



Enforcing the ADA:

A Status Report from the Department of Justice

July - December 2008

This Status Report covers the ADA activities of the Department of Justice during the third and fourth quarters (July - December) of 2008. This report, previous status reports, and a wide range of other ADA information, including the consent decrees and formal settlement agreements mentioned in this report, are available through the Department's ADA Home Page at www.ada.gov (see page 21).

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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 thousands 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

Title I

Relay Service Calls Are Admissible Evidence --

The U.S. Court of Appeals for the Seventh Circuit ruled on September 12, 2008, in Germano v. International Profit Association, Inc. that conver-

sations conducted through the nationwide telecommunications relay service (TRS), between a person who uses a telephone and a person who uses a text telephone, are permitted as evidence in court on the same basis as conversations between two people speaking directly to each other by telephone. The Department filed an amicus brief in this case supporting the admissibility of TRS conversations. The case concerns a claim that, during a relay call, the International Profit Association (IPA) offered to interview an applicant for a job but later withdrew the offer after realizing that he was deaf because he had communicated with IPA through the relay service. In court, IPA argued that the conversation was "hearsay" because it was communicated through an intermediary -- the TRS communications assistant. The Seventh Circuit firmly rejected this argument. Calling the communications assistant "no more than a language conduit," the court recognized that denying the admissibility of statements made during a TRS conversation "would strip those with hearing disabilities of a vital source of evidence available to hearing people. Deaf persons could not conduct important day-to-day affairs over the

phone, such as calling the bank or the doctor, with the same ability to rely on the statements made to them by the other party that is enjoyed by hearing persons. Such a result is at odds with Congress's intent to make disabled persons full and equal participants in society."

Title II

Philadelphia Subway Station Suit Is Timely --

The U.S. Court of Appeals for the Third Circuit ruled on August 19, 2008, in Disabled in Action of Pennsylvania v. Southeastern Pennsylvania Transit Authority (SEPTA) that plaintiff's lawsuit challenging allegedly inaccessible alterations to a stairway and escalator in a Philadelphia subway station was filed within the appropriate time. The U.S. District Court for the Eastern District of Pennsylvania had earlier ruled that the suit was brought too late because the statute of limitations began to run as soon as Disabled in Action knew, or had reason to know, that SEPTA planned to make alterations that would not comply. The Department filed an amicus brief supporting the plaintiff, arguing that the statute of limitations for an alteration to a mass transit facility does not begin to run, at the earliest, until the alterations at issue have been completed. The court of appeals agreed with the Department that the statute of limitations could not start running before the completion of the alterations, and allowed Disabled in Action's lawsuit to go forward.

Title III

Speedway Must Provide Line of Sight Over Standing Spectators --

The U.S. Court of Appeals for the Ninth Circuit issued a decision on August 8, 2008, in Miller v. California Speedway Corp., holding that the ADA requires accessible wheelchair seating at a speedway to have lines of sight over standing spectators. The Department filed an amicus brief arguing

that the court should reverse the district court ruling, which held that such lines of sight were not required. The U.S. District Court for the Central District of California concluded that when the Access Board issued its minimum guidelines for new construction and alterations in 1991, the Board interpreted its lines of sight guideline as not requiring lines of sight over standing spectators and that the Department implicitly adopted the Board's interpretation when it adopted the minimum guidelines. The Department in its amicus brief on appeal argued that the Court should defer to the Department's interpretation in the 1994 supplement to the Title III Technical Assistance Manual (TAM), which expressly requires lines of sight over standing spectators. The Ninth Circuit agreed with the Department's interpretation that the ADA regulations require lines of sight over standing spectators. It ruled that the Department did not adopt the Access Board's 1991 commentary and that the Technical Assistance Manual and the 1994 supplement, where the lines of sight over standing spectators guidance was published, were exempt from the requirement for public notice and comment. The Ninth Circuit held that the Manual's guidance that lines of sight over standing spectators are required should be considered an interpretation of the earlier DOJ Title III ADA regulations and that, therefore, the Department was free to publish the Technical Assistance Manual and its supplement without additional notice and comment rulemaking.

Ninth Circuit Rejects Stadium-Style

Movie Theater Remedies -- On December 5, 2008, the U.S. Court of Appeals for the Ninth Circuit in United States v. AMC Entertainment, Inc. vacated the district court's remedial order requiring AMC to retrofit many of its movie auditoriums

because AMC had excluded wheelchair seating from the stadium sections in a large percentage of its theaters. The United States filed a pattern-and-practice lawsuit against AMC claiming that many of its stadium-style movie theaters violated the ADA requirement that wheelchair areas in newly constructed movie theaters provide “lines of sight comparable to those for members of the general public.” The Department interpreted that language to require that operators of stadium-style theaters provide wheelchair seating within the range of viewing angles offered to patrons in the stadium sections of the auditoriums. The U.S. District Court for the Central District of California found that AMC had violated the ADA by excluding wheelchair users from the stadium seating portion of many theaters. After years of litigation, the district court entered a remedial order requiring AMC to retrofit many of its noncompliant auditoriums. AMC appealed the remedial order, but not the liability finding. The Ninth Circuit vacated the remedial order on two grounds. First, the court held that the United States failed to give AMC fair notice of the viewing-angle requirements until, at the earliest, July 1998, when the government filed an amicus brief setting forth its interpretation of the regulation. The Ninth Circuit instructed the district court to determine on remand the precise date on which AMC received fair notice of the viewing-angle requirement. Second, the panel held by a 2-1 vote that principles of comity barred the district court from ordering AMC to retrofit theaters in the Fifth Circuit because that Circuit has held that the ADA requires only unobstructed views of the movie screen and does not impose a viewing angle-requirement.

2. New Lawsuits

New Interventions to Defend the Constitutionality of the ADA -- The Department intervened in two cases to defend the constitutionality of private title II lawsuits against States. The States argued that they were protected from ADA suits by sovereign immunity. They asserted that Congress lacked authority under the ADA to remove this immunity because the ADA’s protections go further than the equal protection rights guaranteed by the U.S. Constitution. The Department argued that Congress had the authority to remove State immunity because the ADA is appropriate legislation under the Constitution to remedy the history of pervasive discrimination against people with disabilities. The new cases are –

- **Day v. Minnesota (8th Circuit)** -- a lawsuit by a medical doctor who alleged that the Minnesota State medical licensing board violated title II by restricting his medical license due to his disabilities.
- **Zibbell v. Granholm (6th Circuit)** -- a lawsuit by an individual with a fractured spine and an individual with a lifting restriction challenging the refusal of Michigan to provide various social services.

3. Consent Decrees

U.S. v. New Century Travel, Inc. -- On July 7, 2008, the Department resolved by consent decree a complaint against New Century Travel, Inc., a Philadelphia, Pennsylvania, company that provides low-cost, fixed route bus service to major cities along the East Coast, including Washington, Philadelphia, and New York. This

is the first ADA decree secured between the Department and a low-cost, fixed route carrier. The consent decree, which was approved by the U.S. District Court for the District of Columbia on July 10, 2008, enforces the Department of Justice's and Department of Transportation's ADA regulations requiring that over-the-road bus companies, including those that offer discount service, provide accessible service for people with disabilities. Among other things, the consent decree provides that people who use wheelchairs be able to schedule rides on buses equipped with wheelchair lifts with 48 hours advance notice to New Century. It also requires New Century to modify its web site to enable people with disabilities to reserve a seat on an accessible bus and to receive confirmation of their arrangements in writing in a timely manner. In addition, it requires New Century to post notices on its web site, in stations, and in pick-up locations stating its obligation to provide accessible transportation for people with disabilities and to train relevant employees about the requirements of the ADA and how they apply to New Century. New Century also agreed to pay \$5,000 in civil penalties to the United States and \$1,000 in compensatory damages to people who were denied accessible transportation by the company.

U.S. and Lazoff v. City of Colorado Springs -- On July 22, 2008, the U.S. District Court for the District of Colorado approved a consent decree resolving all issues in United States and Lazoff v. City of Colorado Springs, a case alleging retaliation against a police officer because of his assistance to his wife, who was also a police officer and had been the lead plaintiff in a successful ADA case against the City of Colorado Springs, Colorado, Police Department. After expressing vocal support for his wife's case, the officer, a 17-year veteran of the police department and a nationally renowned instructor of SWAT techniques who periodically

was chosen to serve as Acting Sergeant in his unit, was passed over for each of the 16 sergeant positions for which he was eligible over a two-year period. This occurred despite his credentials, the support of his chain of command, and his qualifications from the standardized components of the promotional process. Under the terms of the consent decree, Officer Lazoff will be promoted to Sergeant with retroactive pension contributions, seniority, and all other non-monetary benefits to which he would have been entitled had he not been subjected to retaliation. The city will also pay Officer Lazoff \$35,000 in back pay. In addition, the city will train all police department supervisory personnel on the ADA and its retaliation prohibition.

B. Formal Settlement Agreements

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

Title II

Dakota County, Minnesota -- On October 3, 2008, the U.S. Attorney's Office for the District of Minnesota entered into an agreement with Dakota County, resolving a complaint by an individual who is deaf alleging that Dakota County failed to provide appropriate auxiliary aids and services during his arrest, subsequent booking, and incarceration at the Dakota County Jail. The agreement requires Dakota County to ensure that appropriate auxiliary aids and services, including qualified sign language interpreters, are provided for detainees at the county jail during such activities as booking, orientation, medical examinations, and meetings with social workers. The

county also agreed to train its personnel and to provide TTYs, volume control telephones, and hearing-aid compatible telephones.

Elk Grove Village Police Department, Elk Grove, Illinois -- On October 28, 2008, the U.S. Attorney's Office for the Northern District of Illinois entered into an agreement with the Elk Grove Village Police Department regarding its failure to provide appropriate auxiliary aids and services for an individual who is deaf. The complaint alleged that the individual was not provided with effective communication in a situation involving the

police, including the complainant's time at the police station following the incident, even though requests for an interpreter were made. Under the agreement, the Police Department will ensure that appropriate auxiliary aids and services, including qualified sign language interpreters, are made available to individuals who are deaf or hard of hearing; to adopt a policy on communicating with people who are deaf or hard of hearing; to train its personnel on the requirements of the settlement; to provide TTYs and hearing aid compatible phones; and to pay \$7,500 in compensatory damages to the complainant.

Department Reaches Groundbreaking D.C. Agreement on Homeless Shelters

Program -- On December 10, 2008, the District of Columbia entered into a settlement agreement with the Department of Justice to improve access for individuals with disabilities in the District's homeless shelter program. The Department initiated an investigation of the program after receiving complaints alleging widespread ADA violations. According to a January 2008 survey conducted by a contractor who administers the shelter program, 23 percent of the city's homeless residents have a physical disability, 19 percent have a severe mental illness, and two percent have HIV or AIDS.

The settlement requires the District to develop a comprehensive plan to ensure that people with disabilities have equal access to homeless shelter facilities; implement specific policies, practices, and training to ensure that people with disabilities have equivalent access to all services and activities of the shelter program; improve notice and procedures to ensure that shelter applicants and residents are aware of their rights under the ADA; enhance effective communication with shelter applicants and residents who have speech, vision, or hearing disabilities; and improve oversight of private contractors and subcontractors that provide homeless shelter services in the District. As part of the settlement, the District must take public comments on its plan, hold at least one public hearing, and then submit the plan to the Department for final approval. The District is also required to take interim steps to enhance the accessibility of shelter facilities while the plan is under development.

Department Signs Additional Project Civic

Access Agreements -- The Department signed five new agreements with local government entities under Project Civic Access (PCA), the Department's wide-ranging initiative to work cooperatively with local governments to ensure that people with disabilities have an equal opportunity to participate in civic life, a fundamental part of American society. More than 150 agreements have been reached with communities small and large throughout the United States. PCA reviews have been conducted in all 50 States, as well as Puerto Rico and the District of Columbia, helping to improve the lives and broaden opportunities for more than 3 million Americans with disabilities. The new agreements are with --

- Kanawha County, West Virginia, Public Library Board;
- Humboldt County, California;
- Pike County, Kentucky;
- Gadsden, Alabama; and
- Vian, Oklahoma.

Project Civic Access was initiated to ensure that people with disabilities have an equal opportunity to participate in civic life. To carry out this project, Department investigators, attorneys, and architects survey State and local government facilities and programs across the country to identify modifications needed to comply with ADA requirements. Depending on the circumstances in each community, the agreements address specific areas where access can be improved, such as town halls and other government offices, places where public meetings are held, police and fire stations, community centers, local parks and recreational facilities, emergency 9-1-1 services, government websites, and polling places.

Title III

Southern Duluth Medical Center Hospital Systems, Duluth, Minnesota -- On July 7, 2008, the U.S. Attorney's Office for the District of Minnesota entered into an agreement with Southern Duluth Medical Center Hospital Systems, resolving complaints alleging failure to provide effective communication with individuals who are deaf or hard of hearing. The agreement requires SDMC to provide qualified sign language interpreters to patients and companions who are deaf or hard of hearing when needed for effective communication, to establish an around the clock response team to handle patient requests for auxiliary aids and services, to train its employees on the requirements of the agreement, and to pay \$12,500 each in compensatory damages to the complainant and a deaf and hard of hearing advocacy group in Minnesota.

Medical Weight Loss Clinic, Detroit, Michigan -- On July 10, 2008, the Medical Weight Loss Clinic in Detroit, Michigan, signed an agreement with the Department resolving a complaint by an obese woman with HIV disease and hypertension who sought admission to the clinic after her doctor advised her to lose weight. The complaint alleged that the clinic denied her admission because of her HIV status. The clinic also admitted that they categorically deny from their program individuals with 18 specific physical and mental impairments, including other disabilities covered by the ADA. Under the agreement, the clinic agreed to adopt a nondiscrimination policy requiring an individualized assessment of any individual who has certain physical or mental disabilities, including HIV or AIDS. In addition, the clinic will pay \$20,000 in compensatory damages to the complainant.

Raynor Country Day School, Westhampton, New York -- On July 10, 2008, the Raynor Country Day School in Westhampton, New York, and the Department entered into an agreement to make the programs at this private day school and its summer camp accessible to children with diabetes. The agreement is very similar to the agreement reached earlier in U.S. v. Town Sports International, a major chain offering summer camp programs in cities throughout the Northeast. In this agreement, Raynor Country Day School agreed to accept children with diabetes in both the school and summer camp programs and agreed to supervise students who are monitoring their blood sugar and insulin intake using insulin pumps, as well as monitoring diet and food intake. The agreement requires Raynor to have a policy enabling students with diabetes to share information about their medical needs with the school as part of the application process, so the school can be involved in implementing any medical plans provided by the health care professionals treating the student. The agreement resolved complaints filed by two families that their children's enrollment in summer camp was terminated when the school learned of their use of insulin pumps.

Educational Management Corporation, Pittsburgh, Pennsylvania -- On July 24, 2008, the Educational Management Corporation (EDMC), a for-profit business that is one of the largest providers of private post-secondary, primarily career-focused, education in North America entered into an agreement with the Department covering 19 Brown Mackie College campuses operated by EDMC. This is the Department's first ADA agreement with a post-secondary proprietary school and the Department's first agreement with an education provider that leases its campus facilities from another entity. Under

the agreement, EDMC will create a plan to remove architectural barriers in existing facilities at each Brown Mackie campus where such removal is readily achievable and will undertake alterations to make the facilities readily accessible to and usable by people with disabilities to the maximum extent feasible. To the extent that EDMC's plan will require physical changes to parts of facilities or spaces for which EDMC does not have exclusive control or responsibility, EDMC will provide the landlord with a detailed listing of any accessibility issues that EDMC believes the landlord is responsible for rectifying and will request the issues be resolved promptly. Following negotiations between EDMC and its landlords, if any landlord refuses to take appropriate action, EDMC will notify the Department. In addition, EDMC will ensure that assistive listening devices will be available in assembly areas as needed; establish and implement an emergency evacuation plan for individuals with disabilities; modify its policies, practices, and procedures when necessary to afford access to services and facilities for individuals with disabilities; and designate an ADA Compliance Officer who will have the authority and responsibility for ensuring accessibility on the Brown Mackie campuses.

Two Additional Agreements Reached with Manhattan Theater District Hotels -- In July, 2008, the U.S. Attorney's Office for the Southern District of New York signed agreements with the following two additional New York City hotels under a compliance review of 48 places of lodging in Manhattan's Theater District --

- Marriott Marquis, and
- Muse Hotel.

The agreements require each hotel, as applicable, to survey existing “designated” accessible guest rooms and make them truly accessible; provide an appropriate number of guest rooms accessible for persons with mobility disabilities, including a specified number with roll-in showers; disperse accessible rooms among all classes of sleeping accommodations; provide an appropriate number of guest rooms accessible for persons who are deaf or hard of hearing; establish written policies and procedures for providing services to guests with disabilities; and take other steps, such as ensuring access for service animals, making entrances accessible, installing accessible registration counters, and providing TTY’s at the front desk. To date, 13 hotels have entered into settlement agreements with the U. S. Attorney’s Office under this initiative.

Push My Swing, Inc., Camden, South Carolina -- On August 14, 2008, Push My Swing, Inc., a child care center in Camden, South Carolina, entered into an agreement with the Department to resolve a complaint alleging that it had refused to admit a child who has a mobility disability and wears leg braces on the grounds that its insurance company would not cover the center if the child fell down. In the agreement, Push My Swing agreed not to use insurance coverage or the lack thereof to justify the exclusion of children with disabilities.

Concord Hospital, Concord, New Hampshire -- On September 18, 2008, Concord Hospital in Concord, New Hampshire, entered into an agreement with the Department resolving multiple allegations that it had failed to provide appropriate auxiliary aids and services that were necessary to ensure effective communication with individuals who are deaf or hard of hearing. All seven of

the complainants either sought treatment at Concord Hospital or accompanied a family member who was seeking treatment. The complaint alleged that they were denied qualified sign language interpreters and were required to use inadequate or inappropriate auxiliary aids and services to communicate with hospital staff and medical personnel. In some cases, family members were required to interpret for the individuals. In other cases, hospital staff were unable to operate the Video Interpreting Services (VIS) equipment which the hospital had purchased. The complaint also alleged that hospital staff required one woman who is deaf and also has a vision disability to use VIS, even though its use was ineffective because of her vision disability. Under the settlement, Concord Hospital agreed to establish a comprehensive program to ensure that it provides effective communication for patients and companions who are deaf or hard of hearing. The hospital also agreed to pay a total of \$100,000 in compensatory damages, to be divided among the seven complainants.

Central DuPage Hospital, Winfield, Illinois -- On October 6, 2008, the U.S. Attorney’s Office for the Northern District of Illinois reached an agreement with Central DuPage Hospital, resolving a complaint alleging that the hospital failed to provide effective communication for an individual who is deaf who was admitted to the hospital’s crisis stabilization unit. During the intake process, the complainant requested an interpreter for hospitalization, in particular, for visits with the psychiatrist and group therapy sessions, but no interpreter was provided. The settlement agreement requires Central DuPage Hospital to provide appropriate auxiliary aids and services, including qualified sign language interpreters, for individuals who are deaf or hard of hearing, including patients and

companions. The agreement also requires the hospital to develop and publish a policy on effective communication; to maintain contracts with qualified interpreters so that interpreters can be made available in a timely manner; to train its personnel on the requirements of the agreement; and to pay \$1,000 in compensatory damages to the complainant.

The Massage Company, Los Angeles, California -- On October 10, 2008, The Massage Company in Los Angeles, California, signed an agreement with the Department resolving a complaint alleging that the company had refused to provide a massage for a client after the client revealed on an intake form that he has HIV. This Los Angeles-based corporation, which currently operates six facilities in the Los Angeles area, provides therapeutic massage services on both reservation and walk-in bases. The agreement requires the company to develop and adopt nondiscrimination policies and procedures; to designate an ADA compliance official to review all disability-related decisions; and to provide to all staff annual instruction on nondiscrimination policies, and in particular on the company's policy of nondiscrimination on the basis of HIV. The company also agreed to pay \$10,000 in compensatory damages to the complainant.

The Barter Foundation, Abingdon, Virginia -- On October 22, 2008, The Barter Foundation, Inc., in Abingdon, Virginia, entered into an agreement with the Department resolving an investigation and compliance review of the historic Barter Theatre, the Barter Stage II, the Barter Café, and the parking area and pedestrian route serving these facilities. These facilities are located in the Town of Abingdon's Historic District, which itself is listed in the National Register

of Historic Places. The review identified several barriers in historic and newer areas of the complex including a new exterior route between buildings that was not accessible; an inaccessible entry ramp to the Barter Theatre; entrances with thresholds that were too high; barriers limiting access to the accessible seating within the Barter Theatre; barriers at toilet facilities; and the lack of accessible signage. The Barter Foundation agreed to remedy all barriers identified.

Promus Hotels, Inc., Memphis, Tennessee -- On November 11, 2008, the U.S. Attorney's Office for the Western District of Tennessee reached a settlement agreement resolving a complaint against Promus Hotels, Inc., which is affiliated with the Hilton Hotel Corporation and which owns or operates 23 Hampton Inn and Suites across the country. The complaint alleged that a Hampton Inn and Suites in Memphis was inaccessible to guests who are deaf or hard of hearing because auxiliary aids and services were not provided in guest rooms. Under the agreement, Promus will ensure that it will provide an appropriate number of rooms accessible to individuals who are deaf or hard of hearing as required by the ADA. Promus will do this by providing in all Hampton Inns and Hampton Inns and Suites that it owns or operates an appropriate number of TTYs and communication kits containing equipment to alert guests with hearing disabilities of door knocks, telephone and wake up calls, and other sounds.

The agreement also requires Promus to conduct a comprehensive survey of its properties to identify architectural barriers to access in its hotels and to ensure that all identified barriers are removed from its 23 hotels.

Shopsmith, Inc., Dayton, OH -- On December 1, 2008, Shopsmith, Inc., entered into an agreement with the Department resolving a complaint alleging ineffective communication in its educational programs. This company manufactures, markets, and sells woodworking tools and equipment and provides educational materials and instruction in the use and operation of its products. At the time of the complaint, the company offered a variety of education programs through two training academies. The Traveling Woodworking Academy provided hands-on training to customers at the home office in Dayton, Ohio, and at places such as hotels and inns around the country. The complainant alleged that Shopsmith twice refused to obtain a qualified sign language interpreter to ensure effective communication with him at one-day workshops conducted by the Traveling Woodworking Academy. Subsequently, the company decided to phase out its hands-on workshops. Under the agreement, Shopsmith will provide the complainant a closed-captioned instructional DVD for the product he purchased, along with a \$500 Shopsmith gift card. The company will also adopt an effective communication policy, post the policy on its website, and provide closed-captioned DVDs depicting basic maintenance, alignment, and set-up instructions for its products to other customers who have hearing disabilities.

Medbrook Medical Associates, Inc., Bridgeport, West Virginia -- On December 1, 2008, the Department entered into an agreement with Medbrook Medical Associates, Inc., resolving a complaint alleging that Medbrook, a private health care provider, failed to provide a qualified sign language interpreter to ensure effective communication when the complainant, who is deaf, sought medical services. Instead of providing the interpreter, the facility required the

complainant's wife, who was herself there for treatment of an illness, to interpret for her husband who was seeking urgent care because of symptoms that led him to believe he might be having a heart attack. The agreement requires Medbrook to establish nondiscriminatory policies for providing effective communication for people with communication disabilities; post a notice of the policy in its waiting rooms; train staff on the policies; and develop and use an assessment tool to determine how best to meet the communication needs of Medbrook patients and their companions. Medbrook will pay \$4,000 each in compensatory damages to the complainant and his spouse as well as a \$1,000 civil penalty.

Chatham University, Pittsburgh, Pennsylvania -- On December 9, 2008, Chatham University, a private university in Pittsburgh, Pennsylvania, entered into a settlement agreement with the Department under which the university will make its campus and services more accessible to individuals with disabilities. The settlement resolves an investigation during which the Department found violations of the ADA Standards for Accessible Design in newly constructed buildings, architectural barriers in existing facilities, and inaccessible circulation paths throughout the campus. The university has agreed to undertake specific remedial steps over the next five years to remedy these and other barriers to full accessibility on campus. The agreement addresses the major facilities on campus and related services, including administration buildings and faculty offices, assembly areas, classrooms, skill labs, cultural facilities, science facilities, dining areas, student housing and lounges, the library, the athletic center and playing fields, and parking. It also requires the university to modify

policies, practices, and procedures when necessary to afford access to services and facilities for individuals with disabilities.

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 inmate with a mobility disability alleged that a Middle Atlantic State prison failed to repair his wheelchair, housed him in an inaccessible prison cell, and provided inadequate medical care. The prison repaired the wheelchair, developed a long-term medical care plan, and transferred him to another State correctional facility better equipped to provide long-term personal care for inmates with disabilities.

An individual with insulin-dependent diabetes complained that a New Mexico municipality withdrew its offer for him to attend the city's firefighter academy after it learned of his disability. The City has developed a policy to consider all applications for firefighters on a case-by-case basis, and paid the complainant \$6,000.

An individual with a mobility disability alleged that he was denied entry by a police officer to a fair being held at a Georgia municipal public park because he uses a service animal. The

police department has agreed to adopt a policy allowing service animals to accompany people with disabilities, post the policy on its website and in its precincts, and train its staff on the new policy.

An individual with a mobility disability alleged that a New Jersey county government did not have a transition plan for the removal of architectural barriers at its facilities. The county has designated an ADA coordinator and completed a transition plan.

An individual with a mobility disability complained that a New Jersey municipality did not have a transition plan for the removal of architectural barriers at its facilities. Also, it was alleged that a woman's restroom serving a municipal court and police building was not accessible to people who use wheelchairs. The municipality has agreed to develop a transition plan, designate an ADA Coordinator, and adopt and make available to the public an ADA grievance procedure. The municipality also agreed to remove barriers in the woman's restroom by widening a toilet stall and changing the design of a lavatory to make the faucet hardware more reachable.

An individual with quadriplegia who uses a power wheelchair alleged that a Louisiana parish Parks and Recreation Department would not allow him to continue to volunteer as a youth baseball coach because he uses a wheelchair. The parish implemented a nondiscrimination policy applicable to volunteers and participants who have disabilities in all parish programs, services, or amenities. The parish agreed to post the policy on the Parks and Recreation Department's website and at the Parks and Recreation office, and to make it available to anyone who requests it. The parish also paid the complainant \$6,000.

Title III

An individual complained that a physical therapy office in Texas refused to provide him aquatic therapy because he has HIV. The office changed its policy and agreed not to deny physical therapy treatment to individuals with HIV or other disabilities, to post its nondiscrimination policy in its office, and to train its staff on the policy. The complainant was also compensated \$2,500.

An individual with a mobility disability alleged that a newly constructed hotel in the State of Washington was not accessible to him. The hotel agreed to remove a number of barriers including installing signage at all accessible parking spaces and directional signage at inaccessible entrances identifying the location of accessible entrances; lowering elevator call buttons; providing an assistive listening system for a meeting room; relocating dispensers in an accessible stall of a woman's toilet room in the hotel lobby; installing a roll-in shower in an accessible suite and removing barriers in a bathtub in another; and dispersing accessible hotel rooms and suites among all classes of rooms and suites based on room size, view, number and size of beds.

An individual with asthma who is unable to walk long distances complained that an office building in Alabama did not provide enough accessible parking spaces. The owner of the property added three accessible spaces, including one for vans, on an accessible route from the parking lot to the accessible entrance. In addition, the owner compensated the complainant \$1,000.

An individual with a mobility disability complained that the designated accessible parking spaces at a Nevada casino were too narrow and lacked access aisles. The casino

installed 18 compliant parking spaces with access aisles, including three accessible van spaces.

An individual who is deaf alleged that a Wisconsin driving school failed to provide a sign language interpreter to allow her to participate in a driver's education course. The driving school developed and implemented an effective communication policy, including the provision of qualified sign language interpreters, and posted the policy on its website.

An individual who is deaf complained that a national hotel chain in New York did not provide TTY's for guests with hearing disabilities. The hotel agreed to purchase six hearing accommodation kits, including TTY's, visual alarms, and notification devices. In addition, the complainant was compensated \$1,500.

An individual with a mobility disability alleged that a Pennsylvania shopping center lacked accessible parking spaces. The shopping center installed eight accessible spaces in its parking lot.

An individual with a mobility disability alleged that a Texas tax preparation service had no accessible parking or accessible entrance. The business installed one van accessible and one standard accessible space in the parking lot and installed a ramp at the main entrance.

An individual with a mobility disability complained that an Ohio YMCA did not have an adequate number of accessible spaces in the main parking lot serving the facility. Although the YMCA had an appropriate number of accessible parking spaces, none of the spaces were van accessible. The YMCA provided a

van accessible space with signage in the main parking lot on the shortest accessible route to the building's main entrance.

An individual with a mobility disability alleged that a Texas rodeo charged higher fees for accessible parking spaces than for other spaces in the same lot. The rodeo has changed its policy and charges the same fees for accessible parking spaces and other comparable spaces.

An individual who is deaf complained that the employees of a Virginia takeout restaurant refused to take her telephone order made through the telecommunications relay system. The restaurant has agreed to accept all relay calls, to train its staff on how to accept relay calls, and to pay the complainant \$500.

An individual who has multiple sclerosis alleged that an Illinois animal shelter refused her pet adoption application because of her disability. The shelter agreed to adopt a nondiscriminatory adoption policy, train its staff on the new policy, and post signage informing the public that the shelter does not discriminate based on disability.

An individual with a mobility disability alleged that a California restaurant asked her to leave because she was accompanied by her service animal. The restaurant agreed to adopt a policy allowing service animals in the restaurant, train its staff on the policy, and post signage welcoming patrons who use service animals at the restaurant entrance door and in employee areas.

An individual complained that a Florida gas station did not have accessible gas pumps and did not provide assistance to customers with mobility disabilities who were unable to fuel their vehicles. The station will maintain existing call buttons on gas pumps in working condition; train staff to respond promptly to people

requesting assistance in fueling their vehicles; establish and implement a corrective action policy when any employee fails to provide requested assistance; and provide accessible signage and visual alarms for toilet rooms.

An individual who is hard of hearing complained that the owners of a dinner theater and a comedy club in Tennessee failed to provide assistive listening devices at either venue. The theater and comedy club agreed to provide a permanently installed or portable assistive listening system and signage indicating its availability at both facilities, train its staff on how to use the system, adopt a policy outlining how to respond to customer requests for the system, and pay the complainant \$150.

An individual who is deaf alleged that the office of a Maryland psychiatrist failed to provide a sign language interpreter for a scheduled appointment. The doctor's office agreed to adopt a policy of providing qualified sign language interpreters and other auxiliary aids and services, train office staff, and post signage informing the public of the policy. The office also paid the complainant \$1,500.

An individual with a mobility disability complained that a national chain pharmacy in Texas lacked an accessible van parking space with required access aisle. The pharmacy restriped its parking lot to provide an accessible van parking space.

An individual with a mobility disability complained that a New Jersey dental office was not accessible to people using wheelchairs. The dental office has agreed to provide accessible parking, an accessible route from the parking lot to the accessible entrance, an accessible exterior door and reception area, an accessible interior route, an accessible exam and x-ray room, and an accessible toilet room.

An individual alleged that an Indiana motel was inaccessible to persons with mobility disabilities. The motel has modified two sleeping rooms by replacing doorknobs with lever hardware and adding grab bars in the bathrooms. In addition, accessible parking was provided on the shortest route to the accessible rooms and a buzzer was installed to alert the registration office if curbside check-in was needed.

An individual with a mobility disability complained that a Tennessee restaurant refused to serve him because he was accompanied by a service animal. He also complained that the restaurant failed to post directional signage indicating the exterior accessible route to the second floor. The restaurant agreed to adopt a service animal policy that complies with the ADA, train its staff on the policy, and install directional signage to enable persons with disabilities to locate the accessible route to the second floor.

An individual with a mobility disability complained that a Texas restaurant's restroom was inaccessible. The restaurant agreed to removed barriers in the women's restroom and installed an accessible van parking space in the parking lot.

An individual who is blind alleged that a national car rental chain outlet in Virginia refused to rent him a car in his own name because he was using a surrogate driver. The company amended its policy to allow individuals with disabilities to rent cars using surrogate drivers, notified all rental outlets of the new policy and procedures, updated its computer software to ensure that correct information is obtained during the registration process from both renters with disabilities and their surrogate drivers, and revised its web page to reflect these policy changes. The company also paid the complainant \$5,000.

An individual with a mobility disability complained that a Virginia hotel was inaccessible to her. The hotel agreed to modify its restaurants, public restrooms, guest rooms, and fitness center to provide access for guests who have mobility disabilities.

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

District of Arizona -- An individual who is deaf alleged that she was denied access to interpreter services for a scheduled dental appointment. The dental practice has agreed to provide appropriate auxiliary aids and services as necessary for effective communication after consulting with a patient; establish written policies and procedures regarding the provision of auxiliary aids and services; identify and enter into agreements with at least two organizations or individuals that can provide qualified sign language interpreters; post a sign in a conspicuous location in the waiting area indicating the obligation to provide effective communication; and train its current and future employees regarding these policies and procedures.

An individual with a mobility disability alleged that accessible parking at the complex for a professional sports team was blocked by tailgater barbeques and sun shelters, causing her to park in a standard, non-accessible space. The facility's owners have agreed to add additional standard and accessible van parking spaces and to maintain access to those spaces for individuals with disabilities.

Southern District of Mississippi -- An individual who is deaf complained that a radiology clinic failed to provide a sign language interpreter for a scheduled procedure. The clinic adopted a written policy and

procedure to provide auxiliary aids and services, including qualified sign language interpreters, at no cost to the patient. Current and future office staff will receive training regarding the policy and the clinic will post signage about its ADA obligations. The clinic will also maintain a list of organizations that provide qualified sign language interpreters.

District of New Hampshire -- An individual with a mobility disability complained that a shopping mall had an inadequate number of accessible parking spaces in their lot. The shopping center restriped the parking lot to provide 18 accessible parking spaces, including three accessible van spaces.

Northern District of Oklahoma -- An individual with a mobility disability complained that a restaurant lacked accessible parking spaces and that the building was surrounded by an inaccessible raised sidewalk. The restaurant restriped an appropriate number of accessible parking spaces and installed a curb ramp.

District of Rhode Island -- A compliance review of three separate locations of a national hotel chain revealed several access issues. The first hotel agreed to disperse its accessible guest rooms throughout all categories of guest rooms, including suites, and agreed to provide accessible hotel shuttle service by providing guests with disabilities an accessible taxi or contracting with another vendor to provide an accessible shuttle vehicle for those unable to use taxis. The second hotel agreed to ensure access to individuals who are deaf or hard of hearing by maintaining a TTY at the front desk, and to ensure access to individuals who use mobility aids by making minor changes to restrooms in the accessible guest rooms. Also, the hotel agreed to ensure that the hotel shuttle is accessible to individuals with mobility

disabilities. The third hotel agreed to correct issues relating to the amount of force required to open doors on an accessible path of travel in the hotel, as well as doors leading to accessible guest rooms.

A compliance review of another Rhode Island hotel resulted in the hotel agreeing to disperse accessible guest rooms among the classes of hotel guest rooms including suites, maintain a TTY at the front desk and train staff in its use, and ensure the accessibility of the shuttle for individuals with mobility disabilities by providing guests with an accessible taxi or contracting with another vendor for accessible shuttle needs. The hotel also agreed to maintain a 36" clear width on both sides of beds in accessible guest rooms as well as 36" clear passage at the foot of the beds.

Eastern District of Tennessee -- The parents of a child who has a disability alleged that their daughter was not permitted to bring her service animal to a place of lodging. The business adopted a policy entitling persons with disabilities using service animals to use all lodging facilities and not be restricted to "pet friendly" cabins or areas, agreed to rely on verbal assurances from parties reserving cabins that they have a legitimate service animal, and agreed to train all current and future staff on these policies and to include written policies in the employee handbook.

Western District of Tennessee -- An individual with a vision disability, who uses a service animal, alleged that a medical practice denied him access when he accompanied his wife to a doctor's appointment. The practice agreed not to prohibit any patients, spouses, or significant others with a disability from being accompanied by service animals. The complainant was compensated \$500.

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 400 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 Virginia, a person who uses a wheelchair complained that town hall meetings were held in an inaccessible location. The town agreed to hold all public meetings in an accessible building and to inform the public of these changes.
- In Michigan, an individual who has a seizure disorder complained that she was denied access to a doctor's office because she uses a seizure alert animal. The practice modified its policy to allow service animals to accompany individuals throughout the medical practice, trained its employees on the new policy, and wrote a letter of apology to the complainant.
- A wheelchair user complained that a California medical practice was inaccessible. The practice installed a van-accessible parking space and a ramp with handrails at the entrance, relocated furniture to create an accessible route inside the practice, and installed grab bars and accessible toilets in two restrooms.
- In Texas, a person who is deaf complained that a medical practice refused to provide a sign language interpreter for an appointment. The office changed its policy and agreed to provide qualified interpreters upon request and publicized the policy in new patient information packets. Additionally, a doctor in the practice wrote an article for a local publication about the rights of people who are deaf and hard of hearing in medical settings and sent a letter to a medical association suggesting a training course on effective communication.
- In Virginia, an individual whose wife uses a wheelchair complained that a historic attraction failed to provide accessible shuttle service from the parking lot to the attraction and back. The attraction's only accessible shuttle bus broke down, leaving the complainant stranded on a hot day, unable to return to the parking lot. The operator of the attraction added two accessible vehicles to its fleet of shuttle buses. Additionally, a policy was created to allow people with disabilities to park near the attraction in the unlikely event that no accessible shuttles are operational. Finally, all current and future staff will be trained on the ADA and the accessible transportation plan.
- In Louisiana, a person who is deaf complained that a hospital failed to provide a sign language interpreter for an emergency

room visit. Though the hospital had previously had a policy of providing sign language interpreters, staff was unaware of the policy. The hospital trained more than 1,000 employees from its staff and other network hospitals on effective communication and broadened its policy to include providing additional auxiliary aids, such as text-based computer screens. In addition, the hospital posted signs indicating the availability of qualified sign language interpreters and auxiliary aids upon request at no cost and wrote a formal letter of apology to the complainant.

- In Virginia, two wheelchair users complained that a hotel was inaccessible. The hotel modified guest rooms by removing curbs in roll-in showers and installing grab bars and sinks with knee clearance. The hotel reduced the opening force of a door in one accessible guest room and added a king-size bed in another accessible guest room to ensure a variety of guest room options for people with disabilities. The hotel also acquired portable shower seats that can be fixed in place. Finally, the hotel lowered grab bars and installed accessible dispensers and coat hooks in the public restrooms.
- An individual whose wife uses a walker for mobility alleged that a Virginia county library's accessible parking spaces were not on the shortest accessible route to the entrance. The library installed accessible spaces with signage and access aisles directly in front of the accessible entrance.
- In Nevada, an individual who has a speech disability due to amyotrophic lateral sclerosis alleged that he was unable to access an HMO's automated telephone directory that required verbal responses. The HMO established an email service that allows patients with disabilities who are unable to use the automated telephone system to communicate with the HMO via computer.
- In Texas, an individual who is blind alleged that a chain fast food restaurant refused to serve her because she uses a service animal. The restaurant developed a service animal policy, included a copy of it in its training manual for distribution to all employees of its 120 restaurants in Texas and California, and will install signs in its stores stating "Service Animals Are Welcome".
- In Georgia, a couple who is deaf alleged that a county court required the complainants' son to interpret for them during a hearing. The court adopted a policy for providing effective communication, including the provision of qualified sign language interpreters, and distributed a memo to staff, directing them to send individuals who need assistance with effective communication to the clerk of the court, who had been trained on the policy. The court also created a list of qualified sign language interpreters and posted signage for individuals with business before the court about the availability of interpreters and how to make a request.
- In South Carolina, an individual complained that a fitness center revoked her membership because she has Tourette Syndrome. The fitness center reinstated the complainant's membership and posted an informational notice about Tourette Syndrome at the front desk at the complainant's request.

- In New York, an advocacy organization complained that a restaurant would only seat an individual with cerebral palsy at the rear of the restaurant, away from other patrons. The restaurant posted signage stating that all individuals with disabilities will be provided full and equal access to the restaurant, trained all staff on ADA requirements, apologized to the complainant, and paid him \$2,500.
- In Florida, a parent complained that a court failed to provide effective communication for her son, who is deaf and had requested real-time captioning when he was summoned for jury duty. The court agreed to provide real-time captioning when needed and revised its jury summons to include instructions for individuals with disabilities needing accommodations to call the ADA compliance officer. The court also instructed its information officers to refer individuals with disabilities who need assistance to the court's ADA compliance officer, added captioning to the jury instruction video, produced a written copy of the juror oath, and agreed to review all efforts to improve effective communication on an ongoing basis.
- An individual who is deaf complained that a theater in the State of Washington failed to provide sign language interpretation for its productions. The theater agreed to provide a qualified sign language interpreter for at least one performance per production and will provide information about which performances will be interpreted in theater brochures and on its website.
- In Idaho, a wheelchair user complained that a bowling alley's entrance and restroom were inaccessible. The bowling alley installed a ramp at the entrance and constructed an accessible unisex restroom.
- In Oregon, an individual with a mobility disability complained that she was instructed to park in a concert venue's accessible parking space near an accessible entrance that was subsequently blocked by buses and closed, forcing her to walk to a farther accessible entrance. When the complainant had a medical emergency after the show and needed to reach her car quickly, staff and security guards refused to allow her to leave through the accessible entrance near her car. The facility agreed to keep all accessible entrances open at all times and posted appropriate directional signage. The facility also hired staff to work exclusively on ensuring access for people with disabilities, moved an accessible portable toilet to an accessible location, trained all staff on the ADA, updated its website to provide information on accessibility, and paid the complainant \$1,000.
- In Illinois, a wheelchair user complained that a community exercise facility's weight room was located on the inaccessible second floor. The facility moved the entire weight room to an accessible first floor space and also acquired a cardiovascular machine specifically for upper body strengthening.
- A person with a mobility impairment complained that a Texas golf course refused to allow golfers with disabilities to take

golf carts off the path. The golf course established a policy allowing golfers with disabilities to travel off-path, and trained all staff on the new procedures and the ADA.

- In Ohio, a person with a mobility disability complained that a dental office refused to treat him because he uses a service animal for balance. The practice changed their policy, agreed to treat patients who use service animals, and apologized to the complainant.
- In Arkansas, a person who is blind complained that a Mexican restaurant refused to serve him because he uses a service animal. The restaurant agreed to serve customers who use service animals and posted a “Service Animals Welcome” sign. Additionally, the restaurant owner wrote an article on service animals and the ADA, which was published in a Spanish language newspaper, and donated \$1,000 to an animal shelter.
- In Kansas, a couple complained that a funeral home was inaccessible to their relative who uses a wheelchair. The

funeral home installed a wheelchair lift to provide access to the ground floor of the building where funeral services take place. Additionally, the funeral home developed materials and agreed to meet with disabled clients making funeral arrangements at home because the display room is inaccessible.

- In Illinois, a wheelchair user complained that a restaurant was inaccessible due to insufficient space between two doors in a series. Until a new, accessible entrance can be built, the restaurant installed a bell and signage instructing individuals who require assistance maneuvering between the doors to ring the bell to alert staff. The restaurant trained its employees to respond to and assist customers with disabilities to enter the restaurant. The restaurant also removed fixed seating at several dining tables to provide access to diners who use wheelchairs, installed accessible hardware and reduced the opening force on restroom doors, insulated pipes under the sinks, and lowered the mirrors in the restrooms.

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 Website, ADA Information Line, and Automated ADA Fax System; developing and disseminating technical assistance materials to the public; and undertaking outreach initiatives.

ADA Website

The Department's ADA Website (www.ada.gov) provides direct access to the Department's publications, briefs, and settlement agreements, as well as information about its enforcement, mediation, technical assistance, and certification programs: information about any proposed changes in ADA regulations and requirements; links to ADA press releases; and links to other Federal agencies' websites that contain ADA information.

In addition, the website provides access to --

- ◆ electronic versions of the ADA Standards for Accessible Design, including illustrations and hyperlinked cross-references;
- ◆ the ADA Business Connection, with links to materials of particular interest to businesses;
- ◆ Reaching Out to Customers With Disabilities, a web-based, interactive online course that explains the requirements of title III;
- ◆ the ADA Video Gallery, with links to accessible streaming videos about the ADA; and
- ◆ online ordering forms for the ADA Technical Assistance CD-ROM and selected videos.

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,

Department Issues Revised ADA Technical Assistance CD-ROM -- In July 2008, the Department produced an updated version of the ADA Technical Assistance CD-ROM. This free CD contains a complete collection of the Department's ADA materials, including the Department's regulations, architectural design standards, and technical assistance publications. Designed for use on laptop computers in the field, or other computers that lack high speed Internet access, the CD-ROM makes searching documents and identifying appropriate ADA information easier and more efficient. Documents are provided in a variety of formats, including HTML and text (ASCII), to enable people with disabilities and others to gain easy access, translate materials to Braille, or use screen readers. Many documents are also provided in PDF format, allowing users to print publications directly from personal computers.

To order the new CD, call the ADA Information Line at 1-800-514-0301 (voice) or 1-800-514-0383 (TTY), or visit the ADA Website and order online.

which allows callers to order publications by mail or fax, is available 24 hours a day, seven days a week. ADA specialists, who can assist callers in understanding how the ADA applies to their situation, are available on Monday, Tuesday, Wednesday, and Friday from 9:30 a.m. until 5:30 p.m. and on Thursday from 12:30 p.m. until 5:30 p.m. (Eastern Time). Foreign language service is also available. To get answers to technical questions, obtain general ADA information, order free ADA materials, or ask about filing a complaint, please call:

800-514-0301 (voice)

800-514-0383 (TTY)

Automated ADA Fax System

The Automated ADA Fax System allows the public to obtain free ADA information by fax 24 hours a day, seven days a week. By calling the ADA Information Line and following the directions, callers can request specific documents to be faxed directly to their fax machines

or computer fax/modems. A listing of our publications and their fax codes is available online or can be ordered through the ADA Information Line.

ADA Publications and Documents

Copies of the Department's ADA regulations and technical assistance publications can be obtained by calling the ADA Information Line, visiting the ADA Website, 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 people 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. Spanish language documents can be accessed through the ADA Website (www.ada.gov/publicat_spanish.htm). Other language documents can be obtained by mail.

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/PA Branch, NALC Room 311
 Washington, D.C. 20530
 Fax: 202-514-6195

Currently, the FOIA/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 FOIA/PA Branch also provides internet access to ADA materials on their website (www.usdoj.gov/crt/foia/crt.htm). A link to search or visit this website is provided from the ADA Website.

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

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/cgb/dro

U.S. Department of Transportation, Federal Transit Administration provides information to the public on the transportation provisions of title II of the ADA.

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

www.fta.dot.gov/ada

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

The **DBTAC: ADA 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

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)

<http://projectaction.easterseals.com>

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)
877-781-9403 (TTY)

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.