



ADA Live! EPISODE 3: ACCESSIBLE TEMPORARY EVENTS

Event Date: December 4, 2013

Presenters: Karen Hamilton, NC ADA Network, a project of the North Carolina Council on Developmental Disabilities

Host: Elaine Sutton-Mbionwu, Southeast ADA Center

VOICE OVER ANNOUNCER: Welcome to WADA. ADA Live Talk Radio. Brought to you by Southeast ADA Center, your leader for information, training and guidance on the Americans with Disabilities Act. And here's your host.

ELAINE SUTTON-MBIONWU: Good afternoon and welcome to WADA, ADA Live. On behalf of the Southeast ADA Center, Burton Blatt Institute at Syracuse University and the ADA National Network, we are excited to welcome our internet radio audience to the third installment of WADA ADA live.

My name is Elaine Sutton-Mbionwu. I am Assistant Project Director, and Training and Technical Assistance Director for the Southeast Center, and today's host. Welcome ADA live listening audience in the southeast region and around the country.

The Southeast ADA Center is pleased to have with us today an extremely knowledgeable and well-versed speaker on the topic of accessible meetings and events. Today's guest speaker is Karen Hamilton of the North Carolina ADA network, a project of the North Carolina Council on Developmental Disabilities.

Today, our guest speaker will address the legal and practical issues of planning accessible meetings and events. ADA Live listening audience, please note that you are able to call throughout the show to submit your ADA related questions, to have answered live by today's guest speaker, Karen Hamilton. The show's call in number is 646 595 2880. Again, the call in number is 646 595 2880.

Good afternoon, Karen, and thank you for spending time with the Southeast ADA Center's ADA Live listening audience today. Welcome.

KAREN HAMILTON: Thank you, Elaine.

ELAINE SUTTON-MBIONWU: We're going to start segment one of our show. I'd like to begin by addressing a couple of questions to you. And my first question is, craft workshops are very popular in the spring months. Some presenters use big heavy extension cords to run their equipment. Are organizers of such events required to cover this type of equipment?

KAREN HAMILTON: Well, Elaine, it really depends. In regards to the ADA, the extension cords should not block the accessible path of travel or access to goods and services. [Buildings or outdoor venues designed for complete accessibility can become inaccessible without proper attention when setting up temporary events such as craft workshops. A poorly placed extension cord can make your crafts workshop venue unusable to people with mobility disabilities. In regards the ADA, the extension cords need to be addressed if they are obstructing the accessible route or access to craft workshop activities for people with disabilities.]

The site that serves the craft workshops should have at least one continuous unobstructed accessible path of travel from your parking lot and your drop off areas, all the way into your building or your outdoor venues and then all the way to your craft workshop area. This accessible path of travel should also connect your amenities, such as your accessible restrooms and water fountains. In regards to access to goods and services, the layout of your crafts workshop, should have enough space so that people using wheelchairs or walkers or other mobility aids can maneuver around the temporary elements such as craft tables, booths, or tents. Also your displays and exhibit areas should be designed so that people can see and reach items from a seated position.

ELAINE SUTTON-MBIONWU: Great, thank you, Karen. And might I ask, is there a particular amount of space that needs to be allotted for between the areas in which folks are trying to access the goods and services?

KAREN HAMILTON: Typically 36 inches. You need a 36-inch wide path of travel through your venue and from - in - your outdoor areas also. One easy way to do this is to use a yardstick. Just travel through your event areas to make sure there's at least one accessible continuous, unobstructed, accessible path of travel.

ELAINE SUTTON-MBIONWU: Okay, thank you. Great, 36. Now question number two. If a business or another type of entity is using its own facility to host a job fair, are they required to provide a sign language interpreter?

KAREN HAMILTON: Well, both public and private businesses have responsibilities under the ADA to furnish what's called appropriate auxiliary aids and services, when necessary, to assure effective communication with individuals with disabilities. A qualified sign language interpreter is considered an auxiliary aid or service.

So, depending on the nature of the communication at the job fair, the ADA allows for some flexibility in determining what kind of effective communication solution you use. For example, if a person who is deaf is going to the job fair just to seek a list of job openings, exchanging written notes with an employer may be effective. However, if that person is going to participate in an actual interview during the job fair, effective communication would probably require a qualified sign language interpreter. Basically, because of the length, the nature and complexity of the type of conversation you'd have in an interview.

Also, folks should know that the revised ADA regulations permit you to use new technology such as video remote interpreting. This type of service provides on demand sign language interpreting services, delivered over a live Internet video connection to your PC, a laptop or even a tablet.

ELAINE SUTTON-MBIONWU: Okay, and Karen, who, who would pay for the interpreter? Whose responsibility is that?

KAREN HAMILTON: Basically all the businesses participating in the job fair have responsibilities under the ADA to provide effective communication. That includes the employers that are participating. The job fair organizers will need to negotiate how to cover the cost of the interpreter if one is needed. It's really important to plan in advance and build accommodations into your event budget so that doesn't come as a surprise.

Also, I didn't mention earlier that in your promotional and registration materials for the job fair, you should include and explain how an individual can request an accommodation, such as an interpreter. This particular information should include the contact information and the deadline for requesting accommodations.

ELAINE SUTTON-MBIONWU: Great. Thank you, Karen. My third question -- as we're talking about issues around conferences, meetings and events -- is a church is sponsoring a seminar that is open to non-church members, and attendees must purchase a ticket. An attendee is sensitive to perfumes, lotions, aftershave, et cetera and has asked that the conference planners request that all attendees not wear any chemicals or fragrances. What should the church do?

KAREN HAMILTON: Well, it depends on who's conducting the seminar. Religious organizations, such as a church are exempt from ADA Title III requirements for public accommodations. This covers all the activities of the church whether religious or secular. It could even be a secular seminar on a topic that has nothing to do with a religious theme. Still, the church would still not be required to meet ADA Title III regulations.

However, let's just use an example. For example, let's say your church sponsors a seminar for members and nonmembers alike. Even though the church is operating its facility that would be covered by the ADA, its operations are exempt from the ADA requirements for public accommodations.

However, the requirements are different if the church rents the facility to a nonreligious business to conduct the seminar. In this case, the nonreligious business that rents the church's facilities must meet the ADA Title III requirements for places of accommodation. So, it depends on who's conducting the seminar.

ELAINE SUTTON-MBIONWU: Okay, great. Let's say that a nonreligious business is conducting the seminar, are they required to have a scent-free meeting?

KAREN HAMILTON: It depends if the person making the request is a person with a disability as defined by the ADA. In order to be viewed as a disability, an impairment must substantially limit one or more major life activities. The ADA doesn't have any specific provisions that address chemical sensitivity. However, an individual major life activity of breathing, for example, may be substantially limited by chemical sensitivity to a degree that he or she is a person with a disability. When a person with this type of disability is making the request, you must make reasonable modifications to your policies and procedures. However, this should be done on case-by-case basis, so it would just depend.

ELAINE SUTTON-MBIONWU: It depends, okay. Excellent responses. ADA Live listeners, if you have a question you would like our guest speaker to answer, please call 646 595 2880.

Now, a word from our sponsors.

VOICE OVER ANNOUNCER: The North Carolina Council on Developmental Disabilities provides information, training and guidance on the Americans with Disabilities Act and disability access tailored to the needs of business, government and individuals at local, state and regional levels. The Council on Developmental Disabilities is located in Raleigh, North Carolina, and serves as the state affiliate of the Southeast ADA Center, a member of the ADA National Network. For answers to your ADA questions, contact the ADA National Network at 1-800-949-4232.

VOICE OVER ANNOUNCER: The ADA National Network provides information, guidance and training on the Americans with Disabilities Act tailored to meet the needs of business, government and individuals at local, regional and national levels. The ADA National Network consists of ten regional ADA centers in the United States providing local assistance to insure that the ADA is implemented wherever possible. The ADA National Network is not an enforcement agency, but a helpful resource supporting the ADA's mission, to make it possible for everyone with a disability to live a life of freedom and equality.

ELAINE SUTTON-MBIONWU: Welcome back, ADA Live listening audience, and Karen, thank you for joining us.

KAREN HAMILTON: Thank you.

ELAINE SUTTON-MBIONWU: We have a question that has come in from our listening audience that I'd like to pose to you, Karen. The caller states that a business is providing meals at its annual conference. A conference attendee has indicated they have food allergies. Must the conference coordinators provide a special meal prepared for the conference attendee? Interesting question.

KAREN HAMILTON: Well...as we talked about earlier, in order to be viewed as a disability under the ADA, an impairment must substantially limit one or more major life activities. The major life activities of eating and breathing, for example, may be substantially limited by allergies to a degree that that individual is a person with a disability. For example, this may include a person with severe nut allergies whose symptoms would include difficulty swallowing and breathing. When a person has this type of disability, you may need to make reasonable modifications to your food service policies, practices and procedures. This might include working with the individual on a case-by-case basis to address the needs of their specific food allergies.

Again, it's a case-by-case basis. For example, answering questions about ingredients on a menu, or omitting or substituting certain ingredients upon request. It doesn't mean you have to provide a special meal for that individual.

ELAINE SUTTON-MBIONWU: Okay, great. Karen, if any, are there any types of instances, specific to food allergies in which the entity is not required to comply with an accommodation request?

KAREN HAMILTON: Well...as we said earlier, the conference organizer should consult with the individual with a disability regarding their food allergy accommodation request. They must accommodate the food allergy unless doing so would result in an undue administrative or financial burden. But there's a different requirement for both public and private entities. A private business ultimately decides what specific measures they will take to accommodate the food allergy request.

For example, they may say, we cannot provide you with a specific gluten free meal that you're requesting, but we can substitute items off our existing menu for the meal of your choice.

However, it's different for public entities, such as state and local governments. They must give primary consideration to the exact request of the individual with the food allergies. Again, unless it would result in an undue administrative or financial burden.

ELAINE SUTTON-MBIONWU: Great, wonderful. Wonderful insight and responses. I'm sure people are really learning a lot about some of the issues around planning these conferences and how to meet the needs of individuals with disabilities. Thank you, Karen and thank you, caller, for that question.

All right, we're going to move into segment two of our show. And our question for Karen - a conference presenter receives a request from someone that is traveling from another state to attend their workshop. This individual is deaf and needs a sign language interpreter. The presenter thinks it will be too expensive to pay for an airline ticket plus the interpreting service. Does the presenter have to pay for an interpreter?

KAREN HAMILTON: If I understand you correctly, the person, they, the conference organizer is thinking they need to pay for an interpreter that is traveling with this individual to the meeting, is that correct?

ELAINE SUTTON-MBIONWU: Yes.

KAREN HAMILTON: Okay, well, the business conducting the workshop can't require an individual with disabilities to bring another individual to interpret for them. Likewise, your business is not required to provide for an aide to travel with the individual with disabilities. An individual with disabilities. The business responsibility is to ensure effective communication during the workshop. This might include a qualified sign language interpreter, in person or through the video remote interpreting services that we talked about earlier. The organization conducting the workshop is financially responsible for the cost of the auxiliary aid or service provided such as the interpreter.

ELAINE SUTTON-MBIONWU: Okay, all right great.

KAREN HAMILTON: Does that answer your question?

ELAINE SUTTON-MBIONWU: It does, definitely, in full. Karen, is there any type of cap or limit on the cost for paying for an interpreter?

KAREN HAMILTON: Well, the ADA doesn't address cost of paying for an interpreter. You'll need to negotiate that with the individual interpreter or interpreter service that you're

contracting with. Again, that's really important for that being negotiated and written in your contract.

ELAINE SUTTON-MBIONWU: In the contract up front, okay. Excellent. The next question, a business is hosting an event at a hotel, who is responsible for providing wheelchair access to the stage?

KAREN HAMILTON: Well, this is a common issue and a common question. Both hotel and the business or any of the hotel meeting space have responsibilities under the ADA to ensure that everyone, regardless of their disability have equal opportunity to enjoy the services and facilities offered by the event. If the hotel provides temporary stages or raised platforms, they must make these temporary elements accessible to people with disabilities, unless doing so would result again in an undue administrative or financial burden. In your contract, again, contracts are so important, in your contract with the hotel, make sure to include a list of all the accessible features that the hotel's going to provide for your events. Such as an accessible stage or assisted listening devices. This list should also include the cost, if any, of these accessible features.

And you have the most power to negotiate, of course, before you sign a contract with the hotel. Sometimes, if you need an accessible stage, it may need to be rented by you or the hotel from an outside company. In this case, the individual renting the stage should inquire about providing a ramp or other features that would make the stage accessible. Again, those accessible features should be addressed in your rental contract.

ELAINE SUTTON-MBIONWU: Okay, excellent. All right...what if we cannot secure an accessible stage?

KAREN HAMILTON: Well, the general, just general rule of thumb, if a stage is not accessible to all speakers, then you shouldn't use it. It's insulting to a speaker who uses a wheelchair, for example, to be the only person to present from below the stage.

ELAINE SUTTON-MBIONWU: Okay, all right. We need to make sure everyone has access during any type of meeting or workshop and no one is left out.

Okay, great, that's a lot, you know, I think a lot of times people miss that point of full inclusion. Folks having the accommodations they need in order to really be able to participate fully in these events. This is good information.

KAREN HAMILTON: I think sometimes we forget that we shouldn't only look at the accessible needs of our participants, but also of our speakers and other vendors or other exhibitors that are participating in your event.

ELAINE SUTTON-MBIONWU: Good point. Good point. Thank you, Karen.

My next question is, if a conference presenter is distributing handouts to seminar participants, must all of the handouts be in Braille format?

KAREN HAMILTON: Well...material, in accessible format such as Braille is another example of an auxiliary aid that can be provided on an as-needed basis. However, knowing your

audience is really key here. Your promotional and registration materials for the job should include and explain how an individual can request an accommodation, such as materials in Braille, and this information should also [include] the contact information and deadline for requesting accommodation to ensure there's enough time to order or produce the Braille materials. And again, you should also find out if participants who are not required to register, such as your presenters, performers, exhibitors have any disability-related needs.

So, to answer your question, it would depend if someone has requested information in Braille.

ELAINE SUTTON-MBIONWU: Okay. Typically, how much lead time is required for requesting documents in an alternative format?

KAREN HAMILTON: One to two weeks is standard practice. It's important for your business to have an existing procedure in place for producing and ordering, or ordering materials in Braille. This will allow you to fulfill that request as quickly as possible, especially if you have last-minute requests. Because you want to fill those if you can.

ELAINE SUTTON-MBIONWU: Okay, great. All right. My next question and the final question in this segment, if someone brings a service animal to the conference, am I responsible for walking it so it can relieve itself? Who's responsible?

KAREN HAMILTON: No, you are not responsible. A public entity or a private business is not responsible for the care or supervision of a service animal. The care and supervision of a service animal is ultimately the responsibility of the person using the service animal and they will need to make those arrangements.

ELAINE SUTTON-MBIONWU: Okay, great, ADA Live listeners, if you have a question you would like for our guest speaker to answer, please call 646 595 2880. Now, a word from our sponsors.

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ELAINE SUTTON-MBIONWU: Welcome back, ADA Live listeners. We have a couple more questions that have come in during the commercial break. Karen, I'd like you to take a stab at some of these questions here. The first question is from Jeremy, in Tennessee. He would like to know, when does a participant need to inform the host for alternate formats? In advance

of the event? What if someone just shows up and requests the alternate formats at the event?

KAREN HAMILTON: Well, it will depend on the, again, that's why it's so important to have a written policy and procedure in regards to alternate formats and basically, effective communication policy. The – It will depend on the policy of that particular event. Did they set a guideline in their registration and publicity materials stating that there would be a deadline for requesting particular materials in alternative formats, for example, as accommodations. The, as far as showing up to the day of an event, if that entity or the conference organizers have, you know, set a procedure in place and the person shows up at the last minute, they still should try their best to fulfill that request, but they're not required to do that. It'd just be an - if they can that would be great. If you have procedures in place, many times you're able to do that. Sometimes you're not. So, it just depends.

ELAINE SUTTON-MBIONWU: Right. I've seen where at some conferences, they're able to produce alternate formats on-site to address some of those last minute requests. I think that's far and few in between.

KAREN HAMILTON: That's the reason it's good to have a procedure written down and ready, so that you know, if you have that capability, why not have it available at your event?

ELAINE SUTTON-MBIONWU: Right, okay, great. Another question has come in and Karen, the caller is asking, what is audio-visual description and are conference planners required to provide this?

KAREN HAMILTON: Well, an accessible meeting allows everyone to understand the presentation and to participate in the discussions. So description of the visually-presented materials is considered an auxiliary aid or service to promote effective communication. So, audio-visual description, basically, that is a term used to, that is used to describe the key visual elements in a video or multimedia product. This allows the individual who is blind to access the content that is not accessible, simply by listening to the audio. In audio description, narrators can describe actions, gestures, scene changes and other visual information as in a video or a movie, for example. Audio description in this case is usually done by a professional and can be added to a video, much like you would do to add closed captioning.

However, a low tech example of audio description can involve a workshop speaker describing the titles, pictures and other text that might appear on the screen of a PowerPoint presentation. But if providing a particular auxiliary aid or service, such as audio description at a meeting would result in an undue burden for the business, the business is not required to provide that exact service. However, they must try to find an alternate auxiliary aid or service that will not result in an undue burden but ensure that participants with disabilities can participate fully in the session or workshop. Basically, talk to your participants to find out the best solution.

ELAINE SUTTON-MBIONWU: Okay. And so, again, this is like on a case by case basis and the whole interactive process around finding the best possible solution is very important in a situation such as this.

KAREN HAMILTON: Yes, but also, when you're producing videos for your organization or about a specific topic, just like you would consider adding closed captioning for those videos, you should also consider adding video descriptions. I know that the Southeast ADA Center and the National ADA Network has resources to learn more about audio description and how you can use that with videos and information that other organizations have also.

ELAINE SUTTON-MBIONWU: Okay, it should become a standard practice is what you're saying.

KAREN HAMILTON: It's not one yet, necessarily, but it's one that, well, should be.

ELAINE SUTTON-MBIONWU: Okay. Okay. All right, well Karen, I thank you so, so very much for taking the time out of your schedule today to join us on WADA ADA Live and providing us with a wealth of information on the issues surrounding planning meetings and events and how to make them accessible and accommodating the needs of individuals with disabilities.

KAREN HAMILTON: Thank you. I enjoyed it.

ELAINE SUTTON-MBIONWU: Great, at this time, again, formally I would like to thank our guest speaker, Karen Hamilton of the North Carolina ADA Network, a project of the North Carolina Council on Developmental Disabilities, for joining us today - and to our ADA Live listening audience. The Southeast Center is extremely grateful for your support and participation in our show today. ADA Live listening audience, if you would like to continue this discussion, please join the Southeast ADA Center in our online discussion at ADA Live.org from 1:30 pm to 2:30 pm. Don't forget to tell a friend about ADA Live. Like us on Facebook. Tweet about ADA Live or share an update with your LinkedIn colleagues. Join us next month on the second Tuesday, January 8th, 2014 when we will discuss effective communication. The staff at the Southeast ADA Center wishes you happy holidays and a happy new year. See you next month on WADA ADA Live.

VOICE OVER ANNOUNCER: Thank you for listening to ADA Live Talk Radio, brought to you by the Southeast ADA Center. Remember to join us the first Wednesday of each month for another ADA topic and you can call 1 800 949 4232 for answers to your ADA questions.

(End of session at 1:30 p.m.)

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