ADA Updates 2018

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New England ADA Center

member of

National Network
Information, Guidance, and Training on the Americans with Disabilities Act

1-800-949-4232 voice/TTY

Funded by
National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR)
ADA Title II Action Guide for State and Local Governments

7 Steps to Implement the ADA

- Step 1 - Start Implementation
- Step 2 - Appoint an ADA Coordinator
- Step 3 - Provide Public Notice
- Step 4 - Adopt a Grievance Procedure
- Step 5 - Conduct a Self-Evaluation
- Step 6 - Develop a Transition Plan
- Step 7 - Create an Action Plan

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www.ADAActionGuide.org
A Project of
Institute for Human Centered Design

An international design non-profit dedicated to enhancing the experiences of people of all ages and abilities through excellence in design

www.HumanCenteredDesign.org
Agenda

1. Accessible Websites

2. Department of Justice:
   - Effective Communication and Police Interactions
   - Employment
   - Childcare
   - Inmates
Agenda

3. Project Civic Access:
   • Denver CO

4. Equal Employment Opportunity Commission:
   • UPS Ground Freight
   • Stanley Black & Decker
   • Citgo Petroleum Corporation

5. US Access Board:
   • Public Rights of Way and Shared Use Paths
Americans with Disabilities Act

Provide a clear and comprehensive national mandate for the elimination of discrimination against people with disabilities
Americans with Disabilities Act

Title I  Employment
Title II  State and Local Governments
Title III  Public Accommodations and Commercial Facilities
Title IV  Telecommunications
Title V  Miscellaneous
Websites

People with disabilities have the right to enjoy the goods and services offered by a place of public accommodation.
Web Accessibility

What does access mean:

• Be able to use website without a mouse

• Provide a text description for a pictures

• Use a text-based format, such as HTML or RTF
Web Accessibility

What does access mean:

• Design websites so the users can set color and font in web browsers and operating systems

• Use titles, context, and other heading structures to help users navigate complex pages or elements

• Minimize blinking, flashing, or other distracting features
Web Settlement Agreements

**edX, Inc. Settlement Agreement**

- Used by a lot of higher education institutions to post MOOCs
- Supplies free software for Content Providers to use in developing Course Content for Participants, Content Management System
- Participants have the ability to remotely and independently take hundreds of massive open online courses ("MOOCs")
Web Settlement Agreements (Continued)

**edX, Inc. Settlement Agreement**

- Compliance with WCAG 2.0
- Designate Website Accessibility Coordinator
- Retain a Web Accessibility Consultant
- Modify existing bug fix policies
- Develop accessibility guidance document for content providers
- Training
- Evaluate website accessibility
Web Settlement Agreements (Continued)

Some courts have found that websites are place of public accommodation

-Five Guys

Blick Art
Web Settlement Agreements (Continued)

Dominos won its lawsuit

- It provides 24/7 telephonic access
- DOJ failed to issues regulations
Department of Justice
Effective Communication & Police Interactions

Philadelphia Police Department Settlement Agreement
8/14/18

- Nondiscrimination
- ADA coordinator
- Notice of rights
- Grievance procedure
- Reasonable modification of handcuffing policies
- Training
Effective Communication & Police Interactions (Continued)

Philadelphia Police Department Settlement Agreement

Effective Communication

– Auxiliary aids
– Primary consideration
– Routine interactions
– Communication assessment forms and ongoing assessment
– Interpreting services agencies & response time
– Phones
Employment

Denver Sheriff Department

• Reasonable accommodation and interactive process
• Fitness for duty automatically triggers the reasonable accommodation process if a job restriction is uncovered
• Training
Employment

Teachers Test Prep

• Online teacher prep courses for teacher licensing and credentialing examinations
• Tutoring
• Services must be accessible to people who are deaf
• Caption videos
• Train staff
Childcare

Learning Care Group, Inc.

- 2nd largest for-profit child care provider in North America
- Children with insulin dependent diabetes
- Objective procedure for processing reasonable modification request
- Assist with routine diabetes care tasks, including the administration of insulin by pen, syringe, or pump
- Compliance Specialist” or “Inclusion Specialist”
Childcare

**Bar-T Year Round Programs for Kids**

- After school program
- Children on the Autism Spectrum
- Procedure for requesting reasonable modifications
- Individualize assessment
- Nondiscrimination policy
- Training
Inmates

Union Parish Detention Center

- Segregation of inmates with HIV
- Nondiscrimination policy
- ADA coordinator
- ADA complaint procedure
- Training
Inmates

South Carolina Department of Corrections

- Inmates with hearing disabilities
- Effective communication
- Equal access to programs services and activities
- Telecommunication services
Project Civic Access

- The City and County of Denver, Colorado 1/8/18

- Independent Licensed Architect (ILA)
- Sidewalks
- Emergency services and effective communication
- 911
- Detention centers and relay
- Employment
- Polling places
- Emergency operations plan
- Web accessibility coordinator and independent consultant
- Domestic violence program
EEOC v. UPS Ground Freight

• Discriminatory collective bargaining agreement
• Drivers assigned to non-driving work for medical reasons were received 90% of their pay. Those reassigned for non-medical reasons, including convictions for driving while intoxicated, received 100%.
• Permanent injunction preventing the union and employer from adopting contracts that discriminate based on disability
EEOC v. Stanley Black & Decker, Inc.

- No fault leave policies
- Needed leave for cancer treatments
- Not eligible for FMLA (12 weeks)
- Consider leave as a reasonable accommodation
EEOC v. Citgo Petroleum Corporation, 18-CV-5490

- New hire regarded as a person with a disability
- Post-offer exam-monocular vision
- Withdrew job offer

- Are there reasonable accommodations that would allow employee to do his job?
EEOC v. Benedictine Health Center at Innsbruck

- Discriminatory return to work policy
- People out on medical leave must return with no restrictions
- Doesn’t allow for people with disabilities to do their job with reasonable accommodations

- Must do individualized assessment
- Provide reasonable accommodation unless it would cause an undue hardship
Public Rights of Way

• Still awaiting adoption but most already incorporated in MUTCD

Topics
• Sidewalks
• Crosswalks
• Curb ramps
• Street furnishings
• Pedestrian signals
• Bus shelters, clearing
• Detectable warnings
Guidance Materials

• Explains the ADA Standards
• Animations
  -Sales and service counters
  -Wheelchair maneuvering
  -Door maneuvering space

Contact Me With Any Questions
Thank You!!

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