



# Enforcing the ADA

## *A Status Report from the Department of Justice*

*(October-December 1997)*

*This Status Report covers the ADA activities of the Department of Justice during the fourth quarter (October - December) of 1997. 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 12). The symbol (\*\*) indicates that the document is available on the ADA Home Page.*

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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 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 \$50,000 for the first violation and \$100,000 for any subsequent violation.*

#### 1. Decisions

**Supreme Court to Hear HIV Case** -- The U.S. Supreme Court will decide whether a Maine dentist violated the ADA by refusing to provide routine dental treatment to a patient who is HIV positive. In Abbott v. Bragdon, the U.S. Court of Appeals for the First Circuit ruled in favor of the patient, as urged by the Department in an

amicus brief. It held that providing routine dental care would not have posed a direct threat to the health or safety of the dentist or his staff, because the U.S. Centers for Disease Control has found that "patients with HIV infection may be safely treated in private dental offices when appropriate infection control procedures are employed." The Supreme Court will review whether asymptomatic HIV infection is a disability under the ADA and what weight should be given to a dentist's own reasonable professional judgment in determining whether a dental procedure would pose a direct threat to health or safety.

**Federal Court Allows U.S. Suit against Stadium Architects** -- A Federal district court judge in Minnesota will allow the Department of Justice to continue its lawsuit against Ellerbe Becket, one of the nation's largest architectural firms. The complaint in United States v. Ellerbe Becket alleges that Ellerbe Becket violated title III by failing to design and construct new sports arenas in compliance with the ADA Standards for Accessible Design. In denying Ellerbe Becket's motion to dismiss, the court found that architects may be held liable for new construction violations under the ADA and that the ADA requires newly constructed arenas to provide wheelchair seating locations with a line of sight over standing spectators.

***Temporary D.C. 9-1-1 Order Made Final*** -- A D.C. Federal judge issued a final order in Miller v. District of Columbia requiring the D.C. Metropolitan Police Department and the D.C. Fire and Emergency Medical Services Department to provide direct, effective access for TDD users to its 9-1-1 emergency response system. The order replaces an earlier temporary restraining order that applied only to the police department and requires the D.C. government to install and maintain TDD equipment, make policy changes, and provide training that will allow operators to handle TDD calls at each call-taker position. The D.C. government has appealed the order to the U.S. Court of Appeals for the District of Columbia Circuit.

***ADA Requires Dispersed Accessible Seating*** -- A Federal district court in Oregon ruled that the Rose Garden, a newly constructed indoor sports and entertainment facility that is home to the Portland Trail Blazers of the National Basketball Association, does not meet the ADA's requirements for dispersing accessible wheelchair seating locations throughout the arena. The Department filed an amicus brief in Independent Living Resources v. Oregon Arena Corp. supporting the plaintiffs on this issue and others. The court found that concentrating accessible seats on the highest level of the arena where there are only a handful of seats for other patrons violated the dispersal requirement. In addition, the court agreed with the Department's argument that the Rose Garden's private suites were not exempt from the requirements of the ADA and that each must meet the ADA's new construction standards. The court, however, disagreed with the Department's position that the requirement for "comparable" lines of sight in the title III regulation means that accessible wheelchair locations must provide lines of sight over standing spectators.

***Hotel Franchisor Found not Liable for New Construction Violations*** -- A Federal court in South Dakota ruled in United States v. Days Inns of America, Inc. that national franchisor Days Inns of America and its parent company, HFS Incorporated, are not responsible for violations of the ADA Standards for Accessible Design at the newly constructed Days Inn in Wall, South Dakota. In the court's view neither entity had exercised sufficient control over the design and construction of the hotel to be held liable for the many ADA violations, including the failure to provide an elevator in a three-story hotel. The Department disagrees with the court's ruling and intends to appeal to the United States Court of Appeals for the Eighth Circuit. The Department previously entered into a court-approved settlement agreement with the Wall, South Dakota, Days Inn's owners, architect, and contractor. Under the terms of that agreement, those parties must rectify almost all of the ADA violations at the hotel. The Department has filed four other lawsuits against Days Inns of America and HFS Incorporated for their involvement in new construction violations at Days Inn hotels in California, Illinois, Indiana, and Kentucky.

## **2. New lawsuits**

*The Department initiated or intervened in the following lawsuits.*

### **Titles I and II**

*Actions to Defend the Constitutionality of the ADA* -- The Department intervened in three additional cases in the U.S. Courts of Appeals where States are arguing that it is unconstitutional for Congress to permit ADA lawsuits directly against State governments. In general, the States assert that Congress lacks authority under the Fourteenth Amendment to subject States to

lawsuits under the ADA, because the ADA's protections go beyond equal protection rights guaranteed by the U.S. Constitution. The Department intervened in each of the following cases to argue that the ADA is constitutionally appropriate legislation to remedy the history of pervasive discrimination against people with disabilities —

Alsbrook v. City of Maumelle, Arkansas

(8<sup>th</sup> Circuit -- title II challenge to physical requirements for police officers);

Nihiser v. Ohio Environmental Protection

Agency (6<sup>th</sup> Circuit -- title I reasonable accommodation suit); and

Pomeroy v. Western Michigan University

(6<sup>th</sup> Circuit -- title I reasonable accommodation suit).

### **Title III**

*DeVinney v. Maine Medical Center* -- The U.S. Attorney for the District of Maine intervened in DeVinney v. Maine Medical Center, a private lawsuit brought against Maine Medical Center, the largest hospital in the State, for failing to provide a qualified sign language interpreter and other auxiliary aids to a deaf patient in a suicidal state who was admitted to its psychiatric ward. The plaintiff alleges that she was denied a qualified sign language interpreter for the first three full days she was on the psychiatric ward and that afterwards she only had the occasional use of an unqualified interpreter for limited portions of her treatment. The plaintiff also alleges that the hospital only let her use a TDD during restricted hours, though other patients had no restrictions on telephone usage. The U.S. Attorney seeks changes in hospital policy, damages on behalf of the private plaintiff, and civil penalties.

### **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**

*Allen v. Russell* -- A commercial landlord who allegedly refused to allow removal of architectural barriers and to lease office space to a prospective tenant because of his quadriplegia will pay damages and remove barriers under an agreement with the U.S. Attorney for the Western District of Oklahoma. The Department intervened to support the plaintiff in this suit involving a small commercial office building in Pauls Valley, Oklahoma. The plaintiff alleged that the defendants refused to rent to him, but subsequently leased the premises to a friend of the plaintiff acting as plaintiff's representative. Several days later, however, the landlord allegedly told plaintiff that he would have to move. The plaintiff also alleged that the landlord retaliated against him for exercising his ADA rights, refused to remove architectural barriers, and even prevented the plaintiff from removing barriers at plaintiff's own expense. Under the consent decree the defendants will pay \$20,000 to the plaintiff and develop and implement an ADA compliance plan to remove barriers to access.

### **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 III**

*Bowers v. National Collegiate Athletic Association* -- The Department filed an amicus brief on behalf of a student with a learning disability who is challenging the rules of the

National Collegiate Athletic Association (NCAA) governing eligibility for athletic scholarships. In particular, he alleges that the high school core course and test score requirements discriminate against him because of his learning disability. The Department's brief argues that the plaintiff should have the opportunity to show that the NCAA is covered by title III, because the NCAA is a private entity that "operates" places of public accommodation such as athletic training facilities and stadiums. It also argues that the plaintiff's complaint adequately states a claim of discrimination and should be allowed to proceed.

*Ford v. Schering-Plough Corporation* -- The Department urged the U.S. Court of Appeals for the Third Circuit to rule that title III applies to the terms and conditions of insurance policies. The case involves an employee of Schering-Plough who became totally disabled as the result of a mental disorder. In accordance with the employer's long-term disability policy issued by the Metropolitan Life Insurance Company, the employee's benefits were terminated after two years, although persons disabled by physical disorders were eligible for benefits until age 65. The employee filed an action claiming that this difference in benefits violates the ADA. The district court dismissed the complaint, ruling among other things that Ford did not state a claim under title III, because she did not allege that she was denied physical access to MetLife's services. The Department's brief on appeal argues that title III's coverage is not limited to the denial of physical access, but that it also extends to discrimination in the terms and conditions of insurance policies.

*Decker v. University of Houston* -- Both title I and title II of the ADA cover the employment practices of public entities, according to an amicus brief filed by the Department with the U.S. Court of Appeals for the Fifth Circuit. In *Decker* the district court ruled that Congress could not have intended to provide an additional claim for employment discrimination under title II when it

already had provided an explicit, detailed procedure for employment claims under title I. The Department's brief argues that the broad language of title II and its legislative history make clear that Congress intended there to be employment coverage under title II, as well as title I, with title II procedures patterned after those of section 504 of the Rehabilitation Act. The section 504 procedures give complainants the option of either filing an administrative complaint with the Federal funding agency or going directly to court to file suit.

### **B. Formal Settlement Agreements**

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

#### **Title II**

*\*\* New Hampshire Sweepstakes Commission, Concord, New Hampshire* -- The Department signed a settlement agreement with the New Hampshire Sweepstakes Commission that will ensure program accessibility in the State's lottery program. The agreement resolved a complaint charging that establishments that sell lottery tickets were inaccessible to persons with mobility impairments. New Hampshire will evaluate the accessibility of lottery sales in the 1300 retail establishments participating in the lottery program, the geographical dispersal of accessible facilities, the ratio of accessible to inaccessible sites in each town and county, and the rate of use of each retailer. It will then develop and implement a plan to ensure that the lottery program as a whole is accessible to people with mobility impairments. The Department will review and approve the Commission's actions. Because of the large number of facilities participating in the lottery program, the settlement promises to substantially increase the overall accessibility of public accommodations and State facilities throughout New Hampshire.



*Newaygo County, Michigan* -- Newaygo County agreed to adopt a written policy stating that persons with disabilities may bring their service animals to any county building or county-sponsored activity. Under this policy persons may be asked if an animal is a service animal and may be asked to describe the service the animal provides and the training that the animal has received. However, they may not be required to document their own disability or show identification or certification of the service animal's status. The policy statement will be distributed to all county board members, posted in county buildings, and made available to the public on request.

*Formal  
Settlement  
Agreements*

*Twin Falls, Idaho* -- The Department concluded a settlement agreement with the Fifth Judicial District of the Idaho State court system to provide effective communication in court proceedings. The agreement resolves a complaint by a deaf individual alleging that he was not provided with effective communication during a small claims court hearing. The individual

complained that the small claims judge appointed a county employee to interpret at the proceeding who was unable to translate properly, rather than appoint a qualified sign language interpreter. Under the agreement, the Fifth Judicial District agreed to provide appropriate auxiliary aids and services to ensure effective communication and to train judges and court clerks on this policy.

*Jackson, Mississippi* -- The Mississippi Coliseum, one of the largest stadiums in that State, will be made accessible to people with disabilities under an agreement with the Mississippi Fair Commission and the Mississippi Department of Finance and Administration. As part of an ongoing renovation of the 10,000-seat coliseum, the State will make one percent of the seating accessible to people who use wheelchairs and provide companion seating. The agreement calls for the accessible seats to be dispersed throughout the coliseum with lines of sight over standing spectators. The State will also provide accessible restrooms, concession stands, and parking lots; institute new ticketing policies for accessible seating; train paid and volunteer staff on the requirements of the ADA, and appoint ADA coordinators to assist people with disabilities.

***California Law Accommodates Glucose Testing by Day Care Centers*** -- A new California law exempts blood glucose testing from the category of "incidental medical procedures" that cannot be done outside the presence of a licensed health care professional. The new legislation followed a finding by the Department of Justice that California was violating title II by maintaining a licensing program that made it illegal for day care providers to perform blood glucose finger prick tests for people with diabetes in their care, unless the tests were done under the direct supervision of a licensed nurse or physician. Such tests are required under the ADA as a reasonable policy modification necessary to integrate children with diabetes into mainstream day care centers. This restriction came to the Department's attention after it reached a settlement agreement with KinderCare Learning Centers under which KinderCare agreed to do finger prick tests for children with diabetes. KinderCare was told by the California Department of Social Services that if it complied with the settlement agreement, its child care licenses would be revoked.

***More 9-1-1 Centers Commit to Direct, Effective TDD Access*** -- The Attorney General's national 9-1-1 compliance review program continues to achieve results. U.S. Attorney's offices have entered written agreements to ensure direct, effective access for TDD users to 9-1-1 emergency systems in 13 additional localities around the country.

Algonquin, Illinois  
 Barrington Hills, Illinois  
 Creek County, Oklahoma  
 Crystal Lake, Illinois  
 Grand Island, Nebraska  
 Kencom/Yorkville, Illinois

Norfolk, Nebraska  
 Pryor City, Oklahoma  
 Quadcom/Carpentersville, Illinois  
 Rogers County, Oklahoma  
 South West Dispatch/Palos Heights, Illinois  
 Sussex County and State Police 9-1-1 Center, Delaware  
 Tinley Park, Illinois

Under the agreements emergency 9-1-1 centers must have TDD capability at each call-taker position, every "silent call" received must be queried with a TDD, and each call-taker must be thoroughly trained in handling TDD calls.

\*\* *Kingstree, South Carolina* -- The Town of Kingstree agreed to make public documents available on tape at the request of individuals who are blind or who have impaired vision. The tapes will be provided at no cost and within three days of the request. Kingstree agreed to adopt and post a written policy statement on making reasonable modifications in policies, practices and procedures for people with disabilities. In addition, Kingstree will adopt and publish a procedure for providing prompt and equitable resolution of ADA complaints.

\*\* *Court of Common Pleas, Philadelphia, Pennsylvania* -- Prospective jurors with disabilities will now be able to request accommodations prior to proceedings in open court under an agreement between the Department and the Philadelphia Court of Common Pleas. The complaint alleged that the only available means for requesting accommodations for a disability was during voir dire in open court. This procedure resulted in the unnecessary public disclosure of information about prospective jurors' disabilities and the unwarranted exclusion of some prospective jurors because of

this information. Under the agreement the court will include information about requesting accommodations in the initial jury summons. It will also adopt and publish procedures for evaluating requests and maintaining the confidentiality of such requests. If an accommodation is not available for a particular court date, the court will reschedule the juror for a time when the accommodation can be provided.

The court also agreed to designate an ADA coordinator and to post publicly its policy on making reasonable modifications in policies, practices, and procedures.

***Formal Settlement Agreements***

*Denver, Colorado* -- The City and County of Denver Election Commission will take steps to ensure program accessibility in voting. The agreement resolves a complaint alleging that the commission was ignoring its own procedures for providing an effective voting process in precincts with inaccessible voting machines. It requires the election commission to publish accessibility

procedures and to ensure that at least two election judges are present to assist voters who are unable to use inaccessible voting machines. It also requires the commission to provide training for all election judges on the accessibility procedures, to secure a signed statement from each judge stating that he or she will follow the procedures, and to discipline any election judge who fails to follow them.

**Title III**

**\*\* Arizona Shuttle Service, Tucson, Arizona --** The Arizona Shuttle Service, which operates a fixed-route shuttle service between Tucson and Phoenix International Airport, agreed to operate and maintain wheelchair-accessible vans and to permit all types of service animals, not only "seeing eye" dogs, to ride the vans. The agreement reached by the Disability Rights Section, the United States Attorney's Office for the District of Arizona, two private plaintiffs, and Arizona Shuttle resolves two private lawsuits and two complaints filed with the Department of

Justice. The two complaints investigated by the Department alleged that the Arizona Shuttle Service violated the ADA by refusing to transport an individual with her service animal because the animal was not a "seeing eye dog" and by purchasing two new vans that were not accessible to people with disabilities, including people who use wheelchairs. Just before entering the agreement, Arizona Shuttle purchased two

*Formal  
Settlement  
Agreements*

accessible vans for its fleet. The agreement requires the company to maintain its accessible vans and to post and implement a service animal policy and a written

reservations policy that meet the nondiscrimination requirements of the ADA. The agreement requires Arizona Shuttle to pay \$10,000 in compensatory damages to the individual who was denied access because of her service animal. Another wheelchair user and a disability group in Arizona who jointly sued the company for having

**\*\* Nationwide Child Care Agreement Accommodates Children with Food Allergies, Diabetes, other Disabilities --** The Department reached an agreement with La Petite Academy, Inc., the nation's second largest child care provider, protecting the rights of children with severe food allergies and other disabilities, including diabetes and cerebral palsy. La Petite Academy, Inc., which operates over 750 day care centers nationwide, has agreed to administer epinephrine, a form of adrenaline, to those children who experience life-threatening allergic reactions to certain foods, such as peanuts, or bee stings. If authorized by parents and a physician, La Petite staff will use a small pen-like device (sold as Epipen, Jr., or under other names) that carries a premeasured dose of epinephrine to alleviate a reaction. The staff person simply removes a safety cap and presses the pen against the thigh of the child, discharging the epinephrine. The agreement awards damages in the amount of \$55,000 to five children who were allegedly affected by La Petite's lack of reasonable modifications for children with disabilities. Three were children whose food allergies prevented them from enrollment without the availability of the Epipen, Jr. Two were children with cerebral palsy, who were denied reasonable modifications in policies, practices, and procedures that would enable them to continue in child care. La Petite also adopted a policy for administering finger prick tests to measure the blood glucose levels of children with diabetes.



inaccessible buses and vans will each receive \$2,500 in damages. Arizona Shuttle will also pay \$5,000 in civil penalties to the United States.

*Days Inn, Eureka, California* -- The owners and contractor of a newly-constructed Days Inn hotel in Eureka, California, agreed to remedy violations of the ADA's requirements for new construction. The remedies include repaving and restriping a portion of the parking lot to provide accessible parking, the installation of accessible stair handrails, the addition of accessible room signage, and the conversion of one standard room to an accessible room.

**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.*

The department of human services for a southern State agreed to institute grievance procedures to handle disability-related complaints against its contractors, including child-care providers.

Two towns and one parish in Louisiana completed their self-evaluation and transition plans.

A Texas stadium lowered a bar that was interfering with the line of sight for accessible seats.

A county-operated cemetery in Nevada agreed to make its grounds accessible to individuals with disabilities by modifying the walk-in gate, leveling and paving the entrance area to the walk-in gate to provide a clear turning space for wheelchair users, and placing a sign with a contact phone number at the front drive-in gate indicating that an alternative drive-in gate is unlocked and accessible.

A Michigan court installed an assistive listening system to provide effective communication at court proceedings.

A California municipal police department adopted a policy ensuring effective communication in situations involving persons who are deaf or hard of hearing.

A city in South Carolina installed van-accessible parking spaces in all of its parking facilities.

A Texas school district agreed to maintain newly-purchased microphones in working order for board meetings and to require board members to use them so that persons who are hard of hearing can participate in the proceedings.

An Arizona court agreed to implement a policy providing appropriate auxiliary aids and services to ensure effective communication with individuals with disabilities, including persons with visual impairments.

## II. Mediation

*Through a technical assistance grant from the Department, The Key Bridge Foundation is accepting referrals of complaints under titles II and III for mediation by professional mediators who have been trained in the legal requirements of the ADA. More than 350 professional mediators are available to mediate ADA cases in \*\*45 States. Over 80 percent of the cases in which mediation has been completed have been successfully resolved. Following are recent examples of results reached through mediation.*

- A deaf individual complained that a Florida doctor refused to pay for a qualified sign language interpreter for the complainant's office visit. The doctor, who has recently retired from practice, agreed to send the complainant a formal letter of apology. The doctor agreed to make the members of the local medical association aware of their obligations under the ADA, including providing the means for effective communication. The doctor also agreed to pay the complainant \$310.
- In Virginia, a wheelchair user complained that a condominium sales office did not have an accessible entrance. The condominium builder agreed to renovate the sales office entrance to make it accessible. The builder agreed to display a sign stating the policies they have created to comply with the ADA. The policies include providing auxiliary aids and services upon request as needed to ensure effective communication, making informational videos available upon request, and providing a method of requesting other accommodations. The builder agreed to donate \$2,500 to a disability rights organization and to pay the complainant \$1,000.
- A deaf person complained that a Maryland hospital did not provide an appropriate sign language interpreter for the complainant's visit. The hospital had hired an interpreter who was not qualified to interpret in American Sign Language. The hospital management acknowledged that they were unaware that more than one type of sign language existed and agreed to become better-informed about how to communicate effectively with people who are deaf or hard of hearing. The management agreed to review its policies regarding effective communication for people with hearing disabilities and make changes where appropriate, including allowing interpreters to be present during various medical procedures.
- Several New York doctors agreed to provide qualified sign language interpreters for office visits by a deaf individual.
- A wheelchair user complained that a California restaurant located in a shopping center did not have an accessible entrance. The shopping center manager agreed to build ramps to make both the primary and secondary entrances to the restaurant accessible to persons with disabilities.
- In Pennsylvania, a person with a mobility impairment complained that a professional building did not have an accessible entrance or accessible parking. The building owner agreed to install a ramp and build a walkway at the front entrance to make it accessible for people with disabilities and to create an accessible parking space near the ramp. The owner also agreed that the complainant, who cannot stand for long periods of time, could call the manager or one of the tenants of the building to have a chair placed in the building's lobby when needed.

- A deaf individual complained that a North Carolina doctor refused to pay for a qualified sign language interpreter for the complainant's office visits when necessary for effective communication. The doctor agreed to establish a policy on auxiliary aids and provide the services of a qualified sign language interpreter whenever necessary for effective communication.
- In California, a person who is deaf complained that an attorney refused to pay for a qualified sign language interpreter for the complainant's office visit. The attorney established a policy for providing effective communication for clients in the future. The attorney agreed to reimburse the complainant for the fee paid to the interpreter and to refund the attorney's fee.
- A wheelchair user complained that a Virginia restaurant did not have an accessible entrance or accessible parking. The restaurant owner agreed to build a ramp and a platform to make the entrance accessible and to create an accessible parking space. The owner also agreed to pay the complainant \$200.
- A deaf person in Florida complained that a health education association refused to pay for a qualified sign language interpreter for its sponsored workshops. The association agreed to provide the services of a qualified sign language interpreter if the complainant makes a request at least five working days in advance.

### III. Certification of State and Local Building Codes

*The ADA requires that newly constructed or altered facilities comply with the ADA Standards for Accessible Design (Standards). The Justice Department is authorized to certify building codes that meet or exceed the ADA's standards. In litigation, an entity that complies with a certified code can offer that compliance as rebuttable evidence of compliance with the ADA.*

*In implementing its authority to certify codes, the Department works closely with State and local officials, providing extensive technical assistance to enable them to make their codes equivalent to the ADA. In addition, the Department responds to requests for review of model codes and provides informal guidance to assist private entities that develop model accessibility standards to make those standards equivalent to the ADA.*

The Department has certified the accessibility codes of the States of Washington, Texas, and Maine and has pending requests from Florida, New Mexico, Minnesota, New Jersey, Maryland, California, the Village of Oak Park, Illinois, and the County of Hawaii. The Department is also reviewing model codes submitted by the Building Officials and Code Administrators, International (BOCA) and the Southern Building Code Congress, International. Recent certification activity includes --

*Maine --* After holding public hearings in Augusta, Maine and Washington, D.C., and reviewing all submitted comments, the Department certified that the Maine Accessibility Regulations meet or exceed the new construction and alteration requirements of title III of the ADA. Maine is the third State to receive ADA certification of its accessibility code.

*Florida* -- The Department of Justice held public hearings in Orlando, Florida and in Washington, D.C. regarding its preliminary determination that the Florida Accessibility Code for Building Construction meets or exceeds the new construction and alterations requirements of title

III of the ADA. The Department reviewed all submitted comments and expects to issue a final certification of equivalency. If certification is granted, Florida will become the fourth State in the country to have a certified accessibility code.

## IV. Technical Assistance

*The ADA requires the Department of Justice to provide technical assistance to entities and individuals with rights and responsibilities under the law. The Department encourages voluntary compliance by providing education and technical assistance to businesses, governments, and members of the general public through a variety of means. Our activities include providing direct technical assistance and guidance to the public through our ADA Information Line, developing and disseminating technical assistance materials to the public, undertaking outreach initiatives, operating an ADA technical assistance grant program, and coordinating ADA technical assistance government-wide.*

### ADA Home Page

An ADA home page is operated by the Department on the Internet's World Wide Web (<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:

- ADA regulations and technical assistance materials (which may be viewed online or downloaded for later use), and
- links to the Department's press releases, ADA Bulletin Board, and Internet home pages of other Federal agencies that contain ADA information.

***\*\*New Technical Assistance on Child Care Issued*** -- The Department has released a new technical assistance document, "Commonly Asked Questions About Child Care Centers and the ADA," which provides a broad range of information about the obligations of child care programs under the ADA. The document, which was prepared in connection with the October 23, 1997, White House Conference on Child Care, is published in a "questions and answers" format. It is now available through the ADA Information Line, the ADA Fax on Demand System (document number 3209), and the ADA Home Page.

### 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, call:

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

### ADA Fax On Demand

The ADA Information Line's Fax Delivery Service allows the public to obtain free ADA information by fax 24 hours a day, seven days a week. By entering the appropriate document code number, callers can select from among 30 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 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, and information about the Department's technical assistance grant program, can be obtained by calling the ADA Information Line 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.

Disability Rights Section  
Civil Rights Division  
U.S. Department of Justice  
P. O. Box 66738  
Washington, D.C. 20035-6738

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

Freedom of Information/Privacy Act Branch  
Administrative Management Section  
Civil Rights Division  
U.S. Department of Justice  
P.O. Box 65310  
Washington, D.C. 20035-5310  
Fax: 202-514-6195

Currently, the FOI/PA Branch maintains approximately ten thousand 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 <http://www.usdoj.gov/crt/foia/records.htm>. A link to this website is provided from the ADA Home Page.

ADA regulations and technical assistance materials can also be downloaded from the Department's ADA Bulletin Board System (ADA-BBS). The ADA-BBS, which includes selected ADA documents from other agencies, can be reached by computer modem by dialing 202-514-6193 or accessed on the Internet through [www.fedworld.gov](http://www.fedworld.gov) using telnet software. The ADA Home Page also provides a link to the fedworld website.



## V. Other Sources of ADA Information

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

ADA documents  
800-669-3362 (voice)  
800-800-3302 (TDD)

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

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

ADA documents  
202-857-3800 (voice)  
202-293-8810 (TDD)

ADA questions  
202-418-1898 (voice)  
202-418-2224 (TDD)

The National Institute on Disability and Rehabilitation Research (NIDRR) of the U.S. Department of Education has funded centers in ten regions of the country to provide technical assistance to the public on the ADA.

ADA technical assistance nationwide  
800-949-4232 (voice & TDD)

The U.S. Department of Transportation through the Federal Transit Administration offers technical assistance to the public concerning the transportation provisions of title II and title III of the ADA.

Toll Free ADA Assistance Line  
888-446-4511 (voice/relay)

ADA documents and general questions  
202-366-1656 (voice/relay)

ADA legal questions  
202-366-4011 (voice/relay)

ADA information, questions or complaints  
202-366-2285 (voice)  
202-366-0153 (TDD)

Project ACTION  
800-659-6428 (voice/relay)  
202-347-3066 (voice)  
202-347-7385 (TDD)

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

ADA documents and questions  
800-872-2253 (voice)  
800-993-2822 (TDD)

The Job Accommodation Network (JAN) is a free telephone consulting service funded by the President's Committee on Employment of People with Disabilities. 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 & TDD)

## **VI. 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 (TDD) 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 --

Disability Rights Section  
Civil Rights Division  
U.S. Department of Justice  
Post Office Box 66738  
Washington, D.C. 20035-6738