ADA Updates 2019

Jason Angel,
Training and Information Specialist

New England ADA Center
Project of
Institute for Human Centered Design
200 Portland St. Boston, MA 02114

800-949-4232 voice/tty
New England ADA Center

member of

1-800-949-4232 voice/TTY

Funded by
National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR)
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
Our Research

Data on Disability in Massachusetts

Percentage of Adults 18+ with Disabilities in Massachusetts

- With a disability: 26.5%
- With a significant disability: 15.2%
- Upper body limitation: 13.2%
- With a mental disability: 11.0%
- Use cane/crutches/walker: 5.1%
- Hearing difficulty (ACS only*): 3.9%
- Vision difficulty (ACS only*): 2.2%
- Use wheelchair: 1.4%

* Data visualization of the charts in this PowerPoint is also provided in an accessible table format.

Data Sources: U.S. Census Bureau, 2010-2014 American Community Survey and 2008 Survey of Income and Program Participation, Modeled Estimates

Researcher: Matthew Braut, former US Census Bureau lead analyst on disability. Under contract with IHCD

* Data Source: 2010-2014 American Community Survey only
Survey of Municipalities

1. In what areas is compliance to the ADA a challenge?
2. What factors impede municipalities from implementing the ADA?
3. Can we create an intervention that lifts all municipalities one or two steps closer to compliance?
Results for Areas of ADA Compliance for MA

- Self-evaluation: 52.8%
- Notification procedure: 49.0%
- ADA coordinator: 95.4%
- Complaint procedure: 80.5%
- Transition plan: 46.3%
- Accessible polling places: 82.6%
- Accessible emergency shelters: 68.2%
- Accessible website: 43.8%
- Emergency management plans: 69.6%
- Arrange effective communication: 67.1%
Agenda

1. Accessible Websites
   • H.R.5759 - 21st Century Integrated Digital Experience Act

2. Department of Justice:
   • Effective Communication
   • Civil Rights
   • Elections
Agenda

3. Project Civic Access:
   City of Trinidad, CO

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

5. US Access Board:
   • Voluntary Guidelines for Onboard Wheelchairs for Public Comment
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 and for state and local governments.
Web Accessibility

What does access mean:

• Be able to use website without a mouse

• Provide a text description for 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

• Include captioning on videos
Web Accessibility

- 21st Century Integrated Digital Experience Act (H.R.5759)

- Executive agencies
- Site accessibility
- Appearance
- Limit replication
Web Accessibility

- **21st Century IDEA, CONTINUED:**
  - Searchable
  - Security
  - User needs
  - Customizable
  - Functionality
Web Accessibility

- 21st Century IDEA, CONTINUED:

  - Other considerations
    - Intranet
    - Forms
    - Paper form
    - E-Signatures
Websites

• Place of public accommodation?
• Ongoing – Dominos and the Supreme Court
• WCAG 2.0 AA
• Why
Civil Rights

Settlement Agreement Between The United States Of America And Northern Michigan University Under The ADA

• Keep quiet or else
• DOJ’s thoughts
• Settling the matter
  – No discrimination
  – Equal opportunities
  – Reasonable modification
  – Provide accommodations
  – No screening
Effective Communication

Lincare, Inc. Settlement Agreement and ProMedica Health System Settlement Agreement

• Sign language interpretation
• Prohibition of discrimination

Utah Department of Corrections Settlement Agreement
Central Virginia Regional Jail Authority Settlement Agreement

• Provision of auxiliary aids and services
• Handcuffing policies
Elections

City of Concord, New Hampshire Settlement Agreement
– Voting access for people who are blind

Harris County, Texas Settlement Agreement
McKinley County, New Mexico Settlement Agreement
Sandoval County New Mexico Settlement Agreement
Ocean County, New Jersey Memorandum of Agreement
Union County, New Jersey Settlement Agreement
– Accessible polling places
Project Civic Access

City of Trinidad, Colorado

• Immediate Actions
• Independent Licensed Architect (ILA)
• General Effective Communication Provisions
• Law Enforcement and Effective Communication
• Polling Places
• Emergency Management Procedures and Policies
• Physical Changes to Emergency Shelters
• Sidewalks
• Web-based Service and Programs
• New Construction, Alterations and Physical Changes to Facilities
EEOC vs. Colorado Excavating

- Oncoming seizure
- Fired four days after leaving the hospital
- No interactive process
- Poor recordkeeping
EEOC vs. SoftPro

- Employee on medication-assisted treatment (MAT)
- On leave to stop MATs
- Fired after return and inquiry about leave
- New policies
EEOC vs. A Plus Care Solutions

- Policy on pregnancy
- Caregiver fired for pregnancy
- New policy
- How does it relate to the ADA?
Employment topics

Obesity
• Valtierra v. Medtronic Inc., 2019

Retracting accommodations
• A change in ownership
• A change in essential job functions
US Access Board
General Updates

• New animations

• Executive order, January 2017

• Proposed Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG)
General Updates

• Invitation for public comment: Draft Advisory Guidelines for Aircraft Onboard Wheelchairs
  - Submit comments by October 21, 2019
Contact Me With Any Questions
Thank You!!

Jason Angel,
New England ADA Center
jangel@NewEnglandADA.org
1-800-949-4232