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# Enforcing the ADA:

## A Status Report from the Department of Justice

### January - March 2010

This Status Report covers the ADA activities of the Department of Justice during the first quarter (January - March) of 2010. 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](http://www.ada.gov) (see page 14).

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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 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. New Lawsuits

**Brockman v. Texas Department of Criminal Justice** -- On March 29, 2010, the Department filed a brief as intervenor in this

case currently on appeal in the U.S. Court of Appeals for the Fifth Circuit. The plaintiff's son committed suicide while incarcerated in a Texas prison. She alleges that the State was grossly negligent in dealing with her son's mental illness while he was incarcerated, thereby leading to his suicide, and that the State's negligence violated title II of the ADA. The District Court rejected her claims, based in part on its conclusion that the Eleventh Amendment gives States immunity from private title II lawsuits involving prisoners' rights. The Department intervened to defend the plaintiff's right to sue the State for ADA discrimination in prisons.

## 2. Decisions

### Title II

**Disability Advocates, Inc. v. Paterson** -- On March 1, 2010, the U. S. District Court for the Eastern District of New York issued a remedial order in this ADA lawsuit alleging that adults with mental illnesses who reside in adult homes in New York City could and should be residing in a more integrated setting in the community. Adult homes are residential adult care facilities, each housing more than 120 residents. Disability Advocates, Inc. (DAI) had proposed that the

State create 6,000 supported-housing units over four years, enough so that all current adult home residents with mental illnesses can be accommodated, as well as individuals who would be at risk of being placed in adult homes in the future. The State of New York had proposed to provide 1,000 supported-housing units over a five-year period. The Department intervened in the case in 2009 to support DAI's proposed remedies. The court rejected the State's plan as insufficient to accommodate the number of individuals involved and adopted the plan proposed by DAI.

**State of Connecticut Office of Protection and Advocacy v. State of Connecticut** -- On March 31, 2010, the U.S. District Court for the District of Connecticut issued an order in this lawsuit challenging the State's reliance on privately run segregated nursing home facilities to serve the needs of individuals with mental illnesses who would be more appropriately served in community-based settings. The court denied the State's motion to dismiss the case and granted the plaintiffs' motion to certify the case as a class action. The Department had previously filed an amicus brief in support of the plaintiffs.

### 3. Consent Decrees

#### Title II

**Crawford v. City of Jackson** -- On March 30, 2010, the U.S. District Court for the Southern District of Mississippi entered a consent decree resolving a lawsuit filed against the City of Jackson and the Jackson Public Transportation System (JATRAM) on behalf of individuals with disabilities. The Department intervened in this class action lawsuit in 2009 alleging that the City violated title II of the ADA and section 504 of the Rehabilitation Act by failing to provide a level of public transportation

services to individuals with disabilities that is comparable to the services provided to other individuals. The comprehensive agreement affects both JATRAM's fixed route bus service and its complementary paratransit service called Handilift. It requires the City to implement procedures for removing buses with inoperative lifts from service; provide alternative transportation whenever an inaccessible bus lift significantly delays transportation for a rider with a disability; ensure that no riders are stranded without transportation to their destination before shutting down operations for the day; design, fund, implement and operate Handilift service to satisfy all requests for next-day service; meet agreed upon performance standards for Handilift service; designate an ADA Coordinator in the City Department of Planning and Development; train all vehicle operators and mechanics on the ADA and the proper use and maintenance of lifts; train office staff, including managers, reservationists, and dispatchers, on the ADA and the new procedures required by the consent decree; implement a rider complaint process; conduct public outreach about the availability of accessible transportation, including updating user manuals and JATRAM websites; obtain approval from the United States before implementing certain changes or revisions to services or policies; record and report data on compliance activities; fund an independent monitor to assess the city's compliance; and provide free vouchers to any individual riders adversely affected by any failure to provide required services.

#### Title III

**United States v. Patric LeHouillier** -- On March 30, 2010, the U.S. District Court for the District of Colorado entered a consent decree resolving a lawsuit against attorney Patric

LeHouillier and his law firm, LeHouillier & Associates, P.C., of Colorado Springs, Colorado. The Department alleged that LeHouillier and his firm violated the ADA when they barred a complainant, her husband, and her attorney from entering LeHouillier's law office for a deposition because the complainant was accompanied by her service animal. The complainant, who is a veterinarian, has a traumatic brain injury and other conditions that affect mobility and balance, and trained her dog to provide disability-related assistance. Under the terms of the consent decree, LeHouillier and his law firm will adopt an ADA-compliant service animals policy; post the policy and a sign indicating that service animals are welcome; in a conspicuous location; undergo training and provide training to staff on the ADA's requirements; and report to the Department any future allegations of discrimination made against LeHouillier or his firm. In addition, LeHouillier will pay \$30,000 to the complainant and \$10,000 to her husband as damages and pay a \$10,000 civil penalty to the United States.

#### 4. Amicus Briefs/Statements of Interest

**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 II

**Sacred Heart Rehabilitation Center, Inc. v. Richmond Township and Richmond Township Planning Commission** -- On January 11, 2010, the Department filed an amicus brief in the U. S. District Court for the Eastern District of Michigan arguing that Richmond Township's denial of a special land use permit for Sacred Heart violates the ADA, the Rehabilitation Act, and the Fair Housing Act by restricting the organization's ability to use its Richmond facility to treat individuals with addictive disorders. The Department disputed the township's claims that Sacred Heart does not have the right to proceed with its lawsuit or, alternatively, is obliged to exhaust state administrative remedies before proceeding with these claims in federal court.

**Armstrong v. Schwarzenegger** -- On January 13, 2010, the Department filed an amicus brief in the U.S. Court of Appeals for the Ninth Circuit in this case. Plaintiffs are California prison inmates with disabilities who sued the state for temporarily housing them in county jails that are not accessible. The State challenged the validity of the section of the Department's ADA title II regulation that requires public entities to ensure that contractors comply with the ADA in carrying out their contracts and argued that incarceration is not an "aid, benefit, or service" covered by that provision. In its brief, the Department argued that the district court was correct in upholding the regulation and applying it to the State's arrangements with the county jails.

**Department Files Briefs to Enforce Olmstead Decision** -- The Department has launched an aggressive effort to enforce the Supreme Court decision in Olmstead v. L.C., a 1999 ruling recognizing that the unjustified isolation of individuals in institutional settings is a form of discrimination under the ADA. The Olmstead decision has often been called the Brown v. Board of Education of the disability rights movement. In June 2009, President Obama directed the Administration to redouble enforcement efforts. During this quarter, the Department filed briefs in cases in Illinois, North Carolina, and California.

**Ligas v. Maram** -- On January 26, 2010, the Department filed a Statement of Interest in the U.S. District Court for the Northern District of Illinois in this class action lawsuit against the State of Illinois. The plaintiffs allege that the State has failed to provide sufficient community-based services to enable individuals with developmental disabilities to live in community settings and instead relies on large, privately-run congregate care institutions in violation of title II of the ADA and section 504 of the Rehabilitation Act. Previously, the parties had proposed a consent decree, but the court rejected it and decertified the class after objectors raised concerns that individuals who want to remain in institutional settings would be forced into community placements under the terms of the decree. On January 25, 2010, the parties filed a joint motion to certify a more limited class of individuals – those who want to live in a community placement – and submitted a revised consent decree. The Department’s brief urged the court to certify the revised class and provisionally approve the consent decree, pending a hearing to give individuals affected by the decree an opportunity to comment on it.

**Clinton L. v. Cansler** -- On February 16, 2010, the Department filed a Statement of Interest in the U.S. District Court for the Middle District of North Carolina in this lawsuit against the State of North Carolina alleging that a proposed reduction in reimbursement rates for in-home services in the Piedmont area of the State, below the rate charged by service providers in that area, puts two individuals with mental illness and developmental disabilities who have been living in the community for long periods of time (8 years and more than 10 years, respectively) at risk of institutionalization, in violation of the Olmstead decision and the ADA’s integration mandate. The Department’s brief urged the court to grant the plaintiffs’ motion for preliminary injunction. After a hearing on February 17, 2010, the court denied the motion for one of the plaintiffs, scheduled a hearing for late April to consider the other plaintiff’s motion, and ruled that any other affected class members should proceed on an individual basis.

**Oster v. Wagner** -- On March 2, 2010, the Department filed an amicus brief in support of the plaintiffs in this case which is on appeal in the U.S. Court of Appeals for the Ninth Circuit. Plaintiffs are individuals with disabilities who currently receive services from California’s In-Home Supportive Services program (IHSS), which is offered through the State’s Medicaid program. In response to the state’s budget crisis,

*Olmstead continued...*

the California legislature enacted a law changing the way that eligibility for IHSS is determined. Under the new law, more than 100,000 IHSS recipients will lose services. Plaintiffs sought declaratory and injunctive relief to prevent the new law from taking effect. They argued that the reduction in services violates the “integration mandate” of section 504 of the Rehabilitation Act and title II of the ADA because it puts them at risk of being institutionalized. The District Court granted their request for a preliminary injunction, and the state appealed. The state argued that in order to proceed with their claim the plaintiffs must show that they are at “imminent” risk of institutionalization, not simply that they may be at risk in the future. In its brief, the Department argued that the district court was correct in holding that imminent institutionalization is not a prerequisite for asserting their claim.

### **Title III**

#### **Arizona v. Harkins Amusement**

**Enterprises, Inc.** -- On February 6, 2010, the Department filed an amicus brief in the U.S. Court of Appeals for the Ninth Circuit in support of the plaintiffs in this lawsuit involving movie theater captioning and video description. The State of Arizona and two individuals -- one representing individuals who are deaf or hard of hearing, the other representing individuals who are blind or have visual impairments -- sued this movie theater chain alleging that it violated title III of the ADA by failing to exhibit movies with captions and video descriptions. The district court granted the defendant’s motion to dismiss on the ground that the plaintiffs sought to alter the “content” of the defendant’s services because captions and video descriptions would change audio elements into visual elements, and vice versa. In its brief, the Department argued that closed captions and video descriptions are “auxiliary aids” that permit individuals with sensory disabilities to enjoy a movie

theater’s service and do not fundamentally alter the service. The court of appeals agreed and remanded the case to the district court on April 30, 2010.

**Chapman v. Pier 1 Imports (U.S.), Inc.** -- On March 5, 2010, the Department filed an amicus brief in the U.S. Court of Appeals for the Ninth Circuit in this ADA lawsuit. A panel of the Ninth Circuit held that an individual with a disability who brings an action under title III of the ADA, alleging that a place of public accommodation has failed to remove architectural barriers to accessibility, must, in order to have standing, also allege that he was deterred from attempting to gain access to the facility by the barriers he encountered in order to challenge barriers that he did not personally encounter. The full court granted rehearing and ordered supplemental briefing on this issue. In its brief, the Department argued that the fact that an individual with a disability has visited the place of public accommodation, i.e., was not deterred from doing so, should not prevent him from showing that he has standing, and reiterated its arguments at the en banc hearing on March 23, 2010.

## B. Formal Settlement Agreements

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

### Title II

**Alameda County, California** -- On February 2, 2010, the Department entered into a settlement agreement with the Alameda County Sheriff's Office, under which the Sheriff's office will provide sign language interpreters or other communication aids and services at county jails when needed by arrestees, detainees, suspects, victims, witnesses, complainants, or visitors who are deaf, hard of hearing, or deaf and blind. This agreement resolves a complaint from a person who is deaf and blind who alleged that he was never provided a tactile interpreter when arrested and incarcerated at one of the county jails. In tactile interpreting, a deaf-blind person puts his hands on the interpreter's hands while the interpreter makes signs.

**Charlotte, North Carolina** -- On March 29, 2010, the Department entered into a settlement agreement with the Charlotte Regional Visitors Authority (CRVA) regarding a theater owned and operated by CRVA. Under the agreement, CRVA will make the theater's parking lots, toilet rooms, seating areas, and routes to seating areas accessible.

### Title III

**Castles N' Coasters, Phoenix, Arizona** -- On March 16, 2010, the Department entered into a settlement agreement with Castles N' Coasters, an amusement park in Phoenix, Arizona, resolving a complaint alleging that the park

discriminated against the Brain Injury Survivor and Care-Giver Support Group of Glendale, Arizona, by requiring that their members and guests sign liability release forms in order to participate in a miniature golf outing that the group was planning. Under the agreement, Castles N' Coasters will refrain from requiring liability releases from individuals or groups on the basis of disability and will pay compensatory damages of \$1,000 to the Brain Injury Survivor and Care-Giver Support Group. In addition, Castles N' Coasters agreed to remove architectural barriers on the site and to follow ADA standards in a planned remodeling project and other future construction projects.

**HRB Businesses of Florida, Inc.** -- On March 18, 2010, the Department entered into a settlement agreement with HRB Businesses of Florida, Inc., an H&R Block franchisee with multiple offices in Florida, resolving a complaint filed by an individual who is deaf who alleged that HRB failed to provide qualified sign language interpreters for its tax preparation course. Under the agreement, HRB will adopt a policy on furnishing appropriate auxiliary aids and services, including sign language interpreter services, when necessary to provide a client who is deaf or hard of hearing the same access to its accounting services, tax preparation services, and training programs and courses as provided to other clients; post the policy on its website, in the reception area of each office, and in employee manuals and other print materials; provide staff training on the ADA and HRB's obligations to provide effective communication to individuals with disabilities; and establish a grievance procedure for ADA-related complaints from customers. HRB will also pay \$2,500 damages to the complainant and a \$5,000 civil penalty to the United States.

**Electronic Book Readers** -- On January 13, 2010, Case Western Reserve University in Cleveland, Ohio, Pace University in New York, New York, and Reed College in Portland, Oregon, entered into agreements with the Justice Department concerning the use of electronic book readers in classroom settings. The universities agreed generally not to purchase, recommend, or promote use of the Kindle DX, or any other dedicated electronic book reader, unless the devices are fully accessible for students who are blind or have low vision. The Kindle DX currently has a text-to-speech function that makes a book's contents accessible to blind individuals, but does not have a text-to-speech function for the menu and navigation controls. Without access to the menus, students who are blind have no way to know which book they have selected or how to access the Kindle DX Web browser or other functions. The universities further agreed that if they use dedicated electronic book readers in the future, they will ensure that students with vision disabilities are able to access and acquire the same materials and information, engage in the same interactions, and enjoy the same services as sighted students with substantially equivalent ease of use. The agreements follow a January 11, 2010, agreement between Arizona State University, the Department, the National Federation of the Blind, and the American Council of the Blind concerning electronic book readers. These universities are participating in a pilot project in cooperation with Amazon.com, Inc., to test the viability of using the Kindle DX in a classroom setting. The terms of their agreements will become effective at the end of the pilot project. Other universities, including Syracuse University in Syracuse, New York, and the University of Wisconsin at Madison, have examined the utility of the Kindle DX as a teaching device and have decided not to use it until it is accessible for blind individuals.

**Crowne Plaza Times Hotel, New York, New York** -- On March 31, 2010, the U.S. Attorney's Office for the Southern District of New York entered into a settlement agreement with the Crowne Plaza Times Hotel in New York City. The hotel will evaluate its current accessible rooms and make any modifications necessary to comply with the ADA Standards for Accessible Design; make additional rooms accessible to achieve a total of 24 accessible rooms as required by the ADA; provide

visual alarms and communication devices for people with hearing disabilities; disperse accessible rooms among all classes of sleeping accommodation; and establish written policies and procedures for providing services to hotel guests with disabilities. In addition, the hotel will make accessibility improvements in its lobby area. This is the twentieth hotel to enter into a voluntary compliance agreement with the U.S. Attorney's Office under an initiative to bring hotels in Manhattan's theater district into compliance with the ADA.



## 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 complained that an Idaho state correctional facility failed to provide him a prosthetic foot to replace one that had been shattered in an accident. The facility arranged for the complainant to new prosthetic foot.

An inmate with a mobility disability alleged that a New Hampshire state prison had no accessible vehicles to transport prisoners who use wheelchairs or walkers. The prison has since purchased an accessible van.

An individual who is deaf alleged that a Virginia county court denied him effective communication during a court proceeding when problems arose using a video relay service. The court was provided technical assistance on the use of video relay services.

An individual who is deaf complained that the public meetings of a Texas municipal agency were inaccessible because agency board members refused to use microphones during the course of meetings. The agency changed the seating arrangements so that board members now face the public, purchased and installed microphones which are used at each meeting, and established a procedure for requesting

auxiliary aids and services at meetings. An individual with a mobility disability complained that a Pennsylvania county probation office did not have an accessible entrance. The facility did have an accessible entrance, but had no signage indicating where it was located. The probation office has since installed signage directing people with disabilities to the accessible entrance.

An individual who is deaf alleged that a California municipal police department did not provide a sign language interpreter when police were called to his home to investigate a complaint and during his arrest. The department agreed to adopt, implement, and enforce an effective communication policy for individuals with disabilities; disseminate the policy to employees and contractors; provide training to all employees who have contact with the public; ensure that each police station or substation and jail facility is equipped with a working TTY; enter into a contract with one or more sign language interpreter services; and post the policy on its website and make it available to the public.

An individual who has cerebral palsy and uses a wheelchair alleged that a branch of the Hawaii State public library had an insufficient number of van accessible parking spaces. The library has agreed to install one additional van accessible space in its parking lot.

A compliance review of a Kentucky county detention center revealed a number of access issues for people with disabilities. The center agreed to lower a counter in the visitor's lobby; install Braille signage, visual alarms, accessible mirrors, and grab bars in the men's and women's toilet rooms in the lobby; adjust the opening force of the doors into those toilet rooms so that they require no more than five

pounds of force to open; provide accessible men's and women's showers in all units of the facility; and ensure that five percent of their cells are accessible to people with mobility disabilities.

An inmate who is hard of hearing alleged that a Texas state prison denied him a prescribed hearing aid and subjected him to disciplinary reports because he could not hear orders. The prison provided him a hearing aid and agreed that disciplinary reports related to orders that he could not hear will not affect his first parole eligibility hearing. Another inmate in the same facility, who has diabetes and is overweight, complained that the prison refused to assign him a low bunk, making it difficult for him to get in and out of bed. The prison reassigned him to a dormitory where all the bunks are low. A third inmate alleged that the prison would not repair the prosthetic devices he uses on both arms. The prison agreed to repair the devices and to provide rubber bands and stump socks as needed to ensure that they work properly.

An inmate complained that a Washington State prison denied him access to the facility's weightlifting equipment because of his physical disabilities. The prison revised its policy to allow inmates with disabilities to participate in weightlifting.

### **Title III**

An individual with cystic fibrosis alleged that a Texas real estate development failed to provide appropriate signage at accessible parking spaces in the town square area which has a number of restaurants and other businesses. The developer agreed to raise the signs, which had been mounted too low.

After a compliance review, a Washington café agreed to adopt a service animal policy, post it in a place visible to both employees and customers, post a sign welcoming service animals, and train its staff on the treatment of service animals.

An individual who uses a wheelchair complained that the accessible parking spaces at an Arkansas bank were not sufficiently level for people with mobility disabilities. The bank relocated the spaces to a more level location and regraded part of a sidewalk to provide an accessible route to the bank entrance.

An individual with a mobility disability alleged that security guards at an Illinois fairgrounds would not allow her to use an accessible parking space. The fairgrounds adopted a policy requiring employees to permit all properly marked vehicles to use accessible parking spaces and paid the complainant \$250.

An individual with a mobility disability complained after a Las Vegas hotel discontinued its policy of allowing priority access to the buffet line in its restaurant for individuals with disabilities who cannot stand for long periods of time. The hotel reinstated its prior policy.

An individual with a mobility disability complained that a fast food chain restaurant in Texas had no accessible parking and no accessible route to its public entrance. The restaurant installed two accessible parking spaces and provided a curb ramp to a walkway leading to the front entrance.

An individual who has low vision complained that a Virginia branch of a national bank refused to provide bank statements and inserts

to him in large print. The bank agreed to provide large print statements and assigned an employee to read the inserts to him at his convenience. Additionally, the bank agreed to charge off the complainant's \$3000 debt, including fines and fees.

An individual who uses a wheelchair alleged that a Connecticut dry-cleaning and laundry establishment had no designated accessible parking spaces at one of its locations. The business installed an accessible parking space at that location.

An individual with a mobility disability complained that a branch office of a bank in California had not located its accessible parking space on the shortest accessible route to the accessible bank entrance. The bank relocated the parking space so that it is on the shortest accessible route to the accessible entrance.

An individual with a mobility disability complained that a Pennsylvania restaurant had only bar-height tables and seating for their patrons. The restaurant agreed to provide lower tables and seats for people who use wheelchairs or have other mobility disabilities.

An individual with a psychiatric disability alleged that a Pennsylvania martial arts studio prevented him from enrolling in a class because of his disability. Although no discrimination was found against this complainant, the martial arts studio did agree to modify its website to include information about its commitment to

comply with the ADA and how individuals with disabilities may request a reasonable modification to policies needed to participate in the studio's classes.

An individual complained that a Pennsylvania clothing store was inaccessible to people with mobility disabilities. The store agreed to install a ramp to the front entrance, provide an accessible bench and coat hook in the dressing room, and lower a portion of the sales counter.

An individual who has a disability parking permit complained that a California location of a national motel chain would not allow him to back his car into an accessible parking space in order to use the access aisle. The motel had developed a "head in" parking policy with the municipal police department in response to criminal activity at the motel. The motel modified its policy to allow people with disabilities to back into accessible parking spaces, informed police and motel staff of the exception, trained current staff and security officers on the policy modification, and posted a sign at its front desk stating that guests may park "head in" or "back in" to accessible parking spaces.

An individual with a congenital heart condition alleged that a New Jersey medical center treating people with sleep disorders denied her access because she was accompanied by a service animal. The center agreed to adopt a service animal policy, post signage welcoming service animals, and train its employees on the new policy.

## 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. Many people with disabilities and disability rights organizations request 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 Texas, an individual who is deaf alleged that a psychiatric clinic refused to provide a sign language interpreter for an appointment and insisted that the complainant ask a friend or relative to interpret for her. Subsequent to missing an appointment for which a sign language interpreter was eventually provided, the clinic refused to continue treating the complainant. The clinic adopted a policy to provide qualified interpreters, created a system to identify the need for an interpreter in patients' charts, and agreed to apply its policy of charging \$50 for a missed appointment and refusing service after two missed appointments to all clinic patients.
  - In Florida, a woman with multiple sclerosis alleged that a restaurant refused to serve her inside the restaurant because she uses a service animal for balance, instead offering to serve the complainant and her husband in an alley adjacent to the restaurant.
- When they refused, the owner insulted them, asked them to leave, and ultimately escorted them out of the building. The restaurant adopted a policy to allow patrons who use service animals to enter and be served inside the restaurant, informed employees about the policy, and posted signage indicating that service animals are welcome in the restaurant.
- In Pennsylvania, an individual who uses a wheelchair alleged that a cable company refused to serve her at the designated accessible counter because the manager was using the computer there. The company agreed to serve customers at the accessible counter when needed and conducted disability-related sensitivity training for staff.
  - In New York, the mother of an adult child with a developmental disability alleged that a retail store refused to allow her into the dressing room to assist her daughter. The store changed its policy, agreed to allow companions to accompany customers needing assistance into dressing rooms, trained its staff on the ADA, and gave the complainant a \$100 gift card.
  - An individual with low vision complained that a California restaurant refused him access because he uses a service animal. The restaurant changed its policy and agreed to serve customers who use service animals, developed employee training on service animals and the ADA, made a \$500 donation to a service animal organization, and issued an apology letter to the complainant's family who was with him when the incident occurred.

- In Kentucky, a person who is a caregiver for people with disabilities complained that a movie theater had inaccessible entrances and restrooms. The theater posted directional signage to the existing accessible restrooms and installed signs identifying the accessible stalls. In addition, the theater elected to install automatic faucets in restroom sinks and automatic doors at the main entrance, even though they are not required by the ADA.
- A person who is hard of hearing complained that a New Mexico county refused to provide sign language interpreters for public meetings. The county adopted a policy for providing effective communication, including the provision of qualified sign language interpreters, and agreed to include information about this new policy on all notices announcing public meetings.
- A person who is deaf complained that a collection agency in the state of Washington refused to accept his calls through the video relay system. The agency reaffirmed its policy to accept relay calls, trained its staff on the ADA and using the relay system, and apologized to the complainant.
- A person who uses a wheelchair alleged that a Washington, D.C., bookstore was inaccessible. The bookstore instructed its distributors to drop off periodicals so they do not obstruct the accessible entrance, rearranged displays near the entrance as well as tables and chairs to maintain a clear path of travel from the accessible entrance to the elevator, which was altered so it no longer requires a key for operation. In addition, the store trained its staff on the ADA and how to effectively serve customers with disabilities.
- In New Jersey, a woman who uses a wheelchair complained that the manager of a chain restaurant harassed her and asked her to leave because she uses a service animal for mobility assistance. The national chain changed its policy and agreed to serve customers who use service animals, circulated an article on the updated policy through an internal corporate publication for employees, and trained all employees on the ADA. The chain also posted stickers at each restaurant's entrance indicating that Service Animals are welcome. In addition, the manager who asked the complainant to leave issued her an apology letter, and the chain donated \$1,000 in the complainant's name to a service animal organization and gave her two \$50 gift certificates.

## 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. Activities include providing direct technical assistance and guidance to the public through the ADA Website and the ADA Information Line; developing and disseminating technical assistance materials to the public; and undertaking outreach initiatives.**

### ADA Website

The Department's ADA Website ([www.ada.gov](http://www.ada.gov)) provides direct access to the Department's publications, briefs, and settlement agreements, and other information about its enforcement, mediation, technical assistance, and certification programs, including 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.

#### NEW ADA TECHNICAL ASSISTANCE MATERIALS FOR RETURNING SERVICE MEMBERS AND EMPLOYERS

**ADA: Know Your Rights -- Returning Service Members with Disabilities** is a 28-page booklet designed to provide military service members who have been seriously injured in Operation Iraqi Freedom or Operation Enduring Freedom a basic understanding of their rights under the ADA and where to turn for additional information and assistance.

**Ten Employment Myths:** Information about the Americans with Disabilities Act is a seventeen-minute video that explains the ADA in common sense terms and dispels common misunderstandings and unfounded concerns that employers have about hiring people with disabilities. The fully accessible video is available in streaming format on the ADA Website or in DVD format from the ADA Information Line.

## 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 order publications by mail, 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)

## 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. Some publications are available in foreign languages.

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

Spanish language documents can be accessed through the ADA Website ([www.ada.gov/publicat\\_spanish.htm](http://www.ada.gov/publicat_spanish.htm)).

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 at [www.usdoj.gov/crt/foia/crt.htm](http://www.usdoj.gov/crt/foia/crt.htm). Links to search or visit this website are 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](http://www.eeoc.gov)

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

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

[www.fcc.gov/cgb/dro](http://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](http://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](http://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](http://www.adata.org)

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

Information on accessible transportation  
800-659-6428 (voice/relay)

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

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

Information on workplace accommodation  
800-526-7234 (voice)  
877-781-9403 (TTY)

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



## V. How to File Complaints

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### 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.