together Advocacy Group, Gaston County Advocacy Council for People with Disabilities, Pathways, Eastern NC Center for Independent Living); and
- 21 stores and restaurants made — and maintained — accessible access aisles and paths of travel (Citizens Together Advocacy Group, Challengers, Kapabilities, Pathways).

Increasing Access — Title II State and Local Governments

The City of Birmingham entered into a settlement agreement with the Department of Justice (www.ada.gov/birminghamalsa.htm). As a result, the city identified several areas that were not in compliance with the ADA. In its effort to correct these deficiencies, the City of Birmingham asked the Alabama State ADA Affiliate, in collaboration with Assistant Attorney General for the Alabama Department of Rehabilitation and the Southeast DBTAC, to conduct a Train the Trainer workshop for city employees. Personnel from various city departments have also been trained on communication access, including how to use a TTY. Birmingham has compiled a list of licensed and permitted interpreters in the area, and will be entering into contracts for interpreting services.



A survey conducted in Summer 2006 by the local ADA Affiliate in Montgomery, Alabama has resulted in eight curb cuts being retrofitted and installed with the remainder of the curb cuts identified as part of the survey to be completed by the end of March 2007.

Economic Independence

After attending a workshop on “Your Rights When Looking for a Job” conducted by the North Carolina Association of Self Advocates, two self

advocates reported applying for and getting jobs.

Making Our Voices Heard

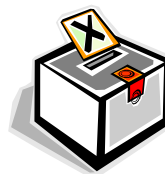
During the past year, several ADA Affiliates have been invited to participate on key advisory boards and committees, including:

- The Western Alliance Center for Independent Living in North Carolina was invited to serve on the Asheville Technical Review Committee that reviews all blueprints and plans for new construction in the city. This committee includes representatives from the Building Safety Department, Office of the City Planner, and Fire and Police Departments.
- The Gaston County Advocacy Council for People with Disabilities in North Carolina was invited to serve on the planning committee for the new U.S. National White Water Center in Gaston County. As a result, persons with disabilities will be able to enjoy the amenities offered to the general public, and world-class athletes with disabilities can train and compete at the Center.
- The Citizens Together Advocacy Group in Rocky Mount, North Carolina was invited to meet regularly with management at the local Target store to discuss accessibility issues.
- LIFE of Mississippi is a member of the Site Plan Review Committee for the City of Hattiesburg, assisting them in becoming one of the most accessible cities in Mississippi following the devastating effects of Hurricane Katrina.



Get Out the Vote

The **Tennessee Disability Coalition VOTE! Campaign** is a nonpartisan, statewide campaign created by the Tennessee Disability Coalition to empower the disability community and eliminate voting barriers. Staff conducted polling site survey training for election commissioners in



Knox County and polling site surveys emphasis). The **VOTE! Campaign Manual** was produced with Southeast DBTAC assistance and is available online at www.tndisability.org/publicpolicy/Voter_Empowerment_Manual.doc.

The ADA State Affiliate in Mississippi used the Tennessee manual to work with the Secretary of State’s Office to promote accessible voting machines. As a result, more than two-thirds of the counties in Mississippi are now using the accessible “touch screen” voting machine.

Emergency Planning

When the Georgia ADA Affiliate learned that the FEMA term “special needs populations” applied only to individuals in nursing homes and medical facilities, and that there were no disability services or accommodations in the Georgia Red Cross congregate shelters, it took action. The Affiliate recognized that people with disabilities who are able to live successfully in the community under typical conditions might need specific assistance and services in emergency situations such as hurricanes, tornadoes, or other dangerous events. Consequently, the Georgia State Affiliate brought members of the disability community together with state and local emergency planners and first responders, two groups that had never met before. Representatives from the Autism Society, LIFE of Savannah, NAMI, Guide Dog Users of Georgia, and the Savannah College of Art & Design (which has a large number of students who are deaf) began meeting on an ongoing basis with emergency planners and first responders to identify issues and discuss solutions. As a first result from these meetings, two trainings for emergency personnel and first responders were held in January, located at opposite ends of a 13-county area of coastal Georgia.



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Five More Years to Serve the Southeast Region

Analysis of Corporate Culture and Best Practices for Hiring and Retaining Persons with Disabilities and an “Investigation and Pilot Study of Teleworking as a Reasonable Accommodation.”

Our third proposed project will examine the social and civic participation by people with disabilities in the Southeast to determine if barrier removal has resulted in greater participation of people with disabilities in community life.

Highlights from the Past Five Years

The Southeast ADA Center serves the eight states in Federal Region IV via its resource center in Atlanta, GA, and a network of affiliates throughout Alabama (AL), Florida (FL), Georgia (GA), Kentucky (KY), Mississippi (MS), North Carolina (NC), South Carolina (SC), and Tennessee (TN). Working singly and collectively, our Center and our affiliates have made significant contributions to facilitating voluntary compliance with the ADA and increasing the full participation of people with disabilities within our eight-state region.

Highlights from Our Center include:

- Developed three nationally recognized innovative and fully accessible online educational tools: *ADA Basic Building Blocks*, an introductory overview of all titles of the ADA; *At Your Service: Welcoming Customers with Disabilities to Your One Stop*, an online course to train One-Stop Staff, VR counselors, and SSA Navigators on interacting effectively with persons with disabilities; and the *ADA Game*, an interactive game with 1,220,739 participants over past 3.5 years. All three of these online tools can be found at www.sedbtac.org.
- Our quick and effective response to the high volume of calls received during September – November 2006 due to Hurricanes Katrina, Rita and Wilma resulted in Rebuilding Accessible Communities, a collaborative project among the DBTACs in Regions 4 and 6, CESSI, and the U.S. Access

Board. An online resource has been developed in anticipation of future hurricane seasons (www.dbtac.vcu.edu/rac/index.aspx).

- We developed a curriculum, *Serving Customers with Disabilities in Air Travel*, for AirTran Airways that its trainers use with all AirTran staff. The curriculum has applicability to all airlines.

- With assistance from our Educational Leadership Team, we sponsored three Leadership Academies to advance the use of accessible information technology (IT) among educators. Two Academies (2004, 2006) focused on faculty teams from colleges, community colleges, and universities, and one (2006) for 24 teams of K-12 teachers, disability specialists and information technology staff in a school district in North Carolina.

Materials, presentations, and publications from these Leadership Academies are available on Southeast DBTAC’s website at www.sedbtac.org.

- Published the following materials from 2001-2006:

- a. *Promising Practices in IT Accessibility in Post-Secondary Institutions* (2005)

- b. *Promising Practices in IT Accessibility in K-12 Institutions* (2006)

- c. *Telecommuting as a Reasonable Accommodation* (paper) (2006)

- Published the following training materials for our affiliates:

“Youth with Disabilities, Their Families and the Professionals Who Work with Them”; “Public Accommodations: Hotels and Motels”; “Public Accommodations: Medical Facilities”; “Public Accommodations: Small Business, State and Local Government: Small Towns, Townships, and Municipalities.”

- Sponsored Leadership Initiatives (2002-2004) in 13 educational institutions to promote the use of accessible IT in educational settings (six projects in K-12 institutions; seven in Post-Secondary Institutions). The outcomes of these initiatives are detailed in the publications available at

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www.sedbtac.org/promisingpractices.php?idpg=256.

Highlights from our Affiliate Network include:

- The Montgomery Center for Independent Living in Alabama conducted a survey of curb cuts and sidewalks and presented the findings to the Mayor’s Advisory Committee on Accessibility Issues, the Director of the City of Montgomery Planning and Development, and to the Executive Assistant to the Mayor. As a result, the City designated \$150,000 in its 2006 budget and established a reasonable schedule to make pedestrian pathways accessible in a highly traveled five-square-block area of downtown Montgomery.

- The Disability Resource Group of Georgia conducted three employer focus groups consisting of small and medium-sized companies to identify the barriers and facilitators to hiring qualified people with disabilities. This information was used to inform the Southeast DBTAC’s research agenda proposed in its competitive renewal for 2006-2011.

- As a result of work done by Gaston County Advocacy Council for People with Disabilities, Gaston, North Carolina completed curb cuts and resurfacing on Franklin Boulevard. In addition, the Phillips Center in Gaston installed a ramp and two accessible parking spaces. The City of Gaston also made repairs to the sidewalk on North York to improve access in this area.

- Citizens Together Advocacy Group in North Carolina provided ongoing technical assistance for re-stripping the parking lot where an Independent Living Center, a Vocational Rehabilitation office, and several home health care agencies are located, to rectify the lack of accessible parking.

- The Tennessee Disability Coalition (TDC) initiated a web accessibility project with the goal of enhancing the accessibility of the Coalition’s member agency websites to ensure that

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Five More Years

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individuals with disabilities do not encounter barriers in obtaining information about the agencies' services and supports. Several Coalition members evaluated their websites for accessibility and made improvements yielding a 7.76% increase in the accessibility of member websites as a result of this effort.

- As a result of adopting the Southeast DBTAC's local project-outcome model, our Affiliate in Mississippi was invited to participate in the Site Plan Review Committees in two cities to ensure that all new construction, remodels and additions in those cities are fully ADA compliant. In addition, two state parks in Mississippi were made fully accessible through ADA network activities.

- Under leadership from the Employment Security Commission, the South Carolina ADA Network was instrumental in bridging communication between state agencies and the disability community. The Commission served as an effective outreach and training conduit to the One Stop Navigators across the Southeast Region. Network members also served on other Interagency Councils and committees, including the Workforce Investment Board, the Governor's and Mayor's Committees on Employment of People with Disabilities, the Assistive Technology Advisory Committee (ATAC), the Medicaid Infrastructure Committee, and the Assistive Technology Project Advisory Board.

- The Florida State Affiliate entered into a contract with the City of St. Petersburg to provide ongoing consultation related to Title II compliance. This effort has led to increased compliance with parking requirements by the local police department, improved access to a municipal swimming pool, increased compliance at city-owned museums, parks and playgrounds, and increased awareness of ADA issues by city staff and a volunteer citizens advocacy group (which was trained by the

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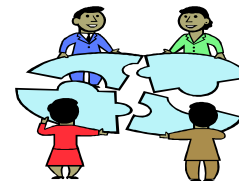
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Highlights From Around the Region

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Public Education and Awareness

WKRN Channel 2 News in Nashville, Tennessee, contacted the Tennessee ADA Network Coordinator for information about the accessibility of parking at the metro Nashville courthouse. Accessible parking for the courthouse is located in a public parking facility across a busy highway in front of the courthouse. People without mobility impairments have difficulty crossing this highway in the time allowed by the traffic signals, and the situation is significantly worse for people who have physical disabilities.

The reporter was referred to the Center for Independent Living of Middle Tennessee, where Sofia Maneschi, who uses a manual chair, allowed the reporter to accompany her from the parking garage to the Courthouse. The good news is that this segment aired on January 15, 2007. The bad news is that an otherwise accurate and fair report was riddled with stereotypical words describing Ms. Maneschi. Not one to take stereotypical words sitting down (pun intended), Ms. Maneschi wrote to the reporter, Andy Cordon. Their correspondence, which is reported in Mr. Cordon's blog, is reprinted below.

Learn from Our Mistakes

By Andy Cordan (January 18, 2007)

I have never claimed to be perfect, and I certainly am open to learning all I can learn. With that said; I want to pass along a letter sent to me from Sofia Maneschi. Sofia is the wonderful woman who I featured in my most recent handicapped parking story. Overall, Sofia says the story was solid, but there were some deficiencies in my blog narrative. I tend to be a creative writer when it comes to my web site, and I apparently used some phraseology that she says is not as appropriate as it can be. I have enclosed Sofia's well-written letter so that we can all learn from my mistake. Thanks for your attention.

A.C.

[Sofia Maneschi's reply:]

Andy,
I commend you on your coverage of the A.A. Birch Courthouse and its lack of wheelchair accessible parking. This is an important issue and I thank you for, not only addressing it, but highlighting the importance of "doing things right the first time." However, even given this stellar coverage, I am not blind to the fact that some of the terminology you used is a bit antiquated.

Now, as you brace yourself for the torrent of recommendations I am about to unleash, please bear in mind that I, too, was unaware of people-first language until I, myself, became a wheelchair user seven years ago. This phrase provides a nice segue into my suggestions. Think about the difference between saying someone is "in a wheelchair" and saying, "someone is a wheelchair user." The first example evokes an image of someone who is very passive (potentially a recipient of welfare, pity, etc.). If someone is a wheelchair user, it automatically evokes an image of an active person, a mover and a shaker, if you will!

People-first language puts the person before the disability. For example, saying "a person who is blind" rather than a "blind person." This assures that the person with a disability owns their disability, rather than having it

define them. Secondly, I think it is preferable to portray people with disabilities as competent, active, independent individuals who are capable of shaping their own futures. Rather than the more antiquated view of people with disabilities as "frail" and struggling in their daily lives.



It's an exciting new world, as I discovered when I entered the realm of "the disability community." I realized that ME, the core person, who I am, doesn't change simply because the way I navigate the world has changed. I hope this realization is as exciting to you as it was to me, because Channel 2 News could potentially revolutionize society's approach to looking at disability. As such, I hope you recognize the power that you, Andy Cordan, have in changing the way society perceives people with disabilities! The question is – are you up to the challenge?! <smile>

Best,
Sofia

Source: www.news2wkrn.com/tickedoff/2007/01/learn_from_our_mistakes.php &

Technical Assistance Corner

By Pamela Williamson, Director of Technical Assistance/Training

Question: Can a person with a disability be put on leave while an employer researches a solution to an individual's request for reasonable accommodation?

Response:

In the **Equal Employment Opportunity Commission (EEOC) Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act** (www.eeoc.gov/policy/docs/accommodation.html) it states:

“How quickly must an employer respond to a request for reasonable accommodation?”

An employer should respond expeditiously to a request for reasonable accommodation. If the employer and the individual with a disability need to engage in an interactive process, this too should proceed as quickly as possible. Similarly, the employer should act promptly to provide the reasonable accommodation. Unnecessary delays can result in a violation of the ADA.

Example A: An employer provides parking for all employees. An employee who uses a wheelchair requests from his supervisor an accessible parking space, explaining that the spaces are so narrow that there is insufficient room for his van to extend the ramp that allows him to get in and out. The supervisor does not act on the request and does not forward it to someone with authority to respond. The employee makes a second request to the supervisor. Yet, two months after the initial request, nothing has been done. Although the supervisor never definitively denies the request, the lack of action under these circumstances amounts to a denial, and thus violates the ADA.

Example B: An employee who is blind requests adaptive equipment for her computer as a reasonable accommodation. The employer must order this equipment and is informed that it will take three months to receive delivery. No other company sells the adaptive equipment the employee needs. The employer notifies the employee of the results of its investigation and that it has ordered the equipment. Although it will take three months to receive the equipment, the employer has moved as quickly as it can to obtain it and thus there is no ADA violation resulting from the delay. The employer and employee should determine what can be done so that the employee can perform his/her job as effectively as possible while waiting for the equipment.”

In footnote 38 of the “EEOC Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the ADA,” it states:

“In determining whether there has been an unnecessary delay in responding to a request for reasonable accommodation,

relevant factors would include: (1) the reason(s) for the delay, (2) the length of the delay, (3) how much the individual with a disability and the employer each contributed to the delay, (4) what the employer was doing during the delay, and (5) whether the required accommodation was simple or complex to provide.”

Please note that in Example B that EEOC emphasizes the need for an **employer and employee to determine what can be done so that the employee can perform his/her job as effectively as possible while waiting for the equipment.** This continues to highlight the need for the employer and employee to continue the “interactive process”.

In EEOC's internal reasonable accommodation policy, **Procedures for Providing Reasonable Accommodation for Individuals with Disabilities** (www.eeoc.gov/policy/docs/accommodation_procedures_eeoc.html), information is provided regarding time frames for processing requests, providing reasonable accommodations, and the steps to take if an accommodation cannot be provided in a timely manner. For example:

- “If there is a delay in providing an accommodation which has been approved, the decision maker must investigate whether temporary measures can be taken to assist the employee. This could include providing the requested accommodation on a temporary basis or providing a less effective form of accommodation. In addition, the decision maker may provide measures that are not reasonable accommodations within the meaning of the law (e.g., temporary removal of an essential function) if: (1) they do not interfere with the operations of the Agency; and (2) the employee is clearly informed that they are being provided only on a temporary, interim basis.



- For example, there may be a delay in receiving adaptive equipment for an employee with a vision disability. During the delay, the supervisor might arrange for other employees to act as readers. This temporary measure may not be as effective as the adaptive equipment, but it will allow the employee to perform as much of the job as possible until the equipment arrives.”

Employers must be very careful not to unnecessarily delay reasonable accommodation requests. If a reasonable accommodation option is not immediately available or must be researched, it is important to continue a dialogue with the employee with a disability to ensure that the employee can continue in his or her job. An employer should consider all available options before an employee is put on leave. ♿

A Status Report from the Department of Justice



This update is excerpted from Disability Rights Online News, a bi-monthly update about the Civil Rights Divisions activities in the area of disability rights. It highlights ADA activities of the Department of Justice in the Southeast Region from June 2006—February 2007. The full reports are available through the Department's ADA website at www.ada.gov/disabilitynews.htm.

SETTLEMENTS

Department Signs 150th Project Civic Access Agreement – On December 5, 2006, the Justice Department signed the 150th Project Civic Access (PCA) agreement at a signing ceremony held in Charleston, West Virginia. Project Civic Access is the Department's initiative to work cooperatively with local governments to ensure that people with disabilities have an equal opportunity to participate in civic life, a fundamental part of American society. The first installment of new technical assistance materials developed by the Department to assist state and local officials in complying with ADA requirements is available at www.ada.gov/pca/toolkit/toolkitmain.htm. "The ADA Best Practices Tool Kit for State and Local Governments" will teach state and local officials how to conduct accessibility audits of their own programs, services, activities, and facilities.

Florida Hospital Agrees to Provide Effective Communication for Patients Who are Deaf – The Department entered into a settlement agreement with Bethesda Memorial Hospital in Boynton Beach, Florida, to resolve a complaint of discrimination from a patient who is deaf. The complaint stated that, despite repeated patient requests for interpreting services, the hospital failed to take appropriate steps to provide appropriate auxiliary aids, including qualified interpreters, necessary to ensure effective communication. The patient alleged that during a 20-day stay she met with doctors, specialists, and nurses and had procedures performed by the hospital without ever having the services of an interpreter. The lack of interpreter services improperly put responsibilities on the patient's husband to facilitate communication between his wife and the hospital. The settlement agreement includes payment of \$8,500 in compensatory damages.

Department Reiterates Its Position On Line-Of-Sight Over Standing Spectators

– On June 8, 2006, at the court's request, the Department filed a brief as amicus curiae in a private case pending in federal court in Los Angeles. The central issue in *Miller v. The California Speedway Corp.* is whether, under section 4.33.3 of the Department's ADA Standards for Accessible Design, patrons who use wheelchairs must be provided with unobstructed lines of sight over standing spectators in order to see the NASCAR races and other motor sports events held at the racetrack. In a series of cases in the late 1990s, the Department took the position that section 4.33.3's "lines of sight comparable" language mandates that public accommodations provide patrons who use wheelchairs with comparable lines of sight over standing spectators at facilities where spectators can be expected to stand during games or events. The *Miller* case is the first case since that time in which the Department has had an opportunity to reaffirm its position.

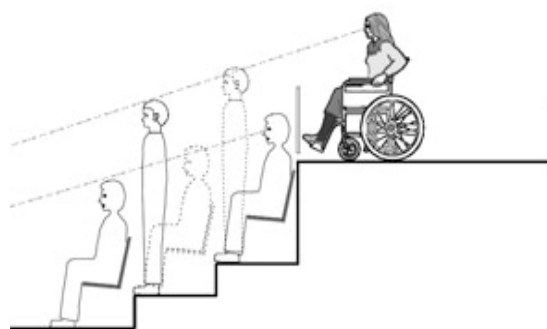


Figure Showing Comparable Line of Sight for Wheelchair Seating Location

MEDIATION

Under a contract with the Department of Justice, The Key Bridge Foundation receives referrals of complaints under

Titles II and III for mediation by professional mediators who have been trained in the legal requirements of the ADA. Over 80% of the cases in which mediation has been completed have been successfully resolved. Following are recent examples of results reached through mediation in the Southeast Region.

In Florida, a wheelchair user complained that an insurance agency did not have an accessible entrance. The business immediately constructed an accessible ramp at its entrance.

In Tennessee, a deaf individual complained that a uniform sales company refused to accept telephone orders from callers using the relay service. The company agreed to accept relay calls and provide ADA training to staff at 200 stores in 36 states. The company also apologized to the complainant and offered a \$100 gift certificate.

In Florida, a person with a mobility disability complained that she had been denied the opportunity to volunteer at a museum and theater company because of her disability. The company agreed to accept the complainant as a volunteer and to open all of their volunteer activities to people with disabilities.

In Mississippi, a wheelchair user complained that a floor covering store located in an old house did not have an accessible entrance or accessible parking. The owner widened a ground level entrance door to provide wheelchair access and installed accessible parking near that entrance.

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A Status Report from the Department of Justice

In **Alabama**, a wheelchair user complained that a drug store did not have accessible parking. The respondent restriped the parking lot and posted proper signage. The store reimbursed the complainant for attorney's fees and provided a \$500 line of credit.

A person with a mobility disability complained that the entrance to a **Mississippi** discount department store was blocked with shopping carts and there was no way for a wheelchair user to get through the store because merchandise crowded the aisles. The store agreed to keep the aisles clear of merchandise and to maintain a clear path of travel on side-walks around the store and at the entrance.

In **Mississippi**, a man who uses a wheelchair complained that a medical laboratory was inaccessible and so it conducted his outpatient lab work in the waiting room in front of other patients. The hospital that owns the laboratory agreed to alter a room to provide accessible private and confidential laboratory services to patients who use wheelchairs.

In **Georgia**, a deaf individual complained that a doctor's office refused to provide a sign language interpreter for an appointment. The office agreed to provide appropriate auxiliary aids and entered into a contract with an interpreting service. In addition, the office posted signage indicating that assistance will be provided to persons with disabilities upon request.

In **North Carolina**, a person who uses a wheelchair complained that the interior of an eye doctor's office was inaccessible. The office agreed to widen the doorway between the examination room and the hallway, remove protruding cabinet doors in the examination room to provide additional maneuvering space, and remove chairs from the hallway and examination rooms.

In **Florida**, a person who is deaf alleged that a doctor's office did not provide effective communication during an office visit. The doctor's office developed and

implemented a written policy for all office staff members outlining the procedure for providing sign language interpreter services when needed.

In **Georgia**, a person who uses a wheelchair complained that a doctor's office was inaccessible because it lacked a ramp, an accessible restroom, and an accessible exam room. The landlord and tenant worked together to resolve the complaint and installed a new concrete ramp at the entrance, appropriate signage designating accessible parking, and grab bars in the restroom and exam room.

Other Enforcement News



Department Settles Disability Discrimination Lawsuit Against Florida Housing Authority – The Department settled a lawsuit against the Gainesville Housing Authority alleging disability discrimination at the Madison Cove Apartments, a rental property in Gainesville, Florida. The consent decree, approved by a federal court on January 10, 2007, also resolves the government's claims against the owner of the complex, Madison Cove of Gainesville, Ltd., and the management company, Davis Property Management, Inc. The Department's complaint alleged that the defendants violated the Fair Housing Act when they discriminated against Sheila and Charles O'Steen by failing or refusing to grant their requests for a reasonable accommodation of their physical disabilities. Specifically, the O'Steens requested a transfer from a second floor to a first floor unit. Under the settlement, the defendants agreed to pay a total of \$50,000 to the O'Steens, develop and implement reasonable accommodation and complaint policies that comply with

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federal civil rights laws, undergo fair housing training, and submit periodic reports to the Justice Department.

Alabama City Will Permit Home For Adults With Disabilities To Open – The Department settled a lawsuit against the city of Saraland, Alabama, alleging housing discrimination against individuals with developmental disabilities. The Department's complaint alleged that the city violated the federal Fair Housing Act when it refused, for explicitly discriminatory reasons, to allow the Lewis Community Care Facility, Inc., to open a home for ten adults in a residential neighborhood of the city. These residents were to be screened and referred by the Mobile Mental Health Center and were to share living space and common facilities in a home staffed 24-hours per day and regulated by the state of Alabama. The settlement order resolved the Department's case as well as a consolidated lawsuit filed by the Fair Housing Center of Alabama on behalf of Lewis Community Care and its owners, Shannon and Orin Lewis. Under the settlement, the city has agreed to allow the Lewises to operate their home as planned, to pay \$65,000 in damages and attorneys fees to the Lewises, and to pay a civil penalty of \$7,000 to the government.

The settlement also mandates that certain city employees undergo training on the requirements of the Fair

Housing Act and that the city maintain records relating to future proposals for housing for people with disabilities and submit periodic reports to the Justice Department. ☞



Visit the Southeast DBTAC web site
www.sedbtac.org



New Publications and Online Resources

Check out the Southeast DBTAC publication section at www.sedbtac.org/ada/publications/index.php for a list of available information about the ADA. Direct links to many documents are included to assist you in accessing important and accurate information.

ADA Guide for Local Governments: Making Community Emergency Preparedness and Response Programs Accessible to People with Disabilities
www.ada.gov/emergencyprep.htm

ADA Best Practices Tool Kit for State and Local Governments
www.ada.gov/pcatoolkit/toolkitmain.htm

Expanding Your Market: Building a Diverse Customer Base
www.ada.gov/accesscust.htm



Expanding Your Market: Accessible Customer Service Practices for Hotel and Lodging Guest with Disabilities
www.ada.gov/civilrights.htm

Expanding Your Market: Tax Incentives for Business
www.ada.gov/taxincent.htm

Questions and Answers about Health Care Workers and the Americans with Disabilities Act
www.eeoc.gov/facts/health_care_workers.html

Promising Practices in Information Technology Accessibility in K-12 Education in the Southeast Region
www.sedbtac.org/ed/edaction/promising_practices_K12.doc

The ADA Game
www.adagame.org



2006-2007 ADA Audio Conferencing Series
www.ada-audio.org/
Archived sessions are available at www.ada-audio.org/Archives/

At Your Service: Welcoming Customers with Disabilities to Your One Stop
www.wiawebcourse.org

Spanish Version of the DBTAC ADA Basic Building Blocks Web Course Is Now Available!
www.adabasics.org

This popular introductory web-based course on the Americans with Disabilities Act of 1990 (ADA) is now available in English and Spanish. The course explores the legal requirements and spirit of the ADA. ☺

2007 Leadership Academy Offered in New Grant Cycle

With renewed funding, the Southeast DBTAC plans to offer an annual Intensive Leadership Academy for institutions of higher learning in the Southeast Region. The curriculum will be expanded to include equal emphasis on training and information about assistive technology (AT) as well as training and information on accessible information technology (IT). This change will reflect the intimate relationship between AT and IT tools that must be considered together, not separately, in order to provide effective, long-lasting solutions. The design of multimedia-driven online courses, for example, can only be optimized via a thorough understanding of the types of AT the audience may use, the strengths, weaknesses and features of this AT, and the context in which it is typically employed. The Leadership Academy will be conducted as an online series among three-member teams



from participating institutions of higher learning in order to synthesize these elements into multi-modal solutions for students and faculty with various of disabilities. If you are interested in learning more about the Southeast DBTAC's 2007 Leadership Academy, please send an email to sedbtacproject@law.syr.edu. ☺

Job Bias Charges Edged Up in 2006 EEOC Reports

*Race and Sex Discrimination, Retaliation Most Frequently
Filed Cases*

The U.S. Equal Employment Opportunity Commission (EEOC) last year received a total of 75,768 discrimination charges against private sector employers, the first increase in charge filings since 2002, the federal agency reported as part of its Fiscal Year (FY) 2006 data.

The year-end statistics, available online at www.eeoc.gov/stats/enforcement.html, show that charges based on race (27,238), sex (23,247), and retaliation (22,555) were the most frequent allegations, as in past years. Other frequently cited charge bases were disability (15,625), age (13,569), national origin (8,327), and religion (2,541). All charge categories edged up from FY 2005, with the exception of age and equal pay. Individuals may allege multiple types of discrimination in a single charge filing.

Additionally, 12,025 sexual harassment charges and a record 4,901 pregnancy discrimination charges were filed with the EEOC and with state and local Fair Employment Practices Agencies combined. A record 15 percent of sexual harassment charges were filed by men. "These figures tell us that discrimination remains a persistent problem in the 21st century workplace," said EEOC Chair Naomi C. Earp. "The Commission continues to work closely with our stakeholders to implement new strategies to stop discrimination before it starts. We are striking a vital balance between outreach and education on one hand, and enforcement and litigation on the other."

The FY 2006 data also show that the EEOC:

- Resolved 74,308 private sector charges, with a historically high merit factor rate of more than 22 percent (representing favorable outcomes for charging parties). A record 8,201 cases were resolved through voluntary mediation.
- Conducted a record 5,628 outreach, education and technical assistance events nationwide, reaching more than 300,000 people. Approximately 1,000 events were held under the Youth@Work Initiative to promote positive first work experiences for young adults. Other national outreach efforts included the Freedom to Compete Initiative and the New Freedom Initiative, and programs focused on EEOC-enforced laws, mediation, and small business.
- Recovered a total of approximately \$274 million in monetary relief for charging parties: \$44 million through litigation and \$230 million through administrative enforcement, including mediation. Additionally, the agency obtained substantial non-monetary relief, such as employer training, policy implementation, reasonable accommodations, and other measures to promote discrimination-free workplaces.
- Filed 371 merits lawsuits (direct suits, interventions and

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EEOC and Chase Reach \$2.2 Million Settlement in Disability Discrimination Claim



The U.S. Equal Employment Opportunity Commission (EEOC) and JPMorgan Chase & Co. (Chase) announced the \$2.2 million settlement of a claim brought under the Americans with Disabilities Act (ADA) against Bank One Corporation.

The EEOC issued an administrative determination on March 11, 2004, finding that there was reasonable cause to believe that Bank One violated the ADA by failing to properly accommodate a group of employees who were medically released to return to work after leaves of absence exceeding six months. Bank One automatically protected employees' jobs when employees went on a leave of absence for less than six months. However, for employees who went on longer leaves of absence, the EEOC found that Bank One violated the ADA by terminating some employees without first attempting to determine on an individual basis whether they required additional job protection or other accommodations because of a disability. In 2004, after the EEOC's finding was issued, Bank One merged with Chase. Chase assumed negotiations with the EEOC following the merger of the two companies.

As a result of the settlement, the merged company will distribute \$2.2 million among 222 individuals who went on a long-term disability (LTD) leave of absence from Bank One and whose employment was ultimately terminated. Chase will also reinforce its policies to individually assess whether a disabled employee on a disability leave of absence should receive additional job protection or other accommodations. Chase will provide training on the ADA and its revised policy to all managers, human resources professionals, and employees of its Disability Management Services department.

The settlement also provides for Chase to make a monetary contribution to Open Doors, a Chicago-based, non-profit organization, to support the agency's education and advocacy work on behalf of the employees with disabilities.

During its investigation, the EEOC found that Bank One's policy permitted employees who returned from short-term disability within six months to return to their jobs. Employees who required more than six months of disability leave, however, were not guaranteed to return to their previous position. If their position had been filled, employees who were released to return to work after more than six months of disability leave had thirty days to find other positions within Bank One or were terminated. The ADA requires that employers individually assess whether or not additional leave will assist employees with disabilities in returning to work without placing an undue hardship on the company. ♿

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Five More Years to Serve

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Florida affiliate). In addition, a workshop for 35 public building code officials and architects in the Ft. Lauderdale area resulted in better enforcement of the ADA and Florida Building Code access provisions in this region.

These are only a few of the significant improvements in accessibility resulting from work done by the 99 members of our Affiliate Network. More of their outcomes appear in "Highlights from Around the Region," starting on page 2. ☺



***ADA Pipeline* is online!**

***www.sedbtac.org/ada/publications/
pipeline.php***

Are you looking for accurate information about the ADA for your newsletter? Back issues of the *ADA Pipeline* newsletter are now available online at the Southeast DBTAC's website. You are encouraged to reprint the information contained in each issue in your own newsletter, with proper acknowledgment given to the Southeast DBTAC. ☺

Job Bias Charges Edged Up

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other enforcement actions), including 137 cases involving multiple aggrieved parties or victims of discriminatory policies. Significant injunctive and remedial relief was also achieved through litigation settlements, jury verdicts and court rulings.

"In 2006, the Commission made visible progress in advancing equal employment opportunity, yet much work remains," Chair Earp said. "Our challenge in 2007 is to make the most effective and efficient use of agency resources to foster fair and inclusive work environments for all individuals."

The EEOC enforces federal laws prohibiting employment discrimination. Additional data and information are available on the agency's web site at www.eeoc.gov. ☺