

IN FOCUS

THIS ISSUE

Volume 12, Number 1

Summer 2007

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ADA in Focus is posted to the web on the "Publications" page at www.adainfo.org. It is also available by request in large print, Braille, audio cassette, and computer disk.

ada issues

HOSPITALITY: ACCESS AND OPPORTUNITY

The hospitality industry represents a large and growing segment of the business community. This is a diverse industry; it includes the neighborhood fast food restaurant where we grab a quick meal once a week, and the five-star hotel where we might be lucky enough to stay once in a lifetime. Both are selling the same luxury — a break from our daily routines and responsibilities. It's not surprising that such businesses are in demand in today's fast-paced, high-pressure society.

According to the National Restaurant Association (NRA), the nation's 935,000 restaurants are projected to generate approximately \$537 billion in sales this year; the mid-Atlantic region's 51,176 restaurants will account for nearly \$40 billion of that. A recent Harris Interactive poll conducted in collaboration with Open Doors Organization (ODO) and the Travel Industry Association of America (TIA) reported that approximately 70% of adults with disabilities dine out at least once a week.

Meanwhile, in the lodging industry, approximately 2.6 million hotels rooms are sold every day in the United States (according to the TIA). The Harris poll revealed that more than 21 million adults with disabilities traveled for pleasure and/or business over a two year period, and the number of hotel stays increased by 50% during that time. However, 60% of those travelers reported experiencing difficulties at hotels, including physical and communication barriers or problems with customer service.

Add all the people without disabilities, such as family members, friends, and business associates, who accompany these adult travelers and diners with disabilities, not to mention the numbers of children with disabilities (who were not included in the survey but whose families undoubtedly consider their needs when they choose hotels and restaurants), and it is easy to see that there is a significant market to be tapped.

Naturally, an industry that is expanding its customer base also needs to expand its workforce. The Department of Labor estimates that employment will increase by 17%

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ADA in Focus
 is published three times
 yearly by the
 DBTAC: Mid-Atlantic
 ADA Center



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This is a publication of the DBTAC: Mid-Atlantic ADA Center, funded by the National Institute on Disability and Rehabilitation Research of the U.S. Dept. of Education (Grant # H133A060085). The opinions contained in this publication are those of the grantee and do not necessarily reflect those of the Dept. of Education.

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calendar

TRAINING NEWS & EVENTS

Building the New Workforce: Inclusion and Innovation

■ Orlando, FL.....September 23 – 26, 2007

This is the U.S. Business Leadership Network’s 10th Annual Conference and 2nd Annual National Career Fair.

*For more information, visit <http://newworkforceconference.org/>,
 call 305-519-4256, or e-mail brandon@macsata.org*

Annual ADA Update

■ Baltimore, MD.....September 28, 2007

This popular annual event will feature speakers from federal agencies, including the Department of Justice (DOJ), the Equal Employment Opportunity Commission (EEOC), the Department of Transportation (DOT), and the Access Board.

*For more information, visit www.adainfo.org/training/list.asp?CAT_ID=1,
 call 1-800-949-4232 V/TTY (in DC, DE, MD, PA, VA, WV), 301-217-0124 V/TTY or
 e-mail mjohnson@transcen.org*

Access to ADAAG: Level III

■ Morgantown, WV.....October 16 – 18, 2007 and December 11 – 13, 2007

These “Survey Simulation Trainings,” presented by Eastlake, Derry & Associates, will group participants into teams of two or three members, who will conduct site surveys and produce reports on architectural barriers.

*For more information, visit www.adaderry.com/accessibilitytraining.html,
 call 1-800-946-9471 or 304-296-3510 V/TTY,
 or e-mail info@eastlakederry.com*

National ADA Symposium and Expo

■ St. Louis, MO.....May 12 – 14, 2008

SAVE THE DATE for this comprehensive conference sponsored by the DBTAC: National Network of ADA Centers. The agenda will include workshops on a wide range of topics. Presenters will include representatives from the federal ADA enforcement agencies, as well as other experts in their fields. A pre-conference, with both introductory and advanced level sessions, will also be offered. An expo hall will feature the latest disability-related products and services. Online registration will be available beginning in January, 2008.

*For more information, visit www.adasymposium.org/
 or contact your regional ADA Center at 1-800-949-4232 V/TTY*

*For information on these and other ADA and disability-related training events, check
 the “Training” page at the DBTAC: Mid-Atlantic ADA Center Web site:
www.adainfo.org/training/*

coalition / consortium news

VIRGINIA: NEW ADA RESOURCE GUIDE

The Virginia ADA Coalition, coordinated by Kelly Gonzalez and the Endependence Center in Norfolk, recently published a new resource guide on the ADA. The guide contains basic information on each title of the law and resources such as enforcement agencies and other organizations, including state and local agencies that serve Virginians. Also listed is the contact information for dozens of municipal ADA Coordinators who are responsible for addressing compliance issues in local communities across the state.

Reaching out to the various agencies and individuals, gathering information, and compiling the guide took a lot of time and effort, and we salute Kelly and the Virginia Coalition for providing this valuable resource to the citizens of Virginia!

The *Virginia ADA Resource Guide* is online at www.endependence.org/Publications.html (scroll to the bottom of the page to choose either PDF or Word format).

Contact Kelly and the Virginia Coalition (information at right) to find out more about ADA activities in Virginia!

Hospitality Training

All of our state ADA Coalition affiliates are participating in our Hospitality Initiative, distributing materials and offering training to customer service staff in restaurants and hotels. Training is designed to help front-line staff interact more comfortably with customers with disabilities. To find out more about the Initiative, obtain materials, or arrange for training sessions, contact the affiliate in your area (information at right), or our main office at 1-800-949-4232 (voice/TTY).



TO CONTACT OUR AFFILIATES:

State ADA Coalitions:

- MD** 800-949-4232 v/TTY
EMAIL adainfo@transcen.org
- DC** 202-388-0033 v ■ 202-388-0277 TTY
EMAIL hgalmore@dccil.org
- DE** 302-376-4399 v ■ 302-376-4397 TTY
EMAIL levans@fcilde.org
- WV** 800-946-9471 v/TTY
EMAIL WVADACoalition@msn.com
- VA** 757-461-8007 v ■ 757-461-7527 TTY
EMAIL kgonzalez@endependence.org
- PA** 570-327-9070 v ■ 570-327-5254 TTY
EMAIL communityorganizer@cilncp.org

State Assistive Technology Programs:

- MD** 800-832-4827 v ■ 866-881-7488 TTY
WEB www.mdmap.org
- DC** 202-547-0198 v ■ 202-547-2657 TTY
WEB www.atpdc.org
- DE** 800-870-3284 v/TTY
WEB www.dati.org
- WV** 800-841-8436 v ■ 800-518-1448 TTY
WEB www.cedwvu.org/programs/wvats
- VA** 800-552-5019 v/TTY
WEB www.vats.org
- PA** 800-204-7428 v ■ 866-268-0579 TTY
WEB <http://disabilities.temple.edu/programs/assistive/index.htm>

Hospitality: Top Ten Tips for Operators

1. Train your staff! Train them on disability etiquette and how to interact with customers with disabilities. Train them about the accessible features of your property, such as where the accessible entrances, routes, or restrooms are.
2. Welcome service animals into your establishment and train your staff about your service animal policy.
3. Be proactive about accessibility. Assess your facility, determine if there are barriers, and address them as effectively as you can. Don't wait for your customers to identify barriers.
4. If making your structure accessible is impossible, consider alternatives (for example, curb-side service or home delivery for a restaurant). Be creative.
5. Buy, rent, or borrow the tools or equipment you need to interact with and serve customers with disabilities. Tools range from low-tech to high-tech: paper and pencil for notes, accessible formats (large print, Braille, audio, etc.) for printed materials, assistive listening devices for meeting rooms, and (in hotels) shower benches, TTYs, and other elements for accessible guest rooms. Train your staff about where to find tools and equipment and how to use them.
6. Maintain your accessibility! Make sure that equipment, such as assistive listening devices and wheelchair lifts, are kept in working order, and that the condition of features such as accessible parking spaces and ramps is not neglected. Train your staff so that they know whom to contact when maintenance is needed.
7. If you have a Web site, ensure that it is accessible. Ask your Web developer if he/she understands the elements of Web accessibility.
8. Make sure you consider the needs of customers with disabilities when thinking about emergency response and evacuation. Train your staff and practice your emergency procedures.
9. Utilize available federal tax incentives to make your business more accessible and to hire employees with disabilities. Many states also offer state tax incentives.
10. Get help! Contact a knowledgeable resource, like the DBTAC: Regional ADA Centers; call 800-949-4232 V/TTY or visit www.adata.org for more information. Oh, and train your staff.

HOSPITALITY *continued from page one*

in the lodging industry and by 16% in the food services industry over the 2004 – 2014 period (compared with 14% growth projected for employment in all industries combined), adding more than 1.6 million jobs to the economy.

The diverse range of jobs associated with these industries means there are employment opportunities for people with a variety of skills and talents, from entry level to upper management positions.

The restaurant industry alone serves not only as the nation's second largest employer (after government), but as a leading "training ground" for workers of all kinds. According to the NRA, 48% of American adults have worked in the restaurant industry at one time, and 32% had their first job experience there. Restaurants also offer opportunities for advancement; eight out of ten salaried employees started as hourly workers.

Hotels and other places of lodging often contain restaurants and offer other food services as well. Additionally, some hotels include meeting spaces, and offer event planning services to help customers organize conferences, exhibitions, weddings, and parties. Some hotels operate fitness centers, gift shops, or transportation shuttles.

DBTAC: Hospitality Initiative

Due to the popularity and expected growth of the hospitality industry, the DBTAC: National Network of ADA Centers is engaged in an initiative to promote access for customers and opportunities for workers with disabilities. Our program offers specific materials, resources, and training sessions that will help these businesses diversify their workforce and expand their customer base.

We have developed a specific training presentation for front-line staff. This brief presentation is designed for staff who interact with customers, such as desk clerks and wait staff. The session will help them learn appropriate ways of communicating with and serving people with various types of disabilities.

For more information, check out the resources in the next column, contact us at 1-800-949-4232 V/TTY, or visit us online at www.adainfo.org/hospitality.

RESOURCES: HOSPITALITY

American Hotel and Lodging Association (AHLA) Educational Institute

www.ei-ahla.org/

This organization offers these training videos:

- *Breaking Down Barriers: Achieving Great Service for Guests with Disabilities*
- *ADA: The Hiring Process*

Asian American Hotel Owners Association (AAHOA) www.aahoa.com/

This organization offers this training video:

- *Full Access: Making Your Property ADA Compliant*

California Hotel & Lodging Association Educational Foundation www.calodging.com/products/service_animals.shtml

“We Welcome Service Animals”

This initiative offers several publications, as well as online staff training videos in both English and Spanish.

U.S. Department of Justice / ADA Business Connection 1-800-514-0301 Voice 1-800-514-0383 TTY www.ada.gov/business.htm

The Department offers a web course entitled “Reaching Out to Customers with Disabilities,” as well as a variety of publications, including documents on tax incentives for businesses, service animals, accessible new construction and barrier removal in existing hotels, effective communication with guests who are deaf or hard of hearing, serving guests with vision impairments, and customer service practices in lodging facilities.

U.S. Equal Employment Opportunity Commission 1-800-669-4000 www.eeoc.gov/facts/restaurant_guide.html

- *How to Comply with the ADA: A Guide for Restaurants and other Food Service Employers*

Society for Accessible Travel and Hospitality (SATH) www.sath.org/ 212-447-7284

Open Doors Organization (ODO) <http://www.opendoorsnfp.org/> 773-388-8839

Hospitality: Top Ten Tips for Customer Service Staff

1. Speak directly to the individual you are addressing, not to a companion or sign language interpreter. Never shout at a person; speak in a normal tone of voice.
2. Identify yourself when you meet someone with a vision disability.
3. Be prepared to use a variety of tools and methods to communicate with people with disabilities, such as writing notes for people who have hearing impairments (keep a pad of paper handy), or reading printed information or giving verbal directions (it doesn't help to point!) to people with vision impairments.
4. Listen attentively when talking with people who have difficulty speaking, and wait for them to finish. If necessary, ask short questions that require short answers or a nod of the head. Never pretend to understand; instead, repeat what you have understood and allow the person to respond.
5. If you offer assistance, wait until your offer is accepted. Then listen or ask for instructions.
6. If needed, describe people with disabilities using “person-first language” (e.g., a person who is blind, not a blind person). Avoid words/phrases like “handicapped,” “victim,” “wheelchair bound,” and “confined to a wheelchair.”
7. Treat adults as adults. Never patronize adults with disabilities by patting them on the head, calling them by their first names (when you do not do so with other adults), or otherwise treating them like children.
8. Welcome service animals. Service animals assist people with all types of disabilities, including those who are blind or deaf, have epilepsy, or use wheelchairs. Service animals are working animals, not pets. Do not pat, feed or distract them.
9. Know about your property's accessibility so that you can respond to questions and give directions. For example, know whether (and where) your establishment has accessible parking, entrances, or restrooms, or whether individuals using wheelchairs need to use alternate routes to get to certain areas.
10. Relax! People with disabilities are just like other customers.

decisions in focus

RULINGS AROUND THE REGION

Maryland: No Points for Wheelchair Racer

The District Court in Maryland denied a motion for an injunction that would have allowed a high school athlete who uses a wheelchair to earn points for her school's track team at state competitions. The case is *McFadden v Grasmick* (find the decision online at www.mdd.uscourts.gov/Opinions152/Opinions/mcfadden05122007.pdf).

Although wheelchair races were recently added to state tournaments, there are currently so few participants that the winners of these events are not eligible to earn points for their teams. The Maryland Public Secondary Schools Athletic Association (MPSSAA) successfully defended its general policy regarding all new events, which requires that a minimum number of school jurisdictions participate before points are awarded. The policy is designed to prevent a team from earning points for winning an event in which there is little or no competition.

Third Circuit: Title II Valid Exercise of Congressional Authority

The Court of Appeals for the Third Circuit (covering Pennsylvania, Delaware, New Jersey, and the Virgin Islands), in the case of *Bowers v National Collegiate Athletic Association* (NCAA), found that "Congress acted within its Constitutional authority in abrogating sovereign immunity under Title II of the ADA."

This case arose when Michael Bowers, a high school athlete with a learning disability, was declared a "nonqualifier" by the NCAA because of his special education background. Bowers eventually sued the NCAA, the University of Iowa, and Temple University.

The Court noted that this "protracted dispute, spanning nearly a decade thus far, has yielded eleven prior opinions," and described the case as a "procedural morass." Constitutionality was only one of the numerous and varied issues debated, and the Court felt "obliged to once again carefully wade into the thicket to disentangle the issues before us."

One of the defendants in the case, the University of Iowa, argued that as a state entity, it enjoyed sovereign immunity from Title II. The Court referred to the findings of other courts, including the Supreme Court's rulings in *Tennessee v Lane* (Title II is constitutionally valid, at least as it applies to the "fundamental right of access to the courts"). The Third Circuit, in *Bowers*, ultimately reached the question of whether Title II is valid in the context of public education.

Noting that "Congress enacted Title II against the backdrop of our regrettable national history in educating students with disabilities," the Court found Title II a "congruent and proportional means of preventing and remedying" discrimination in education.

Find the Court's opinion posted online at <http://vls.law.villanova.edu/locator/3d/Feb2007/052262p.pdf>

Fourth Circuit: City Not Liable for School's Discrimination

The Court of Appeals for the Fourth Circuit (covering Maryland, West Virginia, Virginia, North Carolina, and South Carolina) reversed the lower court in the case of *Bacon v City of Richmond*, finding that the city could not be forced to pay costs associated with improving access at city schools.

This decision stemmed from a lawsuit in which both the City and the School Board of Richmond were named as defendants. The claim was based on architectural accessibility problems at dozens of school facilities.

Although the District Court agreed with the plaintiffs that the City shared responsibility with the School Board, the Appeals Court found "several difficulties" with the approach. Noting that the School Board operated with almost complete autonomy, the Court held that the City played no role in the alleged discrimination, and so could not be held responsible for it.

Find the opinion online at <http://pacer.ca4.uscourts.gov/opinion.pdf/061347.P.pdf>.

*what's new***NEWS AND RESOURCES****DOT Adopts New ADA Building Standards**

The Department of Transportation (DOT) amended its ADA regulations to adopt the new ADA Accessibility Guidelines (ADAAG) for transportation facilities. The new standards are based on the ADA/ABA (Architectural Barriers Act) guidelines that were issued by the U.S. Access Board in 2004. The DOT made several modifications, including maintaining requirements for detectable warnings on curb ramps.

The Access Board published supplementary material to provide details on the new ADA standards adopted by DOT, as well as standards under the ABA adopted by the U.S. Postal Service (USPS) and the General Services Administration (GSA). The USPS adopted the Board's guidelines without changes, and the GSA added requirements related to automatic and power-assisted doors.

The Board maintains a Web page on the status of activity by the various federal agencies with responsibilities to update standards under the ADA and the ABA. To stay current, visit www.access-board.gov/ada-aba/standards-update.htm or call the ADA Center at 1-800-949-4232 V/TTY.

EEOC: ADA and Health Care Workers

The U.S. Equal Employment Opportunity Commission issued a new "Q&A" fact sheet to provide practical information about the ADA and healthcare jobs in a variety of settings—from public and private hospitals and nursing care facilities to doctors' and dentists' offices and diagnostic laboratories.

Find the document online at www.eeoc.gov/facts/health_care_workers.html.

DOJ: ADA Best Practices Tool Kit for State and Local Governments

The U.S. Department of Justice is in the process of issuing installments of a new technical assistance document designed to assist state and local officials improve compliance with the ADA. The new "Tool Kit" so far

includes chapters and checklists on basic requirements, effective communication, emergency communication services, accessible Web sites, and curb cuts. The toolkit is online at www.ada.gov/pcatoolkit/toolkitmain.htm.

Accessibility: New Resources from the Access Board

The U.S. Access Board has issued several reports and launched a Web course on various aspects of accessible design.

The *Justice for All: Designing Accessible Courthouses* report (www.access-board.gov/caac/report.htm) offers recommendations for the design of courthouse spaces.

The *Synthesis of Literature Relevant to Roundabout Signalization to Provide Pedestrian Access* report (www.access-board.gov/research/roundabouts-signals/report.htm) identifies key issues in signalizing traffic roundabouts for greater accessibility, particularly for pedestrians with vision impairments. Potential design strategies and available signal technologies are described.

The *Visual Detection of Detectable Warning Materials by Pedestrians with Visual Impairments* report (www.access-board.gov/research/dw-fhwa/report.htm) provides recommendations on color and contrast for detectable warning surfaces.

Accessibility Guidelines for Play Areas (www.access-board.gov/play/course/1-0.htm) a three-hour Web course, covers all sections of the play guidelines, including ramp and transfer access to elevated play components, the number of play components required to be accessible, play surfacing, and other topics.

No Internet access? If you are not able to obtain online publications, call the DBTAC: Mid-Atlantic ADA Center, 1-800-949-4232 (V/TTY). We will be happy to assist you!

on the internet

COOL WEBSITES: GRAB BAG

www.deafprofessional.net/ The **Deaf Professional Network** offers information on news, trends, technologies, laws, policy, and other issues of interest to deaf professionals and business owners.

www.unitedweride.gov/ **United We Ride** is a federal interagency initiative that supports the development of coordinated human service transportation delivery systems.

www.longtermcare.gov/ The **National Clearinghouse for Long-Term Care Information**, from the U.S. Department of Health and Human Services, provides information and resources to help individuals and families plan for future long-term care (LTC) needs.

www.cited.org/ The **Center for Implementing Technology in Education (CITeD)** encourages educators to use technology to improve outcomes for students.

www.mobilewomen.org **Mobile Women**, an “online magazine for women in wheelchairs,” includes information on health, parenting, finances, beauty and fashion, and more. It also offers an interactive forum for discussion.

www.hhs.gov/ocr/hospitalcommunication.html The **Department of Health and Human Services (HHS)** offers information to help hospitals communicate effectively with deaf or hard-of-hearing individuals or those who have limited English proficiency.

ADA in Focus is intended for use by individuals, state and local governments, businesses, legal entities, and others interested in the ADA and other disability related issues. This publication is intended solely as informal guidance and should not be construed as legally binding. *ADA in Focus* does not serve as determination of the legal rights or responsibilities of any individual, business, or entity.

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The DBTAC: Mid-Atlantic ADA Center provides technical assistance to DE, DC, MD, PA, VA, and WV. Administered by TransCen, Inc. ■ Funded by the National Institute on Disability and Rehabilitation Research (NIDRR), U.S. Dept. of Education