



# Enforcing the ADA:

## A Status Report from the Department of Justice

**April-June 2001**

This Status Report covers the ADA activities of the Department of Justice during the second quarter (April - June) of 2001. This report, previous status reports, and a wide range of other ADA information are available through the Department's ADA Home Page on the World Wide Web (see page 11). 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 \$55,000 for the first violation and \$110,000 for any subsequent violation.**

#### 1. Decisions

**Supreme Court Rules for Casey Martin --** The Supreme Court, as urged in an amicus brief filed by the Department of Justice, ruled 7-2 that the ADA prohibits the Professional Golfers' Association (PGA) Tour from denying Casey Martin the use of a golf cart during its tournaments. Martin, a professional golfer from Eugene, Oregon, has a

degenerative circulatory condition in his right leg that makes it difficult, painful, and extremely tiring to walk. He alleged that the PGA violated title III of the ADA by failing to make reasonable accommodations in its walking requirement that would allow him to use a cart. The District Court had found that the purpose of the "walking rule" was to inject fatigue into the skill of shot-making, but that it would not fundamentally alter the nature of PGA's game to accommodate Martin, because he endures greater fatigue from coping with his condition, even when using a cart, than his competitors experience from walking the course. The U.S. Court of Appeals for the Ninth Circuit affirmed this decision, agreeing with an amicus brief filed by the Department in support of Martin. The Supreme Court held that the ADA's public accommodations requirements apply to the PGA's tournaments and rejected the PGA's claim that athletic competitors in its tournaments were not protected by the ADA. It held that walking was not an essential attribute of the game and found that in the circumstances of this case the walking requirement could be waived without fundamentally altering the nature of the tournaments or imposing undue administrative burdens.

**Federal Judge Allows Chicago Transit Suit to Continue** -- The U.S. District Court for the Northern District of Illinois ruled that plaintiffs presented enough evidence to go to trial on allegations that the Chicago Transit Authority (CTA) was failing to provide equal access to its mass transit system for people with disabilities. In Access Living of Metropolitan Chicago v. Chicago Transit Authority, the plaintiffs alleged a wide range of failures by the transit authority including the failure to provide and maintain operable lifts on buses, to stop for riders with disabilities or deploy lifts when requested, to keep train station elevators in operating condition, to provide “gap-fillers” between train platforms and rail cars, and to allow sufficient time for passengers with disabilities to get on and off trains and buses. The Department filed an amicus brief arguing that the individual plaintiffs and Access Living as an organization had standing to bring the suit and that the plaintiffs did not have to show intentional discrimination to establish a violation of the statute.

## 2. New lawsuits

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

### Title I

**Department Defends EEOC Enforcement Authority in Supreme Court** -- The Department filed a brief in the Supreme Court in EEOC v. Waffle House, Inc., on behalf of the Equal Employment Opportunity Commission, arguing that the EEOC can seek back pay, damages, and reinstatement for an individual who was allegedly subjected to employment discrimination under title I of the ADA at a Waffle House restaurant in West Columbia, South Carolina, even though the individual signed an arbitration agreement. The agreement required the charging party, who was fired allegedly because of his seizure disorder, to submit any employment-related disputes to binding arbitration. The U.S.

Court of Appeals for the Fourth Circuit ruled that despite the arbitration agreement the EEOC could bring a lawsuit for general relief, such as an order requiring the defendant not to engage in discriminatory practices, but that it could not obtain victim-specific relief, such as damages, back pay, and reinstatement. The Department’s brief in the Supreme Court argues that EEOC’s authority to sue to enforce title I in the public interest is independent of any authority the individual has, and that the EEOC may seek all remedies authorized by the statute including victim-specific relief.

### Title II

**Efforts to Defend the Constitutionality of Title II Damages Claims Against States Continue After Garrett** -- The Department intervened in a number of lawsuits to defend the constitutionality of title II suits against States for monetary damages. In March, the Supreme Court decided in University of Alabama v. Garrett that suits for damages under title I could not override a State’s sovereign immunity because title I was not “appropriate legislation” to enforce equal protection rights under the Constitution. The Department’s briefs emphasized that the Supreme Court specifically limited its ruling in Garrett to suits under title I and that the evidence of unconstitutional discrimination by States assembled by Congress to justify title II was far more extensive. Congress specifically made findings in the text of the ADA that State-sponsored discrimination persisted in areas such as education, voting, institutionalization, and public services. Because of this evidence, the Department argued that it was appropriate for Congress to enact title II to root out present instances of unconstitutional discrimination, to undo the effects of past discrimination, and to prevent future unconstitutional treatment by prohibiting discrimination and promoting integration where reasonable. The Department intervened in --

Garcia v. SUNY Health Sciences Center of Brooklyn (2d Cir.)

McAleese v. Pennsylvania Department of Corrections (3d Cir.)

Root v. Georgia State Board of Veterinary Medicine (11th Cir.)

Popovich v. Cuyahoga County Court of Common Pleas (6th Cir./Ohio)

Vinson v. Thomas (9th Cir./Hawaii)

and has filed supplemental briefs on this issue in --

Thompson v. Colorado (10th Cir.)

Hallen v. Union Beach Board of Education (D.New Jersey)

Jeffreys v. State of New Jersey (D.New Jersey)

### 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

**Perkins v. Valenti Mid-South Management, LLC** -- The U.S. Attorney for the Western District of Tennessee settled a lawsuit in which it had intervened to enforce the barrier removal requirements of title III against Valenti Mid-South Management, LLC, a franchisee operating a chain of 54 Wendy's Restaurants in Tennessee, Mississippi, Arkansas, and Missouri. Under the consent decree Valenti agreed to make a wide range of improvements to each of these restaurants to provide greater accessibility. The required barrier removal for each restaurant varies but generally includes providing new curb ramps from parking lots to sidewalks, creating more

clear space at entrances to facilitate the opening of doors, reconfiguring customer service lines to allow access to wheelchair users, providing more accessible dining tables, lowering service and condiment counters, widening restroom doors, replacing toilets, adding or remounting grab bars, replacing lavatories, and lowering paper towel dispensers. The order also requires Valenti to pay damages to the private plaintiff in the amount of \$25,000.

### 4. Amicus Briefs

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

#### Title I

**Toyota Motor Manufacturing, Kentucky, Inc. v. Williams** -- The Department filed an amicus brief in the U.S. Supreme Court arguing that the U.S. Court of Appeals for the Sixth Circuit in Toyota Motor Manufacturing, Kentucky, Inc. v. Williams mistakenly ruled that the plaintiff was substantially limited in the major life activity of performing manual tasks, and therefore was a person with a disability, because of her inability to perform the tasks involved in a narrow range of assembly line jobs. The plaintiff assembly line worker alleged that Toyota refused to reassign her to her former job when her new job exacerbated her carpal tunnel syndrome and tendinitis in her hands and arms by requiring her to grip a block of wood and to keep her hands and arms around shoulder height repetitively over several hours. Despite her impairments she was able to perform many other work-related manual tasks as well as certain manual tasks unrelated to work, such as brushing her teeth, laundering, and some driving. The Department's brief argued that to consider the plaintiff to be disabled because of the inability to perform the manual tasks associated with only a narrow range of assembly line jobs undermines the ADA's test for substantial limitation in the major life

activity of working which requires the inability to perform either a class of jobs or a broad range of jobs in various classes. It also argued that the Sixth Circuit distorted the test for substantial limitation in performing manual tasks by limiting it only to tasks performed in connection with work. The brief asked the Court to send the case back to the Sixth Circuit for reconsideration under the correct legal standards.

**Title II**

**Access Living of Metropolitan Chicago v. Chicago Transit Authority** -- See "Decisions," above.

**Title III**

**Rendon v. Valleycrest Productions** -- The Department filed a brief in the U.S. Court of Appeals for the Eleventh Circuit arguing that

the selection process for the television quiz show, "Who Wants to Be a Millionaire," is covered by the ADA. Plaintiffs sued the producers of the show alleging that the contestant selection process, which is conducted exclusively over touch-tone telephones, violates the public

accommodations provisions of the ADA by effectively screening out individuals with hearing and upper-body mobility impairments. The district court dismissed the suit, holding that title III does not apply to the telephone selection process

because it is not connected with any physical "place of public accommodation." On appeal, the Department's brief argues that the television show is a privilege or service of the television studio which, as a place of "exhibition or entertainment," is a place of public accommodation and that the screening process is covered by title III because it is a required step for participating in the show.

**Amicus Briefs**

**President Bush Signs Olmstead Executive Order** -- President Bush issued an Executive order to carry out his New Freedom Initiative's commitment to swift implementation of the Supreme Court's decision in Olmstead v. L.C. The Court held in Olmstead that unjustified isolation or segregation of qualified individuals with disabilities through institutionalization is a form of disability-based discrimination prohibited by title II of the ADA. States must act to avoid this type of discrimination unless doing so would result in a fundamental alteration in the nature of the service, program, or activity provided by the State. The Order, entitled "Community-Based Alternatives for Individuals with Disabilities," calls upon the Department of Justice and certain other Federal agencies, in coordination with the Secretary of Health and Human Services, to work together to help States assess their compliance with Olmstead and to provide technical assistance to assist States in meeting the goals of title II of the ADA. These same agencies, the Social Security Administration and the Departments of Justice, Health and Human Services, Education, and Labor, are directed to evaluate whether any of their policies, programs, statutes, or regulations should be revised to improve the availability of community-based services for qualified people with disabilities. Finally, the Order directs the Attorney General and the Secretary of Health and Human Services to fully enforce title II of the ADA, including complaints alleging unjustified institutionalization. Wherever possible the two agencies are to work cooperatively with the States and to use alternative dispute resolution to resolve these complaints.

## B. Formal Settlement Agreements

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

### Title I

**Mobile, Alabama** -- The Department and the City of Mobile, Alabama, resolved a charge filed with the Equal Employment Opportunity Commission by an individual who applied for a position with the Mobile police department but was rejected because of his heart condition. He was subsequently hired by the Daphne, Alabama, police department. The agreement requires the Mobile police department to pay the individual \$2,500 in compensatory damages, provide ADA training to its employees who participate in employment decisions, and give notice to employees of their ADA rights.

### Title II

**\*\* New Project Civic Access Agreements** -- The Department has signed 10 additional agreements under the Department's Project Civic Access initiative, a wide-ranging effort to ensure that cities, towns, and villages comply with the ADA. Project Civic Access is dedicated to removing barriers to all aspects of civic life, including courthouses, libraries, polling places, police stations, and parks. The new agreements cover --

Fairbanks, Alaska;  
Washington, D.C (Department of Consumer and Regulatory Affairs; Department of Employment Services);  
New Albany, Indiana;  
Mt. Pleasant, Michigan;  
Seward, Nebraska;  
Boulder City, Nevada;  
Santa Fe, New Mexico;  
Fajardo, Puerto Rico;  
Guanica, Puerto Rico; and  
Narragansett, Rhode Island.

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

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

**Willowbrook, Illinois** -- The Willowbrook Police Department agreed to provide appropriate auxiliary aids, including sign language interpreters, when necessary to ensure effective communication with persons who are deaf or hard of hearing. Willowbrook also agreed to train its employees on issues of effective communication in police situations, including arrests.

**Fayette County, Ohio** -- The Department entered into a settlement agreement with the sheriff's department of Fayette County, Ohio, resolving a complaint alleging that the county failed to respond to a 9-1-1 call from TTY user. The county agreed to maintain a TTY at each call-taking position in order to ensure direct, effective 9-1-1 access to TTY users;

include TTY equipment in the county's power failure contingency plans; establish a working relationship with deaf individuals to assist in evaluating the 9-1-1 system; check all open line calls to see if they are coming from a TTY caller and respond appropriately; and maintain a comprehensive training program for every 9-1-1 call-taker.

**Ben Hill County, Georgia** -- The Department reached an agreement with Ben Hill County, Georgia, resolving a complaint that the county courthouse was not accessible to people with mobility impairments. The county agreed that within nine months it will install an accessible ramp, construct accessible toilet rooms, and install an elevator to the second floor. Until construction is completed, the county will relocate activities when necessary to meet the ADA's program accessibility requirements.

**Formal  
Settlement  
Agreements**

**Cudahy, Wisconsin** -- The Cudahy Police Department agreed to adopt and implement a policy requiring the provision of auxiliary aids and services, including sign language interpreters, when necessary to ensure effective communication with individuals who are deaf or hard of hearing.

**Title III**

**Advocate Ravenswood Hospital Medical Center, Chicago, Illinois** -- The Department signed an agreement with Advocate Ravenswood Hospital Medical Center resolving a complaint that the hospital did not provide a deaf patient with a sign language interpreter or TTY's during her stay at the hospital. The hospital agreed to establish a comprehensive program to provide appropriate auxiliary aids and services to patients, their families, and their companions who are deaf or hard of hearing and annual training to hospital personnel and affiliated

physicians. The hospital will also contribute \$15,000 to a disability advocacy group in the name of the now deceased complainant.

**Ramada Inn\Country Kitchen Restaurant, Little Rock, Arkansas** -- A Little Rock restaurant agreed to post a written policy for customers welcoming individuals and their service animals. The complainant, who is hard of hearing and uses a service animal, alleged that the Ramada Inn\Country Kitchen Restaurant requested to see the dog's identification card and certification documents in violation of title III. The agreement also requires the restaurant to post a written policy for its employees that briefly describes service animals and how they are used by individuals with disabilities. The policy states that, in cases of doubt, employees should allow the animal to enter if, when questioned, the customer says it is a service animal.

**Concorde Career Colleges, Inc., Mission, Kansas** -- The Department entered into a settlement agreement with Concorde Career Colleges, Inc., headquartered in Mission, Kansas, successfully resolving a title III complaint involving its admissions policy. The complaint alleged that officials at Concorde's campus in Garden Grove, California, required a prospective nursing student with severe scoliosis (lateral curvature of the spine) either to sign a document acknowledging the demands of the training and releasing the college from liability or to obtain a doctor's statement that he was capable of meeting the demands of the program. Nondisabled students were not subject to this requirement. Under the agreement, Concorde agreed to refrain from imposing extra admission requirements on prospective students with disabilities, to ensure that its admission eligibility criteria are nondiscriminatory, and to pay the complainant \$3,000.

**Mississippi Commission for International Cultural Exchange** -- The U. S. Attorney for the Southern District of Mississippi reached an agreement with the Mississippi Commission for International Cultural Exchange, which sponsors the Majesty of Spain Exhibit in Jackson, Mississippi. The Agreement requires the commission to take numerous steps to improve access to persons with disabilities, including installing a ramp to the front entrance, lowering service counter heights, installing signs with Braille and raised lettering, installing wheelchair seating in the theater, lowering slopes along interior routes, installing visual fire alarms and text telephones, modifying restrooms, providing sign language interpreters, providing alternate formats of exhibits and information, allowing persons with disabilities to be accompanied by service animals, designating an accessibility coordinator, and training staff and volunteers.

## 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

A New York town installed accessible entrances, doors, restrooms, parking spaces, curb cuts providing for an accessible route to its town hall, and installed appropriate signage throughout the facility.

A municipal correctional center in Virginia installed accessible holding cells, toilet stalls, lavatories and showers and issued a manual including guidelines for ensuring the physical and mental welfare of incarcerated persons with disabilities.

A Missouri town now offers curb side service to individuals who are unable to enter the inaccessible city hall and agreed to move board of aldermen meetings to an accessible location with 48 hours' notice and to make reasonable efforts to relocate when notice is less than 48 hours.

A Washington municipality created a designated wheelchair accessible parking space at its visitor information center.

A Washington county completed a county-wide transition plan.

### Title III

A Colorado Springs hotel provided more accessible parking, obtained hearing aid compatible public phones and one public text telephone, acquired more assistive technology for guest rooms, and altered guest rooms to make them accessible.

A Maryland hotel purchased a fully accessible wheelchair van for use as an airport shuttle.

A commercial facility in Colorado added signage to the front of the building directing patrons to the accessible entrance.

A Louisiana hotel purchased five communication kits including TTY's, strobe smoke alarms, vibration alarm clocks, strobe door beacons, and sonic alert door signals. It also placed a telephone in the lobby with a sign stating that a TTY is available and posted two other signs at the front desk informing the public of the availability of auxiliary aids and devices for guests who are deaf or hard of hearing.

An Atlanta, Georgia, medical clinic constructed an accessible ramp to its front entrance.

A private tour operator in Savannah, Georgia, purchased an accessible trolley and an accessible minibus, made arrangements to lease accessible over-the-road buses upon demand, and agreed not to assess surcharges for use of accessible vehicles.

An Ohio health care provider agreed to provide effective communication by adopting a policy of providing qualified sign language interpreters, posting signs, and educating its staff about its ADA responsibilities.

A Hawaii shuttle service initially made arrangements with another transportation company to provide accessible service to patrons who use wheelchairs and subsequently purchased an 11-passenger van equipped with a wheelchair lift.

## II. Mediation

**Under a contract with the Department of Justice, The Key Bridge Foundation receives referrals of complaints under titles II and III for mediation by professional mediators who have been trained in the legal requirements of the ADA. An increasing number of people with disabilities and disability rights organizations are specifically requesting the Department to refer their complaints to mediation. More than 450 professional mediators are available nationwide to mediate ADA cases. Over 80 percent of the cases in which mediation has been completed have been successfully resolved. Following are recent examples of results reached through mediation.**

- In California, a couple with mobility impairments complained that a national chain restaurant refused their request to sit in chairs at the end of a booth, because their disabilities made it difficult to enter and exit booth seating. They also complained that the manager was rude to them. The restaurant agreed to add accessible, free-standing tables and chairs in addition to booth seating and disciplined the manager involved in the incident. The restaurant also wrote a letter of apology to the couple, offered them a complimentary meal when the new seating had been installed, and paid them \$400.
- A person with a mobility impairment complained that a Pennsylvania hotel offered only one class of accessible rooms, all at the highest room rate at the hotel, but two classes of inaccessible rooms. The hotel chain agreed that, in properties where only one class of accessible rooms was available, the accessible rooms would be made available at the rate for the lowest class of inaccessible rooms. The chain communicated this policy to both its owned and franchised properties.
- In Utah, an individual whose child has a mobility impairment complained that a restaurant did not have an accessible entrance. The parties initially agreed that the restaurant would create a new accessible entrance at the side of the building, but the town refused to issue building permits because it would have encroached on the narrow drive-through service lane. The parties then agreed that the restaurant would obtain a portable ramp, install a doorbell with appropriate signage at the entrance, and train its staff on where the ramp would be stored as well as how to use the ramp.
- In Florida, a wheelchair user complained that an insurance agency did not have an accessible entrance. The business immediately constructed an accessible ramp at its entrance.

- A deaf individual complained that a Minnesota doctor's office failed to provide interpreter services for an appointment. The doctor agreed to provide interpreters when necessary and added telephone numbers of interpreters to the office telephone roster. The doctor also disciplined the employee who refused to provide the interpreter and apologized to the complainant.
- In Nevada, a wheelchair user complained that a major fast food restaurant was inaccessible because the entry doors were too heavy to open independently, that the queues that customers must pass through to place their orders at the service counter were inaccessible, and that carrying food to tables was difficult for some people with disabilities. The franchise owner agreed to reduce the opening pressure on the exterior doors, to install a buzzer and train employees to assist individuals to enter the restaurant, if needed. The owner also reconfigured the customer queue so that wheelchair users can order at the counter, and agreed to have employees deliver food and beverages to tables when requested, and to provide ongoing training to employees on ADA requirements.
- A wheelchair user complained that a Virginia shopping center did not have adequate signage for accessible parking. Because the signs were often knocked down by snow plows, the owner of the lot designed and installed a reinforced pillar system to post the signs and apologized to the complainant.
- In Colorado, an individual who is legally blind complained that a credit card company failed to provide effective communication. Although the company routinely provides large print monthly statements, the print was too small for the complainant to read. The company agreed to maintain an accessible website and worked with the complainant so he can now access the website to enlarge and print his monthly statements in a format usable by him. The company reaffirmed its commitment to continue to provide statements in large print and Braille and to provide telephone customer assistance 24 hours a day, seven days per week. The company also paid the complainant's attorney's fees.
- In Kentucky, a person who is deaf complained that a medical center failed to provide interpreter services when requested in advance. The medical center agreed to provide interpreter services in the future.
- A wheelchair user complained that a North Carolina strip mall had barriers that prevented him from entering the shops. The respondent installed curb cuts, a ramp, and appropriate signage.
- In California, a wheelchair user serving as a juror complained that the courthouse was inaccessible because the restrooms were not accessible, there was no accessible path of travel from the jury room to the courtroom, and the jury box was inaccessible. During mediation, it was learned the courthouse did have accessible courtrooms, jury rooms, and restrooms. The court informed all judges of the availability of accessible courtrooms, jury deliberation rooms, and bathrooms and implemented a new policy to move trials or other proceedings to one of the accessible courtrooms when needed to accommodate jurors with disabilities.
- In Nevada, a person who is hard of hearing complained that a casino and adjacent hotel were inaccessible to individuals who are deaf or hard of hearing. The complainant alleged that the casino did not provide assistive listening systems in its meeting rooms and that the hotel did not provide amplified telephones in guest rooms. The respondent installed an assistive listening system in its meeting rooms and amplified

Mediation

telephones in guest rooms designated as accessible for individuals with hearing impairments. The respondent also obtained TTY's and visual alarms and purchased new registration cards stating that accommodations for guests with disabilities are available.

- A wheelchair user who has paralysis on one side of his face complained that an employee of a Maryland restaurant insulted him, refused to serve him, and told him to
- In California, a wheelchair user complained that a restaurant did not have accessible parking. The respondent restriped the parking lot to provide accessible parking.

### III. 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, ADA Web Site, and Fax on Demand, developing and disseminating technical assistance materials, undertaking outreach initiatives, and coordinating ADA technical assistance governmentwide.**

#### ADA Web Site

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

- the toll-free ADA Information Line,
- the Department's ADA enforcement activities,
- the ADA technical assistance program,
- the ADA mediation program,

leave because of his appearance. The respondents modified their policies to include training on the ADA and appropriate conduct towards customers. They further agreed to welcome the complainant at the restaurant and provided him with a complimentary meal.

- proposed changes in ADA regulations and requirements, and
- certification of State and local building codes.

The home page also provides direct access to --

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

#### ADA Information Line

The Department of Justice operates a toll-free ADA Information Line to provide information and free publications to the public about the requirements of the ADA. Automated service, which allows callers to order publications for delivery by mail or fax, is available 24 hours a day, seven days a week. ADA specialists are available to answer specific questions 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.

**\*\* Department Issues Joint ADA “Ticket to Work” Guide --** The Department released a new technical assistance document entitled “A Guide for People with Disabilities Seeking Employment.” This new guide, published jointly with the Equal Employment Opportunity Commission and the Social Security Administration, explains the ADA employment rights of people who are receiving Social Security disability benefits, but who wish to become employed through the Social Security Administration’s new Ticket to Work program. The guide will be distributed nationwide through the Social Security Administration’s regional centers and is available through the ADA Information Line and the ADA Home Page.

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

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

**ADA Fax On Demand**

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

**Publications and Documents**

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

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

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

**\*\* President's New Freedom Initiative Promotes ADA Tax Credit** -- In a quarterly newsletter from the Internal Revenue Service to over six million businesses, President Bush, under his New Freedom Initiative, urged small businesses to take advantage of the Disabled Access Credit, a tax incentive program created in 1990 to help them comply with the ADA. The ADA Tax Incentive Packet is available from the Department of Justice through the ADA Information Line and the ADA Home Page.

## IV. Other Sources of ADA Information

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## V. How to File Complaints

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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 --

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

If you wish the complaint to be referred 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.