



# Enforcing the ADA:

## A Status Report from the Department of Justice

### October-December 2001

This Status Report covers the ADA activities of the Department of Justice during the fourth quarter (October - December) of 2001. This report, previous status reports, and a wide range of other ADA information are available through the Department's ADA Home Page on the World Wide Web (see page 13). The symbol (\*\*) indicates that the document is available on the ADA Home Page.

#### INSIDE...

ADA Litigation .....	2
Formal Settlement Agreements .....	6
Other Settlements .....	9
Mediation .....	11
Technical Assistance .....	13
Other Sources of ADA Information .....	15
How to File Complaints .....	16

The Americans with Disabilities Act (ADA) is a comprehensive civil rights law for people with disabilities. The Department of Justice enforces the ADA's requirements in three areas --

Title I: Employment practices by units of State and local government

Title II: Programs, services, and activities of State and local government

Title III: Public accommodations and commercial facilities

## I. Enforcement

Through lawsuits and both formal and informal settlement agreements, the Department has achieved greater access for individuals with disabilities in hundreds of cases. Under general rules governing lawsuits brought by the Federal Government, the Department of Justice may not file a lawsuit unless it has first unsuccessfully attempted to settle the dispute through negotiations.

### A. Litigation

The Department may file lawsuits in Federal court to enforce the ADA and may obtain court orders including compensatory damages and back pay to remedy discrimination. Under title III the Department may also obtain civil penalties of up to \$55,000 for the first violation and \$110,000 for any subsequent violation.

#### 1. Decisions

**Accessible Bathroom Door Requirement in Newly Constructed Hotels Is Mandatory --** The U.S. Court of Appeals for the Ninth Circuit held in Long v. Coast Resorts, Inc., that a large, newly constructed Las Vegas hotel and casino must redo bathroom doors in over 800 guest rooms in order to comply with the ADA's 32-inch width requirement. Of the 839 hotel guest rooms, 819 included bathroom

doors that were only 28 inches wide. Although the district court found that the bathroom doorways were too narrow, it refused to order any relief to correct the violation, because it thought the "minimal" inconvenience to people with disabilities was outweighed by the expense of widening the doorways. The Ninth Circuit agreed with the Department's amicus brief which argued that the inaccessible doorways would seriously impede access by persons with disabilities and that the ADA does not allow courts to ignore new construction violations. The Court also agreed with the Department that each of four slot change kiosks in the casino must comply with the ADA. The hotel had argued that only the casino's main counter needed to comply.

**Private Plaintiffs Have Right to Enforce Title II Curb Cut Requirements --** The U.S. District Court for the Northern District of Ohio agreed with the Department's amicus brief and ruled in Ability Center of Greater Toledo v. City of Sandusky that private plaintiffs have a right to enforce the curb cut requirements of the ADA title II regulation. The plaintiffs alleged that Sandusky, Ohio, failed to properly install curb cuts in streets altered or constructed after the ADA went into effect. The district court had earlier ruled that the city violated the ADA. Soon after that decision, the Supreme Court ruled in Alexander v. Sandoval that plaintiffs do not

have a private right of action to enforce regulations issued under title VI of the Civil Rights Act of 1964 that prohibit neutral policies or practices that have discriminatory effects. (Title VI prohibits discrimination on the basis of race, color, or national origin in programs that receive financial assistance from the Federal Government and was earlier interpreted by the Supreme Court to prohibit only intentional discrimination.) Because of the Sandoval decision, the defendants in Sandusky asked the district court to reconsider its decision and dismiss the case. They argued that plaintiffs did not have the right to file a suit against Sandusky for enforcement of the curb cut regulations because the curb cut requirements target effects-based, rather than only intentional, discrimination.

In response, the Department's brief asserted that the curb-cut regulations may be enforced by a private suit because they fall squarely within the scope of the ADA, which was meant to address not only intentional exclusion but also a much broader range of discrimination including the effects of architectural, transportation, and communication barriers.

**Court Finds U.S. Suit Challenging Employment Discrimination Barred by Sovereign Immunity** -- The U.S. District Court for the Southern District of Mississippi dismissed the Department's lawsuit on behalf of a cadet with diabetes who allegedly was expelled from the Mississippi State patrol training academy because of his disability. The court ruled in U.S. v. Mississippi Department of Public Safety that, because the Department's suit was based upon an individual charge filed by the cadet with the U.S. Equal Employment Opportunity Commission, the government was barred by sovereign immunity from suing the State for money damages – just as the individual would be barred if he brought his own private lawsuit against the State. The Department unsuccessfully argued that a State is not protected by sovereign immunity from suits by the Federal Government and that the

Attorney General, in bringing a suit based on an EEOC charge, is not merely representing the individual, but also the broader public interest in Federal enforcement of Federal employment discrimination laws. The Department has filed a notice of appeal.

**Persons at Risk of Institutionalization May Challenge Denial of State Home Health Care Services**

-- The U.S. District Court for the Middle District of Tennessee ruled in Newberry v. Menke that individuals who reside in the community, but who are at risk of institutionalization, have "standing" to challenge aspects of the Tennessee Medicaid program that allegedly create incentives for institutionalization in violation of title II's

integration requirement. The plaintiffs allege that they have been denied home health care services as a result of certain financial incentives in the

TennCare system and that, without home health care services, plaintiffs' only alternative is to enter nursing homes despite the fact that the care they require is more appropriately provided in the community. The Department filed an amicus brief opposing the State's argument that only people who are currently institutionalized are entitled to sue. The brief successfully urged the court to allow not just those who are in institutions, but also those at risk of institutionalization, to challenge the Tennessee program.

**Court Rejects Flawed Department Store Class Action Settlement** -- In response to objections filed by the Department and disability rights advocates, the U.S. District Court for the Southern District of Florida refused to approve a proposed nationwide class action settlement agreement in Access Now v. The May Department Stores Company. The proposed agreement addressed the physical accessibility of store aisles, check-out counters, bathrooms, and fitting rooms at over 350 May-owned department stores nationwide, including those of the Filene's, Hecht's, Foley's, Lord and

## Decisions

Taylor, and Robinson's-May chains. The Department objected to the agreement for a number of reasons, including an overly broad class definition, a lack of an "opt out" provision for class members, and expansive language protecting defendants from future claims. Together, these provisions would have made it difficult or impossible for people with disabilities or the Department to bring future ADA claims challenging barriers and discriminatory policies at May-owned stores, including even those barriers or policies that were not addressed by the proposed agreement. The court ordered the May Company to make accessibility modifications to its six department stores located in Florida.

**District Court Dismisses U.S. Suit for Accessible "Stadium-Style" Theaters** -- The U.S. District Court for the Northern District of Ohio ruled in U.S. v. Cinemark USA, Inc. that the ADA's requirement for comparable lines of sight only requires stadium-style movie theaters to provide unobstructed views of the screen and does not require accessible seating within the tiered, stadium portion of the theater. The Department filed suit against Cinemark alleging that three of Cinemark's Ohio theaters, as well as its 68 other stadium-style theaters across the country, violated the ADA by providing accessible seating only on the flat portion of each theater in front of the stadium-style seating, offering an inferior and uncomfortable line of sight for wheelchair users. The Department has filed a notice of appeal.

## 2. New lawsuits

**The Department intervened in the following lawsuit.**

### Title II

**Department Defends Constitutionality of Private Title II Damages Suits** -- The Department intervened in Thomas v. Nakatani in the U.S. Court of Appeals for the Ninth Circuit in order to defend the constitutionality

of private ADA lawsuits for damages against State agencies. The case involves a suit brought by a deaf inspirational speaker, who uses a hearing guide dog, against a Hawaii State agency and State official challenging the State's animal quarantine laws. The Department argued that title II is appropriate legislation to enforce equal protection rights in light of the long history of widespread discrimination against people with disabilities and therefore that damages suits against States are consistent with the Constitution. The brief also argues that, even if a damages suit were not permitted, the plaintiff could still proceed against the State official in his official capacity to seek an injunction to change the State's policy.

## 3. Consent Decrees

**Some litigation is resolved at the time the suit is filed or afterwards by means of a negotiated consent decree. Consent decrees are monitored and enforced by the Federal court in which they are entered.**

### Title III

**Bell v. Captain D's, Inc.** -- The U.S. Attorney for the Western District of Tennessee intervened in, and resolved by consent decree, Bell v. Captain D's, Inc. and Shoney's, Inc., a private lawsuit alleging that a person who uses a service animal and her husband and son were evicted from a Captain D's restaurant in Memphis, Tennessee, because of her service animal. The defendants -- Captain D's, Inc., the current owner of the restaurant in which the incident occurred, and Shoney's, Inc., the parent corporation of Captain D's and previous owner of the restaurant at issue -- agreed to provide employee training and post signs welcoming persons with their service animals throughout the 570 franchiser-owned Shoney's and Captain D's restaurants in 28 states. They also agreed to pay \$8,000 in compensatory damages to the private plaintiff.

**Baltimore City Schools Agree to Pay Blind Teacher \$55,000 to Settle Title I Discrimination Suit**

-- The Baltimore City Public School System agreed to pay \$55,000 as part of a consent decree to resolve a disability discrimination charge filed by a blind elementary school teacher who uses a service animal. She alleged that the school system offered her a teaching position after two interviews during which she had used a cane. After she mentioned that she would soon be picking up her new service animal, the school principal allegedly withdrew the offer rather than allow her to bring a dog in the building. The charging party later found employment as a teacher with another school system. Under the consent decree in U.S. v. Baltimore Public School System, the system will ensure that all personnel who participate in employment decisions are trained in the requirements of the ADA. The school system will also designate an employee to serve as an ADA coordinator for employment matters and to serve as a liaison with people with disabilities. The coordinator will attend annual ADA training. The school system will also post notices about the ADA in every school or other location in which its employees work. The United States Equal Employment Opportunity Commission's regional office in Baltimore investigated the employee's ADA charge, found reasonable cause to believe that the school system had violated the ADA, attempted to conciliate the matter, and then referred it to the Department of Justice.

#### 4. Amicus Briefs

**The Department files briefs in selected ADA cases in which it is not a party in order to guide courts in interpreting the ADA.**

##### Title I

**Chevron U.S.A., Inc. v. Echazabal** -- The Department filed an amicus brief in the U.S. Supreme Court urging the Court to uphold an ADA title I regulation issued by the U.S. Equal Employment Opportunity Commission that permits an employer to deny employment to individuals with disabilities whose performance of a job would pose a direct threat to their own health or safety. Mario Echazabal, who has hepatitis C, worked at a Chevron oil refinery as an employee of various maintenance contractors for more than twenty years. When he applied to work directly for Chevron, he was denied employment on the ground that exposure to the liver-toxic chemicals at the refinery could

seriously endanger his health or even be fatal. He sued under title I claiming that Chevron's action violated the ADA. The U.S. District Court for the Central District of California ruled in favor of Chevron but the U.S. Court of Appeals for the Ninth Circuit reversed. The Ninth Circuit held that the EEOC regulation allowing the employer to use a direct threat to the employee's own health or safety as a defense was inconsistent with the language of the statute, which only mentions direct threat "to others." The Department's brief in the Supreme Court argues that the EEOC regulation is a reasonable interpretation of the statute because the employer has a legitimate interest in protecting employees from a significant risk of injury or death, because the employee is protected from paternalism by the requirement that the employer engage in an individualized and objective assessment of the risk in each case, and because the "threat to self" provision is consistent with earlier court and EEOC interpretations of the Rehabilitation Act.

### Title III

**Oregon Paralyzed Veterans of America et al. v. Regal Cinemas, Inc.** -- The Department filed an amicus brief in the U.S. Court of Appeals for the Ninth Circuit arguing that the viewing angles for wheelchair users in stadium-style movie theaters must be comparable to those offered to the general public. The plaintiffs alleged that the wheelchair seating locations provided at several Regal stadium-style theaters are very close to the screen and require wheelchair users to look up at the screen at sharp angles, often resulting in a blurry or distorted image and severe discomfort. They also alleged that because the wheelchair locations are not located in the stadium-style portion of the theaters, wheelchair users are effectively segregated from most other patrons. The district court held that the ADA regulation's requirement for comparable "lines of sight" means only that the wheelchair users must have an unobstructed view of the movie screen. The court also concluded that failing to place the accessible wheelchair seating in the stadium portion of the theaters does not violate the regulation's requirement that wheelchair areas "be an integral part of any fixed seating plan." On appeal, the Department argued in its amicus brief that both rulings are incorrect and that the ADA regulations require that wheelchair users be provided lines of sight within the range of viewing angles offered to most of the patrons of the cinema and that wheelchair seating be integrated into the elevated, stadium portion of the theater.

**Karr v. Wal-Mart Stores, Inc.** -- The Department filed an amicus brief in the U.S. District Court for the Southern District of Alabama, Northern Division arguing that the plaintiff, who has Tourette Syndrome (TS), is a person with a disability within the meaning of title III of the ADA. The lawsuit alleges that Wal-Mart violated title III of the ADA when it forcibly removed plaintiff from its store. Plaintiff alleges that while shopping at Wal-Mart she experienced manifestations of

her TS, including uncontrollable vocal and body tics. In response to these manifestations of her TS, a Wal-Mart employee allegedly summoned a security guard to remove plaintiff from the store. Wal-Mart argued that the case should not be allowed to go forward because she is not substantially limited in any major life activity and therefore is not a person with a disability. The Department disagreed and argued in its amicus brief that, because of her TS, plaintiff is substantially limited in the major life activities of interacting with others and working.

## B. Formal Settlement Agreements

**The Department sometimes resolves cases without filing a lawsuit by means of formal written settlement agreements.**

### Title I

**\*\* Arizona State Compensation Fund --** The Arizona State Compensation Fund agreed to pay \$150,000 in compensatory damages to resolve a charge that was filed with the Equal Employment Opportunity Commission by a former employee with severe depression and referred to the Department of Justice for litigation. The complainant alleged that the Fund unlawfully terminated her after failing to grant her the reasonable accommodation of additional leave without pay that she needed in order to stabilize her condition. The former employee, who worked with the State Fund for a number of years while managing her depression, took three months of unpaid leave under the Family and Medical Leave Act (FMLA) to recover from a severe episode of depression. The employee stayed in communication with her supervisor while on leave and, toward the end of that leave, after consulting with her doctor, advised her supervisor that she planned to return to work soon. The complainant alleged that shortly after the expiration of her FMLA leave, the State Fund terminated the employee instead of granting her a brief additional period of

unpaid leave as a reasonable accommodation. The employee's termination came just one day after she submitted to her employer a release from her physician clearing her to return to work the following week.

## Title II

**Deschutes County, Oregon** -- The Department entered into a settlement agreement with the Deschutes County Sheriff's Office resolving a complaint filed by a deaf individual who alleged that the sheriff's office failed to provide effective communication when he was arrested. The county agreed to provide auxiliary aids and services, including qualified interpreters, when necessary to ensure effective communication and to instruct its employees on the provisions of its new policy.

**Saguache County, Colorado** -- The Department and Saguache County, Colorado, entered an agreement resolving a complaint that the county courthouse is not accessible to individuals with mobility impairments. The county agreed to make physical modifications to its entrances and restrooms and to install an elevator to provide access to services on the second and third floors. The county also agreed to ensure that all services are offered at alternative accessible locations until modifications have been completed.

**Minnesota Board of Law Examiners, St. Paul, Minnesota** -- A law school graduate complained that the Minnesota Board of Law Examiners refused to recommend his admission to the Minnesota Bar because of his history of mental illness, even though he had passed the bar examination and provided the board with evidence of his recovery. The board agreed to reconsider the individual's application under the same criteria that apply to all other applicants without requiring him to complete a new application or retake the bar examination.

### **\*\* More Project Civic Access Agreements**

-- The Department has signed four additional agreements under the Department's Project Civic Access initiative, a wide-ranging effort to ensure that cities, towns, and villages comply with the ADA. Project Civic Access is dedicated to removing barriers to all aspects of civic life, including courthouses, libraries, polling places, police stations, and parks. The new agreements cover --

Seaside, California  
Kaua'i, Hawaii  
State of Delaware  
Robertsdale, Alabama

Forty-four agreements have been signed to date. They require communities, depending on local circumstances, to --

- Improve access to programs at city and town halls, police and fire stations, sheriff's departments, courthouses, health care delivery centers, childcare centers, teen and senior activities centers, convention centers, animal shelters, libraries, baseball stadiums, golf course clubhouses, and parks (including ice skating rinks, skateboard rinks, public pools, playgrounds, ball fields and bleachers, and band shells);
- Alter polling places and provide curbside or absentee balloting;
- Upgrade 9-1-1 emergency services for people who use TTY's;
- Install assistive listening systems in legislative chambers, courtrooms, and municipal auditoriums; and
- Provide delivery systems and time frames for providing auxiliary aids, including sign language interpreters and materials in Braille, large print, or on cassette tapes.

**Borough of Hollidaysburg, Pennsylvania --** In response to a complaint that it had failed to provide a sign language interpreter in an arrest situation, the Borough of Hollidaysburg agreed to adopt a written policy for providing appropriate auxiliary aids and services to ensure effective communication. It also agreed to publish notice of this policy in the local newspaper and train its employees on the ADA.

**Polk County, Georgia --** A deaf individual complained that a Georgia county sheriff's department failed to provide effective communication during his arrest. The sheriff's department adopted and implemented a policy ensuring effective communication with individuals who are deaf or hard of hearing, including procedures for providing on-call, qualified sign language interpreter services when necessary, and making available a TTY at department headquarters.

**Formal  
Settlement  
Agreements**

because the child uses a wheelchair. The hotel agreed to provide accessible transportation services for guests who use wheelchairs, to train its employees on carrying out this new policy, and to notify the public of the availability of the accessible services in its publications.

**\*\* Georgetown University Hospital, Washington, D.C. --** A wheelchair user complained that the Georgetown University Hospital did not assist her in transferring from her wheelchair to an examination table at a gynecological examination for possible uterine cancer. The hospital agreed to pay the complainant \$15,000 in compensatory damages and to pay the United States a civil penalty of \$10,000.

**\*\* PSINet Stadium, Baltimore, Maryland --** The Department signed two settlement agreements to resolve a complaint from a man with a mobility impairment who alleged that the parking lot at the PSINet Stadium was not accessible during football games. The Baltimore Ravens Limited Partnership agreed to modify its existing policy to allow people with disabilities who have club level or suite seating to reserve accessible parking spaces in advance in the same manner as people

**Title III**

**Drawbridge Estate Hotel, Fort Mitchell, Kentucky --** An individual whose child has a mobility impairment complained that the Drawbridge Estate Hotel refused to allow access to the hotel's airport shuttle bus

**\*\* Las Vegas Hotel and Casino Agrees to Comprehensive Access Agreement --** The New York-New York Hotel & Casino entered a wide ranging agreement with the Department of Justice to provide accessibility throughout its Las Vegas facility. The agreement resolves a compliance review that began prior to the hotel's construction and took place over a two-year period. Under the agreement the hotel and casino will be fully accessible in all respects, including accessible bathroom doors in all of its 2,023 guest rooms. New York-New York also agreed to provide 84 accessible guestrooms and suites; accessible penthouse suites; in-suite accessible Jacuzzi tubs; lifts into the outdoor swimming pool and Jacuzzi; accessible hydrotherapy tub for women and an accessible Jacuzzi for men in the spa; accessible restaurant seating and Braille menus; state-of-the-art assistive listening systems in all theaters, bars, and meeting rooms; accessible gaming tables and slot machines; sign language interpreters upon request for live performances and gaming lessons; and an accessible roller coaster.



reserving other spaces and to provide training to Ravens employees in carrying out this policy. In a separate agreement, the Maryland Stadium Authority agreed to ensure that the “accessible” parking at the stadium actually complies with the ADA. It agreed to restripe spaces and add signage, as appropriate, maintain the accessible spaces, and perform a weekly inspection of the parking area during the football season.

### **Tri State Coach Lines, Gary, Indiana --**

The Department entered into a settlement agreement with Tri State Coach Lines, Inc., an airport shuttle bus company, resolving a complaint that Tri State refused to allow an individual with a mobility impairment to ride one of its buses with his service animal. Tri State agreed to change its policy and to welcome individuals with disabilities and their service animals. Tri State also agreed to train its employees on the new policy and to pay the complainant \$3,000 in damages.

## **C. Other Settlements**

**The Department resolves numerous cases without litigation or a formal settlement agreement. In some instances, the public accommodation, commercial facility, or State or local government promptly agrees to take the necessary actions to achieve compliance. In others, extensive negotiations are required. Following are some examples of what has been accomplished through informal settlements.**

### **Title II**

- An individual who has a hearing impairment complained that an Oklahoma county sheriff’s department failed to provide effective communication. The sheriff’s department adopted a policy for providing effective communication, including the use of a sign language interpreter agency and a local sign language interpreter on an on-call basis and making a TTY available at headquarters.

- A wheelchair user who was a candidate for city council was unable to independently access a Texas city council platform to address citizens. The city agreed to acquire a portable ramp for the platform.
- The mother of a deaf student complained that a local Ohio drivers’ training school would not provide a sign language interpreter to allow her daughter to participate in drivers’ education. The driving school adopted a written policy of nondiscrimination with respect to hearing impaired students, prominently posted a notice of the policy in all of its locations, and met with all staff to ensure that they are aware of and follow this policy.
- A North Carolina Medical Center that failed to provide effective communication during an emergency room visit purchased two TTY’s, entered into a contract with an interpreter service agency, obtained a list of freelance interpreters in the immediate area, and adopted a policy ensuring effective communication with individuals who are deaf or hard of hearing or who have speech impairments.
- An individual who uses a wheelchair complained that an Oklahoma computer lab in a city-run program was not accessible. The city provided an accessible route to the computer lab, trained its employees on ADA requirements for accessibility, installed an accessible computer table in the lab, and provided assistive technologies.

### **Title III**

- A shopping mall owner in Massachusetts replaced improperly mounted signage for accessible parking following a complaint from a wheelchair user.

- An individual who is deaf complained that a franchise hotel in Arkansas did not have a TTY or a visual smoke alarm or door knocker. The hotel owner purchased an additional communication kit that includes the required devices.
- An individual who is deaf complained that a South Dakota medical clinic refused to use a relay service to provide her with effective communication. The clinic adopted a policy on effective communication, including instructions on using the relay system, interpreter services, and written communications to ensure effective communication.
- A wheelchair user complained that a California grocery store lacked accessible check-out aisles. The grocery store made three of its nine check-out aisles accessible.
- A deaf individual complained that a North Carolina software company refused to provide her with the auxiliary aids and services necessary to provide effective communication during a conference for software users. The company agreed to provide accommodations for participants with disabilities.
- An individual with a mobility impairment was unable to gain access to a Texas restaurant. The restaurant added two accessible spaces, including a van-accessible space, to its parking lot and installed a curb ramp to complete an accessible route from the designated spaces to the accessible front entrance of the restaurant.
- An individual with multiple sclerosis who uses a service animal filed a complaint against a shopping mall in Montana because the shopping mall manager required her to divulge her disability in order to remain in the mall with her service animal. The mall adopted and implemented a written policy regarding service animals and trained its management employees on their ADA obligations.

**The U.S. Attorneys obtained informal settlements in the following cases --**

District of Arizona

A product retailer with representatives in multiple states agreed to provide an interpreter at its marketing meeting, to implement a written ADA policy on providing reasonable accommodations, to incorporate a notice in its marketing materials that reasonable accommodations will be provided to persons with disabilities upon request, and to train its employees on ADA policy.

A county superior court judge agreed to provide an individual who is deaf with a real time court reporter at a civil trial and to train all court judges on the requirements of the ADA.

Southern District of Mississippi

A health care licensing board will now require applicants for a nursing license to declare their competency to perform required tasks rather than certify the absence of disability.

## II. Mediation

**Under a contract with the Department of Justice, The Key Bridge Foundation receives referrals of complaints under titles II and III for mediation by professional mediators who have been trained in the legal requirements of the ADA. An increasing number of people with disabilities and disability rights organizations are specifically requesting the Department to refer their complaints to mediation. More than 450 professional mediators are available nationwide to mediate ADA cases. Over 75 percent of the cases in which mediation has been completed have been successfully resolved. Following are recent examples of results reached through mediation.**

- In Arizona, a person with a mobility impairment complained that she was unable to access her town's services because many offices were located in the basement of the town building and the building had no elevator. The town agreed to construct a new accessible office complex. In the interim, the town agreed to install an intercom for persons with mobility impairments to use to call for services, to make town forms available in the accessible foyer of the town building, and to hold town meetings in an accessible room at the library.
- An individual who is severely hard of hearing complained that she was not allowed to bring her service animal with her into the offices of a Georgia eye doctor. The doctor agreed to place signs at the building entrance and at the front desk welcoming persons with service animals, to train his staff about service animals and how to ensure effective communication with patients who are deaf or hard of hearing, and to maintain a list of qualified sign language interpreters. The doctor also agreed to write an article for his professional organization's newsletter outlining the obligations of doctors under the ADA and to recommend that a disability advocate make a presentation on service animals at the organization's next meeting. Finally, the doctor agreed to make a donation to Dogs for the Deaf.
- A wheelchair user complained that the third floor of an Arkansas county courthouse was not accessible. The county agreed to install an elevator. The county also agreed to provide access to court services at an alternative, accessible location until the elevator is installed.
- A wheelchair user complained that a Maryland automobile dealership refused to install hand controls in a car for him to test drive. The company agreed to provide hand controls for test driving upon request. In addition, the company offered the complainant the opportunity to purchase a vehicle at cost within the next two years.
- A person who is deaf complained that a Mississippi hospital did not provide TTY access to public pay phones and that the hospital refused to provide a sign language interpreter when she was a patient. The hospital agreed to provide qualified interpreters for deaf persons and their immediate family members upon request, to periodically review policies and procedures to make sure that effective communication is provided, and to improve staff training on ADA requirements. The hospital also agreed to provide TTY access to public pay phones on the premises.
- In Maryland, a wheelchair user complained that vehicles often block the curb ramp leading to a restaurant entrance. In addition to increasing the width of the curb ramp to ensure it could not be

blocked by legally parked vehicles, the restaurant also agreed to adjust the closers on the entrance and restroom doors, to remove the vestibule door, to provide wheelchair access to the food order line and the dining tables, and to remove a partition in the restroom to increase access.

- A wheelchair user complained that a basement conference area at a North Carolina resort hotel was not accessible. When it was determined that an accessible ramp could not be fit into the space, the hotel installed a wheelchair lift.

Mediation

- A disability advocacy group filed a complaint on behalf of a wheelchair user alleging that a California bowling alley, which was in the process of being sold, was inaccessible. Both the current and prospective owners participated in mediation and restriped the parking lot to provide van accessible parking and appropriate signage, installed a wheelchair lift to the bowling lanes, created an accessible unisex restroom, and installed directional signage. In addition, the advocacy group researched and provided the respondent with information about methods for cleaning or covering some wheelchair tires to protect the hardwood bowling lanes and about how to interact appropriately with customers with disabilities.
- In California, an individual complained that his family was denied seating at a restaurant because his daughter uses a service animal. The restaurant reaffirmed its policy of serving customers with service animals and instituted an ongoing

training program for all of its employees on this policy. The restaurant promised that it would never exclude service animals again and offered the family a complimentary meal.

- A person who is deaf complained that a Maryland restaurant repeatedly refused to accept phone orders by TTY. The restaurant reaffirmed its policy to respond to TTY calls in the same manner as all customer calls and informed the complainant that the employees involved in the denial of service had been fired.

The restaurant agreed to inform all employees of the TTY policy and offered to donate food to an organization with which the complainant is associated.

- In Virginia, a person who is deaf complained that a doctor did not provide interpreter services upon request. In mediation, the doctor agreed to provide such services.
- In New York State, a person with a mobility impairment complained that certain areas of a town hall, including the court and the office of the town clerk, were inaccessible. The town agreed to install a van accessible parking space in front of the town hall and directional signage inside and outside the facility, to remodel the public restrooms, to install an accessible writing surface in the town clerk's office, and to create an accessible route to the town meeting room. In addition, the town agreed to install accessible playground equipment at designated parks and make the entrance to the senior center accessible to persons with mobility impairments.

### III. Technical Assistance

The ADA requires the Department of Justice to provide technical assistance to businesses, State and local governments, and individuals with rights or responsibilities under the law. The Department provides education and technical assistance through a variety of means to encourage voluntary compliance. Our activities include providing direct technical assistance and guidance to the public through our ADA Information Line, ADA Home Page, and Fax on Demand, developing and disseminating technical assistance materials to the public, undertaking outreach initiatives, and coordinating ADA technical assistance governmentwide.

#### ADA Home Page

An ADA home page is operated by the Department on the Internet's World Wide Web ([www.usdoj.gov/crt/ada/adahom1.htm](http://www.usdoj.gov/crt/ada/adahom1.htm)). The home page provides information about --

- the toll-free ADA Information Line,
- the Department's ADA enforcement activities,
- the ADA technical assistance program,
- certification of State and local building codes,
- proposed changes in ADA regulations and requirements, and
- the ADA mediation program.

The home page also provides direct access to --

- electronic versions of the ADA Standards for Accessible Design, including illustrations and hyperlinked cross-references,

- ADA regulations and technical assistance materials (which may be viewed online or downloaded for later use),
- online ordering of the ADA Technical Assistance CD-ROM,
- Freedom of Information Act (FOIA) ADA materials, including technical assistance letters, and
- links to the Department's press releases and Internet home pages of other Federal agencies that contain ADA information.

#### ADA Information Line

The Department of Justice operates a toll-free ADA Information Line to provide information and publications to the public about the requirements of the ADA. Automated service, which allows callers to listen to recorded information and to order publications, is available 24 hours a day, seven days a week. ADA specialists are available on Monday, Tuesday, Wednesday, and Friday from 10:00 a.m. until 6:00 p.m. and on Thursday from 1:00 p.m. until 6:00 p.m. (Eastern Time). Spanish language service is also available.

To obtain general ADA information, get answers to technical questions, order free ADA materials, or ask about filing a complaint, please call:

800-514-0301 (voice)  
800-514-0383 (TTY)

**New Video Addresses Law Enforcement** -- The Department announced a new videotape entitled "Police Response to People with Disabilities" and distributed 150 copies at the annual convention of the International Association of Chiefs of Police in Toronto in October. This training videotape will educate law enforcement officers about the ADA and how to respond appropriately to people with disabilities. The videotape addresses situations involving people who have mobility impairments, mental illness, mental retardation, epilepsy or seizure disorders, speech impairments, deafness or hearing impairments, blindness or vision impairments or other disabilities. Produced through a contract with the Law Enforcement Resource Center of Milwaukee, Wisconsin, it is available as a one-hour videotape for classroom training and as an eight-part series intended for roll-call training. Over the next few months, this video and other pertinent technical assistance materials will be distributed to 8,000 law enforcement agencies, training academies, and U.S. Attorney's Offices nationwide.

### ADA Fax On Demand

The ADA Information Line Fax Delivery Service allows the public to obtain free ADA information by fax 24 hours a day, seven days a week. By calling the number above and following the directions, callers can select from among 32 different ADA technical assistance publications and receive the information, usually within minutes, directly on their fax machines or computer fax/modems. A list of available documents and their code numbers may also be ordered through the ADA Information Line.

### Publications and Documents

Copies of the Department's ADA regulations and publications, including the Technical Assistance Manuals for titles II and III, can be obtained by calling the ADA Information Line, visiting the ADA Home Page, or writing to the address listed below. All materials are available in standard print as well as large print, Braille, audiotape, or computer disk for persons with disabilities.

U.S. Department of Justice  
Civil Rights Division  
950 Pennsylvania Avenue, N.W.  
Disability Rights Section - NYAV  
Washington, D.C. 20530

Some publications are available in foreign languages. For further information please call the ADA Information Line.

Copies of the legal documents and settlement agreements mentioned in this publication can be obtained by writing to --

U.S. Department of Justice  
Civil Rights Division  
950 Pennsylvania Avenue, N.W.  
FOIA Branch, NALC Room 311  
Washington, D.C. 20530

Fax: 202-514-6195

Currently, the FOI/PA Branch maintains approximately 10,000 pages of ADA material. The records are available at a cost of \$0.10 per page (first 100 pages free). Please make your requests as specific as possible in order to minimize your costs.

The FOI/PA Branch also provides access to ADA materials on the World Wide Web at [www.usdoj.gov/crt/foia/records.htm](http://www.usdoj.gov/crt/foia/records.htm). A link to search or visit this website is provided from the ADA Home Page.

## IV. Other Sources of ADA Information

The **Equal Employment Opportunity Commission** offers technical assistance to the public concerning the employment provisions of title I of the ADA.

ADA publications  
800-669-3362 (voice)  
800-800-3302 (TTY)

ADA questions  
800-669-4000 (voice)  
800-669-6820 (TTY)

[www.eeoc.gov](http://www.eeoc.gov)

The **Federal Communications Commission** offers technical assistance to the public concerning the communication provisions of title IV of the ADA.

ADA publications and questions  
888-225-5322 (voice)  
888-835-5322 (TTY)

[www.fcc.gov/cib/dro](http://www.fcc.gov/cib/dro)

**U.S. Department of Transportation,  
Federal Transit Administration**

ADA Assistance Line for regulations  
and complaints  
888-446-4511 (voice/relay)

[www.fta.dot.gov/office/civ.htm](http://www.fta.dot.gov/office/civ.htm)

The **U.S. Architectural and Transportation  
Barriers Compliance Board, or Access  
Board**, offers technical assistance to the  
public on the ADA Accessibility Guidelines.

ADA publications and questions  
800-872-2253 (voice)  
800-993-2822 (TTY)

[www.access-board.gov](http://www.access-board.gov)

The **Disability and Business Technical  
Assistance Centers** are funded by the U.S.  
Department of Education through the National  
Institute on Disability and Rehabilitation  
Research (NIDRR) in ten regions of the  
country to provide resources and technical  
assistance on the ADA.

ADA technical assistance  
800-949-4232 (voice & TTY)

[www.adata.org](http://www.adata.org)

**Project ACTION** is funded by the U.S.  
Department of Transportation to provide ADA  
information and publications on making  
transportation accessible.

Information on accessible transportation  
800-659-6428 (voice/relay)  
202-347-3066 (voice)  
202-347-7385 (TTY)

[www.projectaction.org](http://www.projectaction.org)

The **Job Accommodation Network (JAN)** is  
a free telephone consulting service funded by  
the U.S. Department of Labor. It provides  
information and advice to employers and  
people with disabilities on reasonable  
accommodation in the workplace.

Information on workplace accommodation  
800-526-7234 (voice & TTY)

[www.jan.wvu.edu](http://www.jan.wvu.edu)

## V. How to File Complaints

---

### Title I

Complaints about violations of title I (employment) by units of State and local government or by private employers should be filed with the Equal Employment Opportunity Commission. Call 800-669-4000 (voice) or 800-669-6820 (TTY) to reach the field office in your area.

### Titles II and III

Complaints about violations of title II by units of State and local government or violations of title III by public accommodations and commercial facilities should be filed with --

U.S. Department of Justice  
Civil Rights Division  
950 Pennsylvania Avenue, N.W.  
Disability Rights Section - NYAV  
Washington, D.C. 20530

If you wish your complaint to be considered for referral to the Department's ADA Mediation Program, please mark "Attention: Mediation" on the outside of the envelope.

The Attorney General has determined that publication of this periodical is necessary in the transaction of the public business required by law of the Department of Justice.