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(Robin Jones)

Greetings, everyone. My name is Robin Jones and I am the Director of the Great Lakes ADA Center,

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which is located within the Department of Disability and Human Development at the University of Illinois at Chicago.

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We are one of 10 federally funded technical assistance centers on the Americans with Disabilities Act that provide technical assistance, consultation,

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training and information about the law to promote voluntary compliance and to help individuals

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who are covered by the law understand both their rights as well as their responsibilities.

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Today, I'm going to be focusing on the Americans with Disabilities Act as it applies and as key

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issues that we are aware of apply to CBOs who are serving immigrants and refugees.

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So please stay with me here as I go through a lot of different information and remember at the end I'm going to be providing my contact information.

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So if I have raised more questions for you than maybe given you answers,

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you always can know where you can come back to get some additional information, because this can be confusing and complex information.

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So I'm going to start with this issue of and the concept of who is a person with a disability and

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who is covered under the ADA in terms of the people that you are working with through your CBOs.

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Under the ADA, there are very many, many different definitions of disability, as what I should say,

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and the definition will depend on which law or which statute or which benefit that you might be looking at

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that somebody that you're working with would be eligible for. But the ADA is a civil rights law,

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and that sets it apart a little bit different from other pieces of legislation or regulatory areas that

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you might also be working with. In the context here is that anyone is covered who has a disability,

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regardless of their citizenship status, as long as what they're in the United States and they're interacting with an entity that

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is conducting or doing business or providing goods and services in the United States.

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So in the context why it's called the Americans with Disabilities Act,

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it doesn't just mean that it covers only individuals who have American citizenship.

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It would cover anyone who is in America.

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So somebody who was visiting as a visitor from another country, someone who comes in as an immigrant, a refugee, etc.,

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all are going to have the protections under the ADA in regards to being not discriminated on the basis of their disability.

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The ADA itself does not provide any benefits. The ADA itself does not provide any monetary benefits,

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and the ADA itself does not make somebody eligible for any particular benefits or services per say.

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It's really about not being discriminated against or treated differently just because you happen to have a disability.

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So when we look at that issue of, OK, who am I actually talking about,

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who are who would fall in to this category? The ADA has what we call a three pronged definition of disability,

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and that is any three of anybody who falls in these three categories would have the protections for nondiscrimination.

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The only difference would be is somebody who actually has a disability would also be eligible in certain circumstances and situations,

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which I will cover as we go through today, the provision of reasonable accommodations that they might be needing in work or

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in some school or in other services or programs that they are participating in.

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So let's start with the first prong,

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and that is anyone who has a physical or mental impairment that substantially limits them in one or more major life activities.

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The ADA does not have a list of conditions or disabilities that are covered.

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It does not go by diagnosis. It goes by this issue and the concept of an impairment that is substantially limiting.

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And what that means is, is that that limitation is greater than what would be found in the general population in regards to that limitation.

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And it covers both individuals who have physical as well as mental impairments.

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So somebody who has had a stroke, somebody who's had a spinal cord injury,

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somebody who is an amputee, somebody who has a major medical condition like diabetes,

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heart disease, a seizure disorder, migraines, things of that nature. Somebody who has a mental disability,

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such as major clinical depression, schizophrenia, bipolar disorder, etc. PTSD, which is something you might see in a lot of individuals,

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especially refugees and individuals who have been a part of some horrific situation in their own country.

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So they're going to be covered under the ADA and it really looks at this issue of major life activity in the context of breathing,

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talking, thinking, seeing, hearing, your bodily functions,

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such as what's going on with my endocrine system if I have diabetes, for example, or what's going on with my digestive system,

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somebody who might have celiac disease, somebody who might have irritable bowel syndrome or something of that nature.

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So you would look at the systems and the body, somebody who has cancer, they may actually not have any symptoms,

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but they might have cancer of one of their organs, which means that organ is significantly impaired.

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So that would get them covered under the ADA as well.

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The condition does not have to be permanent or long term.

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It just has to be what we would call lasting longer than what would be considered a transient condition,

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like a broken leg that is expected to heal is not going to be a disability under the ADA.

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Now, for some individuals, it may have had a really bad break in their leg and it may not heal correctly.

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They may have a permanent reduction in their ability to use that leg.

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They may walk permanently with a limp or something of that nature.

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Then we're just going to start to look at that as a condition that would be covered under the ADA.

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Things like pregnancy are not covered under the ADA.

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That's again considered a transient condition expected to resolve itself upon the birth of a child.

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But we do also know that people have complications during their pregnancy.

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They may have gestational diabetes or preeclampsia or something of that nature, which they might,

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which is going to make them more limited than somebody with pregnancy without those issues.

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So they may have a short term time period that they would actually be covered under the ADA.

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It's important to make the distinction between individuals who are illegally using controlled substances because they are not covered under the ADA.

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So someone who is illegally using a substance, even if they have a prescription for it, but they're illegally using it,

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let's say they have a prescription for a hundred milligrams of Valium, but they're taking five hundred milligrams of Valium.

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That's illegal use of that controlled substance. And so they would not be covered under the ADA.

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So current users of illegal substances are not covered.

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So in the case of Illinois, where use of marijuana is legal,

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then they would not be considered to be illegal drug users in Illinois because Illinois has a state recreational marijuana use law.

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So. The second prong of the definition of disability under the ADA are individuals who have a record of an impairment.

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These are individuals who have a past history of having an impairment. It's no longer current for them.

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But this could be somebody who was a illegal drug user addiction and they're in a recovery program or they are recovered.

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They're going to be covered and protected against discrimination based on that past history.

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Somebody who's had cancer in the past is going to be protected against discrimination.

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Someone saying, hey, we're not going to work with you because, hey, you have a cancer history.

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We think your cancer might come back.

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00:08:42,320 --> 00:08:50,540

You're too much of a risk for us to engage in this training program or something of that nature that would be discriminatory to use that against that

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person or somebody who had a mental illness in the past but currently is no longer addressing or has that mental illness as a current acute issue.

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Let's say somebody had been hospitalized at one point for depression or something of that nature.

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Someone cannot discriminate against them because of their past history saying, hey, you're unstable.

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Look at your past history. You've been hospitalized for depression or something.

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That would be a discriminatory act as well. The third prong of the definition is a little bit different.

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This one is referred to as individuals who are regarded as having impairments.

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This is somebody who may not actually have a disability, but is treated as if they do because they might look differently.

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Some of the situations we run into in our office with this is, let's say, obesity, somebody who's significantly obese.

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Obesity itself is not a disability under the ADA.

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Now, someone might have an underlying medical condition that causes the obesity and that condition would be covered under the ADA.

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But obesity itself is not considered a disability. But we know that people are often treated differently because they're obese.

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A lot of assumptions about what they can and cannot do are made about them.

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That would be discriminatory if someone denied person an opportunity to participate

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in a training program or an employment opportunity because of their obesity.

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Which you also may have somebody with a disability who is treated differently and a bias is against them because of that having that disability.

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So, for example, let's say I'm somebody who uses a wheelchair and there's an assumption that I can't do certain things because,

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00:10:34,820 --> 00:10:39,950

oh, you're in a wheelchair. You wouldn't be able to do that, without actually knowing if I could do it.

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You don't know if I use this wheelchair all the time.

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You don't know if I only use the wheelchair for distances and I can get up and walk short distances.

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You don't know that I can't stand up and get something off of the shelf. You're making an assumption about me, by the way I look.

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Ah, because I use a wheelchair that would be protected against discrimination under the

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ADA as well in this third category of someone who is regarded as having a disability.

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OK, sorry about that, I moved on a little too quickly.

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So the other category that I would just want to say that there are protections is not actually for a person with a disability,

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but it's individuals who are associated with the person with a disability.

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And this would most often apply to your family members or significant others that

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might be working with someone that you're working with that has a disability.

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They would be protected against discrimination based on their association.

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So just because I happen to have a family member with a disability is no reason why somebody should discriminate against me.

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And we see this most often in things like employment. For an example, if you have somebody in your family who has a disability,

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sometimes an employer will look negatively upon somebody and think, you know what,

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00:11:58,820 --> 00:12:02,330

I don't really want to hire you or I'm not going to promote you because I think

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00:12:02,330 --> 00:12:09,860

you're just going to go take a lot of time off to care for your family

member. And I don't, I don't think you're going to be liable because of that.

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00:12:09,860 --> 00:12:15,290

That would be discrimination based on my association with somebody with a disability.

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Again, reminder that the ADA does not provide benefits or anything.

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So I don't actually get time off under the ADA to care for a family member.

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There are other laws and things that would protect or be available to somebody for that potentially.

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The ADA would not give them that, but ADA would speak to the fact that you cannot make decisions or treat me

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differently just because I happen to have a family member who has a disability.

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So the ADA has several titles or areas which it provides protections in. The number one area is employment,

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and this is known as Title one of the ADA and under employment

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an individual has the right to be or receive an accommodation to allow them to perform their job duties or job tasks.

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So I cannot be discriminated against in employment decisions such as I used before.

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An example, I don't want to hire you because you have a disability and I think you'll need more time off or you'll need something special or whatever.

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That would be a basic protection against discrimination. But in the context of actually doing the job itself,

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an employer would have the responsibility to provide somebody with a reasonable

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accommodation if they needed one in order to actually do or perform their job.

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So I still have to be qualified in order to do the job. So I still have to have potential, let's say, a high school diploma or equivalent.

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I may have to have a certification of some type in maybe a certain software or something of that nature.

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The ADA would not give me an exemption from those things.

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What the ADA would say, though, is let's say I'm blind and in order to do my job on a computer,

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I would need specialized software on my computer to allow me to be able to access information that is on the screen.

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The employer would have a responsibility to provide me that computer

equipment.

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They're not required to train me on how to use it. If I already, I'm responsible for already having those skills.

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The employer is required to provide me the equipment that I need.

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I might have my own personal equipment that I use at home. I may have used in college or in school or in training or something,

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00:14:32,780 --> 00:14:41,120

but the employer would be responsible for providing me that equipment or that assistance in the workplace itself.

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Allowing me to have an altered work schedule, let's say I take paratransit services and it takes it's unreliable as to when they're going to

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00:14:48,830 --> 00:14:54,770

pick me up and drop me off because they're allowed a two hour window under the law to do that.

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So while my job starts at nine o'clock, there may be some days that the bus doesn't drop me off until 9:15 or 9:10.

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And the employee might be requesting an altered work schedule or a flexible schedule in order to accommodate that particular type of situation.

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An accessible environment to work in, so I might need parking because I have a vehicle and I have a accessible parking placard

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or specialized license plates that allows me to park in a space closer to the entrance.

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So as an employer, I would need to make sure that I had access to that kind of a parking area.

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Are the doors able to be gotten into? You're not responsible to get me to work, but the employers responsible to make sure I can get into the job.

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So maybe doors having automatic openers on them or something of that nature might be an accommodation.

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Is the bathroom accessible for me? Am I able to get into the bathroom?

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Are there grab bars, things of that nature? So we're talking about the environment being accessible.

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This could include my office space as well, having a desk that was raised up or let's say I have a back impairment and I need

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to sit-stand desk, a desk where I could sit out sometimes and stand sometimes.

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That would be another form of an accessible environment for the individual.

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We may have a situation where somebody needs specialized equipment for communication,

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such as a sign language interpreter, assistive technology for their computer or their telephone access and such.

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00:16:29,790 --> 00:16:39,480

So this would be specialized services or specialized equipment. The ADA itself does not require language or does not view language as a disability.

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In regards to someone not having English as their primary language.

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It does recognize sign language as a language for the disability community, however.

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So a sign language interpreter is the one kind of language interpretation that is required under the ADA for somebody who is deaf or hard of hearing.

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The other type of accommodation that might be relevant is leave for a medical condition and an individual with a disability may need

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00:17:13,330 --> 00:17:22,780

time off to have doctors appointments or to have recovery from some kind of a medical condition or something of that nature.

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So leave is another form of reasonable accommodation under the ADA.

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So these are all types of accommodations and things that an employer would need to consider for a person with a disability in the workplace.

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And the defense in that situation for an employer to not provide the

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accommodation would be to determine that it was either too costly to provide and

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they have to be able to demonstrate that through some kind of defense as to what's the cost and what's the impact negatively on the business for that.

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And then the other defense could be administrative hardship.

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So, for example, allowing somebody a lot of flexibility in their schedule for some people might work and for others it might not work.

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If you're the person that's supposed to be responsible for answering the phones and opening

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00:18:13,300 --> 00:18:18,610

the front door when the business opens at 8:00 or 9:00 in the morning and you're saying,

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00:18:18,610 --> 00:18:23,780

I really can't get there on time on a regular basis, so I'm not going to be able to do that.

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00:18:23,780 --> 00:18:29,200

That could be a hardship for that employer who needs that position to specifically do that.

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So that kind of defense also might be present.

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However, to use these defenses is very difficult under the ADA in that an employer really needs to be able to prove it, not just be able to say it.

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They actually need to be able to provide some kind of justification if they were challenged

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00:18:46,480 --> 00:18:50,860

to document and demonstrate that they actually couldn't provide these accommodations.

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Not just that. I just think it would be too expensive. I think something would be is not going to be a defense under the law.

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Title two of the ADA, the second area of the ADA is called local and state government,

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and this is the obligation to ensure that local and state governments make all of their programs,

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00:19:11,630 --> 00:19:16,580

services and facilities accessible to people with disabilities.

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00:19:16,580 --> 00:19:22,550

So having access to the goods and services that are provided by a local or state government.

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This includes physical access to all the facilities and buildings, whether it be a park district,

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whether it be a library, whether it be a government building, it be a courthouse,

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00:19:32,150 --> 00:19:38,810

it be a homeless shelter owned and operated by that local government entity or sponsored by that government entity,

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00:19:38,810 --> 00:19:49,130

a food pantry, any of those kinds of things, a tax office, a a

vocational rehab office, anything at all,

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00:19:49,130 --> 00:19:56,150

a office where you get food stamps or any kind of other public assistance, driver's license facility,

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00:19:56,150 --> 00:20:01,160

anything that's owned, operated and managed by a local or state government.

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Their facilities are required to be accessible, whether they rent them or whether they own them.

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It also includes accessibility of public transportation and this includes the buses and the trains that a government entity may operate.

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So here in the city of Chicago, as an example, all of our buses are accessible, but all of our trains are not accessible.

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There are plans in place for the CTA to make all of its train stops accessible by the year 2030.

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But that is about 50 years after the ADA was passed.

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And the city of Chicago is about already about 15 to 20 years behind when they should have, by law, been making these things accessible.

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So this is a huge problem for people with disabilities and that while the law calls for this full accessibility,

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we have yet to see it, not just in Chicago to New York, it's in San

Francisco and it's other places of the country as well.

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00:21:00,910 --> 00:21:08,710

But this is an area that is very important because we know that without transportation is difficult for people to work.

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00:21:08,710 --> 00:21:13,660

It's difficult for them to get the services that they need, to get the education and other things.

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00:21:13,660 --> 00:21:22,660

Transportation is so key and so vital to so many things, but it is covered under the ADA and this includes the para transit system,

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00:21:22,660 --> 00:21:29,470

which is the door to door bus system or van system that is also part of the ADA.

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00:21:29,470 --> 00:21:33,730

That anywhere that there is a public transportation system of buses,

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00:21:33,730 --> 00:21:44,260

there needs to be a paratransit or a complimentary paratransit system for transportation for those who can't use the bus.

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00:21:44,260 --> 00:21:52,060

This requirement under Title two also is that all communication and meetings and information and events must be accessible,

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00:21:52,060 --> 00:21:55,000

which means they need to provide sign language if needed,

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00:21:55,000 --> 00:22:03,280

real time captioning during meetings, even if it's broadcast on TV or if it's over a zoom or other kinds of virtual media,

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00:22:03,280 --> 00:22:11,290

which we're using more and more of these days. All materials like written materials in Braille and large print.

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00:22:11,290 --> 00:22:16,540

This would include, you know, announcements, the minutes of meetings,

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00:22:16,540 --> 00:22:23,800

fliers that promote activities and things of that nature, their websites, anything that they're doing online.

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00:22:23,800 --> 00:22:28,780

Virtually this includes our social media, whether they're using Twitter, Facebook,

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00:22:28,780 --> 00:22:37,660

Instagram or any of those other ways to communicate. Any way that they're communicating, either during an event or about an event or about the goods

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00:22:37,660 --> 00:22:43,120

and services are all covered under this area of Title two and are required to be

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00:22:43,120 --> 00:22:48,130

accessible to people with disabilities with a variety of different types of disabilities.

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00:22:48,130 --> 00:22:55,840

Again, language translation is not covered or addressed under the ADA other than Braille,

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00:22:55,840 --> 00:23:00,130

which is a certain type of print translation for people who are blind.

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00:23:00,130 --> 00:23:09,520

There are other laws and statutes that govern things like medical access and education access and different languages for persons with disabilities.

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00:23:09,520 --> 00:23:13,990

But you would not look to the ADA for that particular requirement.

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00:23:13,990 --> 00:23:23,800

You have to look to other laws and such. Modifying policy and procedure is also covered under the ADA.

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00:23:23,800 --> 00:23:30,820

This means that I may need to modify my programs or services to make sure that people with disabilities have equal access.

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00:23:30,820 --> 00:23:38,530

So this would be let's say they require you to have an I.D. in order to get services that validates where you live or something or who you are.

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00:23:38,530 --> 00:23:43,310

They would have to provide, allow for an alternative method of identification.

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00:23:43,310 --> 00:23:51,970

Maybe I don't have a driver's license. So would a state ID equate or other kind of like a passport or other kind of

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00:23:51,970 --> 00:23:58,090

citizen ID or refugee identification or something that would validate who I was.

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00:23:58,090 --> 00:24:07,750

So they need to have a policy that recognizes other types of identification that would meet the needs of somebody with a disability.

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00:24:07,750 --> 00:24:17,430

Still meet the rigor of demonstrating that it's a legal ID, but it may not be the one exactly that they're asking for.

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00:24:17,430 --> 00:24:23,070

Also potentially providing alternative locations to provide services, maybe in the home and such,

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00:24:23,070 --> 00:24:29,940

and I think a really good example of this currently has been the vaccination program in that there are recognize there

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00:24:29,940 --> 00:24:35,580

are people with disabilities who cannot leave their home to go to some of these mass vaccination sites and such,

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00:24:35,580 --> 00:24:41,790

so that the city and the county have had to develop programs to be able to vaccinate people in their home,

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00:24:41,790 --> 00:24:48,300

to not require individuals to go out to the mass vaccination sites and stuff because of, due to a disability.

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00:24:48,300 --> 00:24:53,010

So that is a form of a modifying of a policy practice or procedure.

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00:24:53,010 --> 00:25:01,630

Also, things like modifying a policy to allow somebody to bring a service animal into a building when they have a policy that says no pets allowed.

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00:25:01,630 --> 00:25:08,160

Maybe another example of a modification of policy, practice or procedure.

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00:25:08,160 --> 00:25:13,020

Another one would be long time to do a telephone interview instead of an in-person interview,

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00:25:13,020 --> 00:25:21,210

if transportation was problematic due to their disability or because of their disability, it makes coming in person difficult for somebody.

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00:25:21,210 --> 00:25:27,330

Maybe they have significant medical needs and such that are not can't easily transport.

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00:25:27,330 --> 00:25:28,950

Maybe they are on a ventilator.

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00:25:28,950 --> 00:25:35,070

Maybe they have a type of mental illness like agoraphobia that makes it difficult for them to leave their house and such.

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00:25:35,070 --> 00:25:43,180

So again, it would be that modifying policy, practice and procedure if it was reasonable to do so.

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00:25:43,180 --> 00:25:49,060

This also includes accommodations for post-secondary education for students with disabilities.

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00:25:49,060 --> 00:25:58,930

The ADA covers education. Now, there are other laws that govern the issue of education and specialized services for students with disabilities.

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00:25:58,930 --> 00:26:08,440

So we have other laws, like the Individuals with Disabilities Education Act, which covers children with disabilities in the K through 12 system.

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00:26:08,440 --> 00:26:17,050

But the in the post-secondary and colleges, universities, technical schools, community colleges, things of that nature,

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00:26:17,050 --> 00:26:24,010

the ADA becomes the predominant law that provides protections against discrimination and also requires

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00:26:24,010 --> 00:26:29,860

that students receive the accommodations that they need in order to participate in the classroom.

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00:26:29,860 --> 00:26:36,670

So I may need a sign language interpreter in the class. I may need all of my textbooks done in Braille.

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00:26:36,670 --> 00:26:41,800

I may need all my textbooks converted to audiotape.



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00:26:41,800 --> 00:26:52,540

I may need additional time on a test due to my dyslexia or other types of conditions that require additional time.

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00:26:52,540 --> 00:26:58,390

So all of these things would fall under the title two requirements under the ADA if it was

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00:26:58,390 --> 00:27:10,080

a public university or a public school or community college or anything of that nature.

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00:27:10,080 --> 00:27:19,770

The third area of Title three of the ADA is places of public accommodation, which in non-legalese means private businesses.

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00:27:19,770 --> 00:27:28,530

This is that any entity that affects commerce, that does business with the public is going to be covered under Title three of the ADA.

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00:27:28,530 --> 00:27:33,560

And the requirement is to have access to goods and services.

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00:27:33,560 --> 00:27:40,880

This includes, again, accessibility to all the facilities that are owned and operated by that entity - stores,

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00:27:40,880 --> 00:27:47,930

restaurants, hotels, movie theaters, bowling alleys,

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00:27:47,930 --> 00:27:56,450

amusement parks, anything that's owned and operated by a private entity is going to be covered under Title three of the ADA.

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00:27:56,450 --> 00:28:02,390

Similar to Title two of the ADA, there's the obligation for communication access for all their events,

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00:28:02,390 --> 00:28:12,020

legal interactions like buying or selling of a car or getting a mortgage or renting an apartment or something of that nature.

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00:28:12,020 --> 00:28:17,780

Legal, medical appointments, doctors, dentists, psychiatrists, things of that nature.

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00:28:17,780 --> 00:28:21,530

And this includes sign language interpreters, real time captioning.

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00:28:21,530 --> 00:28:27,140

Again, having those written materials in Braille are large print so that someone could understand the

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00:28:27,140 --> 00:28:32,360

instructions following surgery or the instructions that they have prior to having a tooth pulled,

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00:28:32,360 --> 00:28:40,070

you know, what they're supposed to do and such. All of those things are covered under Title three of the ADA as an obligation.

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00:28:40,070 --> 00:28:47,600

Again, the interpretation of different languages is not covered under the ADA is not addressed by the ADA.

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00:28:47,600 --> 00:28:55,620

The only language that's recognized under the ADA is sign language.

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00:28:55,620 --> 00:29:04,890

Modification of policy and procedure, again, very similar title two, alternative I.D., alternative method of obtaining goods such as curbside service.

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00:29:04,890 --> 00:29:09,270

If I can't get inside the store, can you bring it to my car for me?

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00:29:09,270 --> 00:29:12,270

What about home delivery? Can you deliver my groceries?

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00:29:12,270 --> 00:29:19,290

Can you deliver my goods and services to my home, my medical, my drugs, or whatever else it might be?

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00:29:19,290 --> 00:29:27,720

We saw a lot of these programs and services expand significantly with the COVID situation that we've had for the last 16 months.

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00:29:27,720 --> 00:29:33,060

And we will expect that a lot of these kinds of services will continue with entities now

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00:29:33,060 --> 00:29:38,670

that they know how to do it and understand the reasons and the obligations to do so.

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00:29:38,670 --> 00:29:46,590

Again, similarly allowing a service animal into a business that has no pets policy would also fall into this again for Title three,

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00:29:46,590 --> 00:29:55,650

similar as we were talking about for state and local government. And private transportation is covered under the ADA under Title three.

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00:29:55,650 --> 00:30:00,000

So this would include things like ride share - Uber and Lyft can't discriminate.

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00:30:00,000 --> 00:30:05,940

And we've seen these kinds of problems. We've seen where individuals who use a seeing eye dog, for example,

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00:30:05,940 --> 00:30:12,720

have been passed up and a taxi won't stop for them or a ride share will see that they

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00:30:12,720 --> 00:30:17,250

have a dog and will just keep on going and not pick them up or cancel the ride.

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00:30:17,250 --> 00:30:21,960

Those would all be discriminatory practices. It's illegal for them to do that.

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00:30:21,960 --> 00:30:22,800

Shuttle buses,

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00:30:22,800 --> 00:30:32,010

like when you go to a hotel and you have a shuttle from the airport to the hotel or from airport shuttles to rental cars and things of that nature,

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00:30:32,010 --> 00:30:37,410

all of those are required to be accessible and are covered under Title three of the ADA.

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00:30:37,410 --> 00:30:41,880

So Title three and title two are very similar in regards to what they require -

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00:30:41,880 --> 00:30:51,660

one being it applies to the government, which has a much higher burden of compliance than than the private sector does,

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00:30:51,660 --> 00:30:57,900

but they have very similar obligations. What I mean by that, by higher burden of compliance,

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00:30:57,900 --> 00:31:08,370

the obligation or the thought is for a local and state government is that they have far fewer defenses of why they can't do something.

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00:31:08,370 --> 00:31:12,150

Money is really not going to be a defense. It's going to be too expensive.

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00:31:12,150 --> 00:31:18,450

It costs us too much, is really not going to be a valid defense for our local and state government because they're

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00:31:18,450 --> 00:31:24,930

a tax, taxing body and they get a lot of support from the federal government funding as well.

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00:31:24,930 --> 00:31:30,510

So they have far less of an argument to be made than the private sector does in regards

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00:31:30,510 --> 00:31:38,690

to making arguments of cost as why they cannot provide certain accommodations.

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00:31:38,690 --> 00:31:49,310

Also, I should note that you as CBOs most likely fit here under Title two of the title three of the ADA as private entities,

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00:31:49,310 --> 00:31:54,320

you're 501(c)(3) nonprofit organizations. Even though you may,

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00:31:54,320 --> 00:32:02,720

you're raising funds in a variety of different ways through donations or through government

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00:32:02,720 --> 00:32:07,130

services funding that you're either getting from the federal level or the state level,

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00:32:07,130 --> 00:32:14,990

you're going to be covered under Title three of the ADA and have all of these obligations yourself to serve people with disabilities,

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00:32:14,990 --> 00:32:22,680

not just the people that you're serving when they go out, try to access goods and services from other entities in the community. It is important to

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00:32:22,680 --> 00:32:30,320

understand that you fit into this title three category under the ADA for all of these things of physical access to your facilities,

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00:32:30,320 --> 00:32:43,230

your communication access for somebody with a disability, your policies and procedures and other things associated with that.

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00:32:43,230 --> 00:32:54,090

There are different kinds of assistance available to you out in the community and out in the public to help you do what you need to do.

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00:32:54,090 --> 00:32:59,970

Our office, as I indicated when I first started today, was we are the Great Lakes ADA Center.

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00:32:59,970 --> 00:33:08,220

We provide technical assistance. Our staff are available Monday through Friday from 8 a.m. to 5 p.m. to just discuss issues.

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00:33:08,220 --> 00:33:11,820

We'll talk to anybody you know, somebody who's got responsibilities,

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00:33:11,820 --> 00:33:17,910

somebody who's got rights, a family member or a concerned person, a service provider.

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00:33:17,910 --> 00:33:23,220

You know, we talk about a variety of different things to a variety of different people.

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00:33:23,220 --> 00:33:30,300

We have an 800 number that people can call and talk to us and ask questions again Monday through Friday,

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00:33:30,300 --> 00:33:35,160

8:00 a.m. to 5:00 p.m. We have a website with multiple resources and has an

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00:33:35,160 --> 00:33:41,040

online inquiry form that you can submit a question to us on our website 24/7.

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00:33:41,040 --> 00:33:48,180

And then we provide customized training, both in-person and virtually about all aspects of the ADA, whether it's employment,

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00:33:48,180 --> 00:33:55,380

architectural accessibility, how to access and what's needed to access goods and services, communication accessibility,

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00:33:55,380 --> 00:34:01,020

transportation, electronic information accessibility, things like how to make websites accessible,

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00:34:01,020 --> 00:34:08,820

how to make your social media accessible, how to make documents accessible like word documents, PDF documents, things of that nature.

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00:34:08,820 --> 00:34:16,530

We also do disability awareness training and we talk about how the ADA intersects with other laws housing law,

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00:34:16,530 --> 00:34:20,460

education law, etc. because there is this intersect.

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00:34:20,460 --> 00:34:31,150

The ADA is just one piece of legislation in the disability puzzle of potential rights that individuals have.

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00:34:31,150 --> 00:34:37,290

We also have a number of online training programs. We have one that's focused on architectural accessibility,

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00:34:37,290 --> 00:34:41,620

that's our accessibility online program, that's a monthly program.

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00:34:41,620 --> 00:34:48,130

We have one that's focused on accessible information technology. That's our accessible tech program.

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00:34:48,130 --> 00:34:55,540

We have a legal case law program that talks about how the ADA has been interpreted and is being interpreted.

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00:34:55,540 --> 00:35:03,010

And then we have a program that's called the ADA Audio Conference series that covers just general ADA topics.

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00:35:03,010 --> 00:35:07,450

And this is what we use a lot for some emerging issues. So we've done quite a bit on COVID.

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00:35:07,450 --> 00:35:12,220

We've done quite a bit on as new rules and regulations come out,

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00:35:12,220 --> 00:35:16,690

new things are happening in the community, new things coming down from the federal level.

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00:35:16,690 --> 00:35:23,170

We use that program to to heighten and focus on those particular topics.

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00:35:23,170 --> 00:35:29,980

We also have information and help support that, what is known as the ADA Coordinator Certification Training Program.

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00:35:29,980 --> 00:35:34,450

This is a program that allows individuals who want to become ADA coordinators.

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00:35:34,450 --> 00:35:41,380

This is something your own organizations might think about, that you would want to maybe have a staff member who develops an expertise in the

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00:35:41,380 --> 00:35:48,070

ADA and become an ADA coordinator for your CBO or for a network of individuals.

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00:35:48,070 --> 00:35:54,760



This is a program that we support and there's a website that gives you a lot of additional information about how to become part of that.

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00:35:54,760 --> 00:36:01,480

But it's a training program available both online and in-person, depending on how you go about doing it.

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00:36:01,480 --> 00:36:14,870

But it provides in-depth knowledge on the ADA for people who want to and do work in the field, specifically to the ADA.

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00:36:14,870 --> 00:36:18,890

So here's some just some thoughts I have and want to share with you in regards to what

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00:36:18,890 --> 00:36:23,900

your organizations should be thinking about in regards to strategies for accessibility,

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00:36:23,900 --> 00:36:31,040

because this is an overwhelming process and is something that really takes some thought and takes some planning.

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00:36:31,040 --> 00:36:35,210

And it's something that will take time and evolve over time.

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00:36:35,210 --> 00:36:42,050

And from a perspective of making sure that you are in compliance yourself for your goods and services,

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00:36:42,050 --> 00:36:49,970

but also then you have the capacity to help individuals that you work with to understand their rights and such under the ADA as well.

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00:36:49,970 --> 00:36:53,600

So one of the most important things is to first start out with the idea and the

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00:36:53,600 --> 00:36:58,430

concept that you want to integrate accessibility into everything that

you do,

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00:36:58,430 --> 00:37:02,960

that you should plan all of your events and activities with accessibility in mind.

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00:37:02,960 --> 00:37:09,650

If you have a checklist that you use for events and programs, make sure accessibility is on that checklist.

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00:37:09,650 --> 00:37:17,000

Don't think of it and do it as something that's after the fact that somebody brings up and says, oh, did we consider people with disability?

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00:37:17,000 --> 00:37:25,040

We want to make sure that people with disabilities are viewed as and considered as part of the audience at the get go, not as an afterthought,

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00:37:25,040 --> 00:37:30,440

because also we find that something that you have to retrofit or go back and do is

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00:37:30,440 --> 00:37:35,280

often more expensive and difficult to do than if you've planned for it up front for.

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00:37:35,280 --> 00:37:42,550

So for example, identifying a venue that's accessible to hold an event in is something that you should be doing automatically,

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00:37:42,550 --> 00:37:48,170

irregardless of whether you know somebody who uses a wheelchair or uses crutches or cane is actually going to

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00:37:48,170 --> 00:37:52,880

participate because it's much more difficult to have to move something later to

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00:37:52,880 --> 00:37:56,240

make it accessible or to apologize to somebody because you don't have it be

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00:37:56,240 --> 00:38:01,730

accessible and they can't attend and participate because that's discrimination.

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00:38:01,730 --> 00:38:04,490

You've denied them the opportunity.

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00:38:04,490 --> 00:38:10,220

And, you know, it's going to be much more difficult for you to try to scramble at the last minute and find something.

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00:38:10,220 --> 00:38:16,550

So plan your events so that they are accessible from the very beginning, assuming that there are going to be people with disabilities,

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00:38:16,550 --> 00:38:23,060

invisible and visible, that participate because remember, not all disability is visible.

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00:38:23,060 --> 00:38:29,540

Somebody who's has bad knees or as a hip replacement or something is going to have troubles going up and down stairs.

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00:38:29,540 --> 00:38:34,160

Somebody with heart disease and such is going to have trouble going long distances and such.

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00:38:34,160 --> 00:38:37,340

And you don't know you don't see that that person has that disability,

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00:38:37,340 --> 00:38:42,740

but it's going to be a limitation for them and they're going to make choices based on where and how they have to do something.

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00:38:42,740 --> 00:38:49,670

So keep those things in mind. Budget accommodations up front, understand what your cost of potential accommodations are going to be,

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00:38:49,670 --> 00:38:55,670

whether you use them or not, and make sure they're part of your budgeting process so you can plan accordingly.

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00:38:55,670 --> 00:39:00,590

So, you know, even though you don't know if you're going to have to or need to provide sign language interpreters,

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00:39:00,590 --> 00:39:04,760

this is something that you should plan for in your budget ahead of time if you're going to need

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00:39:04,760 --> 00:39:10,130

to do real time captioning for an event plan and have that be in your budget ahead of time,

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00:39:10,130 --> 00:39:13,910

know who your providers are in your area to provide those things.

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00:39:13,910 --> 00:39:20,360

Maybe you develop a relationship with somebody who's going to do a pro bono, but you need to develop those relationships beforehand.

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00:39:20,360 --> 00:39:27,170

You need to be knowing who those people are and such and know who to call and how to go about doing that.

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00:39:27,170 --> 00:39:31,940

So really integrating accessibility from the get go from thinking about it,

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00:39:31,940 --> 00:39:38,200

you know, is proactively is really the way that we want people to start thinking.

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00:39:38,200 --> 00:39:44,320

When you create all your prep materials, make sure you're creating

them so that they are accessible from the very beginning,

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00:39:44,320 --> 00:39:51,580

making sure that you know the source document itself, if you create something in a word or you create something in PowerPoint and you're

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00:39:51,580 --> 00:39:56,170

going to convert it to PDF or whatever format you're going to convert it to,

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00:39:56,170 --> 00:39:57,790

that you make sure that you created it

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00:39:57,790 --> 00:40:07,420

so it's accessible for somebody to be able to use who is blind and reading on a screen reader or is using other kinds of assistive technologies.

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00:40:07,420 --> 00:40:12,940

It's much harder and much more frustrating to retrofit a document to make it accessible

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00:40:12,940 --> 00:40:17,650

after somebody asked you to do it than it is to do it from the very beginning.

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00:40:17,650 --> 00:40:22,690

And this is just an issue of making sure your staff is aware of basic principles of

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00:40:22,690 --> 00:40:27,940

accessibility when they create documents and how they make something into a PDF.

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00:40:27,940 --> 00:40:35,020

If I just take a document and put it on my copy machine and say I want to make it a PDF document,

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00:40:35,020 --> 00:40:42,550

that's not going to be very accessible because that just scanned it.

But if I use some of the programs and the tools that are available within

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00:40:42,550 --> 00:40:49,600

Microsoft Word or whatever, Google Docs or whatever software program you're using,

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00:40:49,600 --> 00:40:55,240

then I can assure that, be more assured that my documents are going to be accessible.

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00:40:55,240 --> 00:41:03,190

If I use images, if I use graphs or I use tables, all of these things make a difference to the accessibility of a document.

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00:41:03,190 --> 00:41:07,750

So thinking about those things proactively is really important.

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00:41:07,750 --> 00:41:14,860

If you don't already have a checklist that you're using and add accessibility to think about using an accessibility checklist of some type.

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00:41:14,860 --> 00:41:23,200

When you select a venue to host a program, you can either create your own or there's a lot of them available online in the public domain.

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00:41:23,200 --> 00:41:29,140

That just helps you think about everything from parking to entrance to moving around

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00:41:29,140 --> 00:41:34,120

in space inside how to set up tables to accommodate people who use wheelchairs,

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00:41:34,120 --> 00:41:38,530

how to set up a stage in case you're going to be using a sign language interpreter and such.

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00:41:38,530 --> 00:41:42,910

There are a lot of tools already out there that help you with this.  
You don't have to reinvent it,

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00:41:42,910 --> 00:41:53,280

but it's really something you want to consider going from the very beginning is having a checklist that you use as part of your planning process.

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00:41:53,280 --> 00:42:00,900

We strongly advise and really recommend that you have an organization or an entity within you, whether you call it a committee, a commission,

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00:42:00,900 --> 00:42:07,200

a task force or something within your organization that is comprised of individuals with disabilities that

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00:42:07,200 --> 00:42:15,870

can provide you with feedback and guide your efforts to include and be inclusive of people with disabilities.

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00:42:15,870 --> 00:42:19,170

This could be family members. This could be people themselves who have disabilities.

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00:42:19,170 --> 00:42:23,520

It could be some of your staff who might have disabilities or have family members with disabilities,

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00:42:23,520 --> 00:42:28,770

etc. But it really is what you're trying to do here is make sure that the perspective of people with

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00:42:28,770 --> 00:42:33,720

disabilities is front and center and that it's heard that you are that you have a sounding board,

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00:42:33,720 --> 00:42:39,930

that you have somebody to go to when you're trying to make a tough decision, budgetary about what you can spend money on.

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00:42:39,930 --> 00:42:45,240

And, you know, there are choices that have to be made that involve accessibility and such,

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00:42:45,240 --> 00:42:49,140

getting the feedback from the community so that they understand the choices that you have to make and

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00:42:49,140 --> 00:42:54,760

why you made them and that you better understand what might be the better choice for you to make.

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00:42:54,760 --> 00:43:06,270

You might think differently if the individuals give you their perspective about prioritization versus what you think the prioritization should be.

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00:43:06,270 --> 00:43:12,480

Look at your own internal hiring practices and make sure that they're nondiscriminatory,

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00:43:12,480 --> 00:43:19,380

and consider proactively recruiting and hiring staff members with disabilities who reflect the community that you serve.

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00:43:19,380 --> 00:43:23,880

I think that we all are much more aware of the fact that, you know,

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00:43:23,880 --> 00:43:34,330

we all benefit from having those among us that work with us as peers who also represent those that we serve.

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00:43:34,330 --> 00:43:35,920

Review your internal policies,

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00:43:35,920 --> 00:43:43,690

practices and procedures to make sure that there's no discriminatory policies and create any necessary policies to support inclusion,

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00:43:43,690 --> 00:43:50,090

diversity and accessibility. So do you have an accommodation policy for your staff and your participants?

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00:43:50,090 --> 00:43:56,860

Do you have a policy that addresses providing sign language or providing materials in an alternative format and such?

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00:43:56,860 --> 00:44:03,280

If you don't have a policy such like that, you should and you should make sure that that policy is readily available to those that you serve

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00:44:03,280 --> 00:44:09,900

to know that you have that policy. Doesn't any good and good to have a policy and people don't know that you have it.

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00:44:09,900 --> 00:44:14,970

Look at your policies regarding how you acquire equipment and software and such and make sure

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00:44:14,970 --> 00:44:19,950

that it has language in it that ensures that when you're doing purchasing of new equipment,

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00:44:19,950 --> 00:44:22,650

a new telephone system, a new piece of software,

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00:44:22,650 --> 00:44:29,220

you're hiring somebody to upgrade your website that you are including accessibility in that and that you have language in

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00:44:29,220 --> 00:44:36,900

your procurement that says that you are requiring that that product be accessible to a variety of people with disabilities.

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00:44:36,900 --> 00:44:40,470

I can't tell you how many people and organizations I have worked with that have

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00:44:40,470 --> 00:44:43,950  
bought a new telephone system without even thinking about the fact  
that they

415  
00:44:43,950 --> 00:44:49,560  
had staff who used hearing aids or participants who might use hearing  
aids

416  
00:44:49,560 --> 00:44:56,370  
that would be impacted by that telephone system that might not be  
accessible.

417  
00:44:56,370 --> 00:45:01,050  
Or if you're hiring somebody to help you work on your website. And it  
could be a pro bono person, too.

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00:45:01,050 --> 00:45:03,450  
But how much do they know about accessibility?

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00:45:03,450 --> 00:45:11,370  
Are they going to be able to help you be able to move your website  
from an inaccessible website to a more accessible website so that  
people who,

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00:45:11,370 --> 00:45:15,630  
again, who have different types of disabilities are better able to  
access the information

421  
00:45:15,630 --> 00:45:22,890  
that you have on your website if they have access to electronic  
information.

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00:45:22,890 --> 00:45:28,890  
We strongly recommend that you conduct staff and volunteer training  
regarding disability awareness on an ongoing basis.

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00:45:28,890 --> 00:45:33,780  
This isn't a one time thing that we do it and we say, check, we did  
it, check it off the list.

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00:45:33,780 --> 00:45:39,120

Now we're better because we did this. This is something like anything else that we do that needs to be repeated.

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00:45:39,120 --> 00:45:43,470

You have turnover in staff. You have different things that have happened and such.

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00:45:43,470 --> 00:45:47,140

So it really is one of these things that should be an ongoing part of your training.

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00:45:47,140 --> 00:45:56,410

It does good for all of us to be reminded sometimes of the things that we need to make sure we're taking into consideration.

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00:45:56,410 --> 00:46:04,210

Strongly recommend that you connect with disability organizations in your geographic area to serve as a resource to support you when you need it.

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00:46:04,210 --> 00:46:09,700

Things and organizations to consider are things like Independent Living Centers in the Chicagoland area.

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00:46:09,700 --> 00:46:12,610

We've got a number of Independent Living Centers that do that.

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00:46:12,610 --> 00:46:19,900

I've just pointed out here are Access Living, what serves the City of Chicago and Progress Center, which serves suburban Cook County.

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00:46:19,900 --> 00:46:27,370

But there's also a Center for Independent Living in Dupage County, in Lake County, in Will County, etc.

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00:46:27,370 --> 00:46:33,640

So there are a number of centers like this. These are Independent Living Centers are not residential.

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00:46:33,640 --> 00:46:38,830

They are community-based organizations comprised of people with disabilities who work

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00:46:38,830 --> 00:46:42,610

with people with disabilities to help them live independently in the community.

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00:46:42,610 --> 00:46:48,970

And they serve as a resource to businesses and entities in their community about disability related issues.

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00:46:48,970 --> 00:46:57,550

There are also several disability specific organizations in the Chicago and Illinois area that also provide a lot of information and expertise.

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00:46:57,550 --> 00:47:02,490

So the Chicago Lighthouse for the Blind, particularly for individuals who are blind or low vision.

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00:47:02,490 --> 00:47:10,570

Chicago Hearing Society does a lot of work with community organizations or working with individuals who are deaf or hard of hearing.

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00:47:10,570 --> 00:47:19,270

NAMI-Illinois is a statewide organization, has chapters throughout the state specific to individuals with disabilities,

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00:47:19,270 --> 00:47:23,590

mental health, both family members and individuals themselves.

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00:47:23,590 --> 00:47:29,620

The Illinois Head Injury Association works a lot with families and individuals who have had a traumatic brain injury.

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00:47:29,620 --> 00:47:41,030

The Illinois Self-Advocacy Alliance works a lot with individuals who have intellectual disabilities and spectrum disorders, etc.

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00:47:41,030 --> 00:47:46,310

Family Resource Center is a federally funded program specifically for children and families with disabilities,

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00:47:46,310 --> 00:47:56,420

with a particular expertise in the area of education in the K-12 system and early intervention programs for children with disabilities.

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00:47:56,420 --> 00:48:02,570

The ARC of Illinois specifically works a lot with people with developmental disabilities and then Equip for Equality,

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00:48:02,570 --> 00:48:06,830

which is a federally funded legal assistance program for persons with disabilities.

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00:48:06,830 --> 00:48:13,130

This is just a sampling of the entities and groups in the Chicagoland and Illinois area

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00:48:13,130 --> 00:48:18,560

that work and have worked with myself directly in my training and other things that I know

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00:48:18,560 --> 00:48:23,600

do a lot of good work to try to help community organizations be able to serve and better

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00:48:23,600 --> 00:48:31,430

serve people with disabilities and serve as a resource to the people that they do serve.

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00:48:31,430 --> 00:48:39,320

As I indicated at the beginning, our office is available for technical assistance, you can contact us at any time.

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00:48:39,320 --> 00:48:45,410

We are - here's our address, which is 1640 West Roosevelt Road. We are available by phone.

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00:48:45,410 --> 00:48:50,570

We have a local number 312-413-1407.

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00:48:50,570 --> 00:48:55,730

And then we have an 800 number: 800-949-4232.

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00:48:55,730 --> 00:49:04,460

We have an email address where you can directly contact us at [adagreatlakes@uic.edu](mailto:adagreatlakes@uic.edu) and our website,

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00:49:04,460 --> 00:49:10,400

which is just [adagreatlakes.org](http://adagreatlakes.org).

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00:49:10,400 --> 00:49:16,310

You also, if you're interested in staying current and what we're doing and what's going on and some of the information we share with the public,

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00:49:16,310 --> 00:49:24,680

we have a lot of different social media that you are welcome to connect with us on Facebook, Instagram, YouTube, Twitter and LinkedIn.

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00:49:24,680 --> 00:49:30,920

So please consider that. Follow us and you'll get information on all of our training programs,

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00:49:30,920 --> 00:49:39,590

as well as information that we share about new regulations and things that are happening within the disability community as well as a resource.

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00:49:39,590 --> 00:49:43,790

So thank you very much for your time today in regards to this program.

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00:49:43,790 --> 00:49:46,700

And I hope that this has been useful for you.

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00:49:46,700 --> 00:49:52,100

And I look forward to hearing from you if there's more information

that I can provide you at any other time.

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00:49:52,100 --> 00:49:57,560

Thank you.