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Defining The Term, “Accessibility”.

I am often asked to define the term, “accessibility” so I thought this newsletter might be a good place to repeat what I often tell Springboard’s clients.

Accessibility is a general term used to describe the degree to which a product, device, service, or environment is available to as many people as possible. Accessibility is often viewed as an individual’s ability to access and/or benefit from some system or entity. It is a term often used in relation to people with disabilities or special needs and their right of access to entities, which is often through the use of assistive technology. In this issue, you will hear about products of accessibility developed by Disability Matters Employer of Choice Honoree, Cisco. You will also learn about assistive technology solutions specifically for individuals who are deaf or hard of hearing from TDI and learn that with those solutions, these individuals can do anything. In reading these articles, please keep in mind that accessibility should not to be confused with usability which is a word typically used to describe the extent to which a product, service or even an environment can be used by specified users to effectively achieve specified goals.

Accessibility is also strongly related to the concept and practice of universal design. In fact, in the article on responsible and inclusive tourism, you will learn about seven principles of universal design which also figure into such documents as the Americans with Disabilities Act (ADA) and the United Nations Declaration on the Rights of Persons with Disabilities (CRPD). As you will

2012 Disability Matters

United States:
April 18-19, 2012,
Newark, NJ

International:
March 2012,
Paris, France

Stay Tuned for more!

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read in the article, America and the CRPD, U.S. ratification of the CRPD has the potential of awakening existing U.S. federal legislation to become a true catalyst for change and achievement of international disability rights as the U.S. lends its expertise worldwide. This is especially important as on July 19th, the United States celebrates the 21st Anniversary of the ADA which comes on the tail of the final ADA Amendments Act of 2008 (ADAAA) being approved. While everyone seems to be focused on the critical changes brought about by these regulations, this newsletter will feature an article focused on an equally important topic; what hasn't changed about the ADAAA.

Finally, I want to remind everyone that you can learn quite a bit about all aspects of accessibility in the workforce, workplace and marketplace, including accessibility of thought, by attending the 2012 U.S. Disability Matters Awards Banquet & Conference to be held on April 18-19th at Prudential headquarters in Newark, NJ. Early-bird sponsor opportunities are still available so please visit <http://www.consultspringboard.com/2011/sponsorship-form-2012-us/> to learn more and reserve your seats today. Space is extremely limited for what has been a completely SOLD-OUT event the last three years.

I wish you all a wonderful summer and look forward to connecting with you again soon.



Nadine

The ADA Inquirer:

by Shelley A. Kaplan, Manager ADA Services, Springboard Consulting, LLC

WHAT THE ADAAA DOES NOT CHANGE

The ADA Amendments Act of 2008 (ADAAA) was enacted on September 25, 2008 and became effective on January 1, 2009. The final regulations were approved by a bipartisan vote and published on March 25, 2011.

The EEOC regulations implement the ADAAA -- in particular, Congress's mandate that the definition of disability be interpreted broadly to make it easier for individuals seeking the law's protection to demonstrate that they meet the definition of "disability." Congress found that persons with many types of impairments -- including epilepsy, diabetes, multiple sclerosis, major depression, and bipolar disorder -- had been unable to bring ADA claims because they were found not to meet the ADA's definition of "disability." Congress thought that individuals with these and other impairments should be covered. In keeping with Congress' direction that the primary focus of the ADA is on whether discrimination occurred, the determination of disability should not require extensive analysis.

The ADAAA, however, did not change the basic legal requirement--employers must not discriminate against individuals with disabilities who are qualified for a job, with or without reasonable accommodation.

This article focuses on what in the law remains the same and offers some basic tips you should consider implementing if you haven't done so already.

EEOC's regulations keep the ADA's definition of the term "disability" as a physical or mental impairment that substantially limits one or more major life activities; a record (or past history, such as cancer that is controlled or in remission) of such an impairment; or being regarded as having a disability. How those terms should be interpreted is a topic for another time! Disability discrimination still occurs when an employer treats a qualified individual with a disability who is an employee or applicant unfavorably because s/he has a disability. Disability discrimination also occurs when an employer treats an applicant or employee less favorably because s/he has a history of a disability (such as cancer that is controlled or in remission) or because s/he is believed to have a physical or mental impairment that is not transitory (lasting or expected to last six months or less) and minor (even if s/he does not have such an impairment).

Employers are still required to provide reasonable accommodation to an employee or job applicant with a disability, unless doing so would cause significant difficulty or expense for the employer ("undue hardship").

The ADA Inquirer - Continued

The ADAAA does not change the part of the ADA that talks about drug use. Employers can still refuse to hire or fire someone because s/he is currently engaging in the illegal use of drugs. But remember, a person who no longer engages in the illegal use of drugs may be an individual with a disability if s/he: a) has successfully completed a supervised drug rehabilitation program or has otherwise been rehabilitated successfully, or b) is participating in a supervised rehabilitation program (e.g., Alcoholics Anonymous or Narcotics Anonymous).

The ADAAA does not change the requirement that an individual with a disability be “qualified” for a job. An individual is qualified for a job if s/he can meet a job’s general requirements -- e.g., skills, education, experience -- and can perform the essential job duties, with or without reasonable accommodation. The ADAAA now refers to “individual with a disability” and “qualified individual” as separate terms in order to shift the primary focus of an ADA inquiry to whether discrimination occurred, not whether an individual meets the definition of “disability.” An individual must still establish that he or she is qualified for the job in question.

Although an employer may not refuse to hire a person with a disability for discriminatory reasons (e.g., because she needs a reasonable accommodation), it may still hire the best qualified person for a job. The law asks employers to provide an “equal opportunity”. Only federal employers have an affirmative action requirement to hire qualified individuals with disabilities.

No changes have been made that affect workers’ compensation laws or Federal and State disability benefit programs. The ADAAA and the regulations specifically state that changes to the ADA do not alter the standards for determining eligibility for benefits under State workers’ compensation laws or under Federal and State disability benefit programs.

The process for providing reasonable accommodation has not changed. Generally, a person with a disability still has to make a request for an accommodation, and an interactive process between the person with a disability and the employer may still be necessary to determine an appropriate accommodation. As part of this process, an employer may still ask for reasonable documentation showing a disability and a need for a reasonable accommodation where the disability and need for accommodation are not obvious or already known. However, since the definition of disability has been broadened, it’s important to note that **documentation may focus less on whether the person has a disability and more on the need for an accommodation.** An employer is still not required to provide an accommodation that would cause the employer an “undue hardship,” meaning significant expense or difficulty. An employer does not have to provide a reasonable accommodation to an individual who only meets the “regarded as” definition of disability.

The ADA Inquirer - Continued

Nearly all of the ADAAA's changes only affect the definition of "disability." Key ADA terms, such as "qualified," "direct threat," "reasonable accommodation," and "undue hardship" have not changed. Furthermore, the burdens of proof applicable to each one, have not changed. As in the past, an employer does not have to employ a person who poses a "direct threat," meaning significant risk of substantial harm to the health or safety of the individual or others. However, this is a **stringent standard requiring an individualized assessment** of the risks posed by a specific person with a disability in a particular job. An employer cannot rely on generalized information about a disability, or on myths, fears, or stereotypes about a disability when excluding someone on the basis of health or safety concerns.

TIPS FOR COMPLIANCE WITH THE ADAAA

The ADAAA does not apply retroactively. For example, the ADAAA would not apply to a situation in which an employer allegedly failed to hire, terminated, or denied a reasonable accommodation to someone with a disability in December 2008, even if the person did not file a charge with the EEOC until after January 1, 2009. The original ADA definition of disability would be applied to such a charge. However, the ADAAA would apply to denials of reasonable accommodation where a request was made (or an earlier request was renewed) or to other alleged discriminatory acts that occurred on or after January 1, 2009.

So what can employers do to make sure they comply with the ADAAA and the EEOC's regulations? Here are just a few action steps for your consideration.

1. Make disability an integral part of your diversity program. Employers of choice value and actively seek out qualified people with disabilities to join their workforce. Americans with disabilities are an essential and underutilized part of our workforce. People with diverse backgrounds, experiences and ways of thinking can positively change your products, your services, and even your company.
2. Schedule general ADA-related training sessions for all employees. Employers of choice make sure that their workforce knows how to respond to various situations in a positive manner. Training should include, at minimum, sessions on disability etiquette, workplace safety, and ways to make the workplace welcoming, inclusive and culturally competent.
3. Deliver ADA training to associates in human resources, recruiting, diversity and people management. Training focused on the application and process, including issues of documentation, is critical. Keeping in mind that if a manager fails to recognize an employee's request for accommodation, the employer may well be liable – even absent evidence of intentional discrimination.

The ADA Inquirer - Continued

4. Review all company communications, both internal and external. Effective communication isn't just an accommodation...it's a business imperative. Liaise with business group leaders to ensure disability information and/or awareness is woven into company messaging and collateral.
5. Review any policies and business processes that may address disability or otherwise affect individuals with disabilities (e.g., leave policies and policies for providing reasonable accommodations) to ensure they comply with the ADA and ADAAA.
6. Consider hosting a company event on July 26th or anytime in July to mark the 21st Anniversary of the ADA. This simple activity can raise awareness of workplace issues that affect people with disabilities in a positive way.

Contact Springboard Consulting today at [973-813-7260](tel:973-813-7260) or email us at info@consultspringboard.com to develop and execute a strategic plan that encompasses all of the above. Springboard provides training, offers an ADA Hotline, ADA/Accommodation tool-kits, Disability Mentor Days, celebratory events and much more.

The Travel Spot:

by Scott Rains, *The Rolling Rains Report*

When Responsible Tourism is Also Inclusive Tourism

First published by, **destination**  **magazine**

If we start with the world's authority on everything, Wikipedia, we discover that:

“Responsible Tourism is tourism ‘that creates better places for people to live in, and better places to visit’...

Responsible tourism and sustainable tourism have an identical goal, that of [sustainable development](#). The pillars of responsible tourism are therefore the same as those of [sustainable tourism](#) – environmental integrity, social justice and maximising local economic benefit. The major difference between the two is that, in responsible tourism, individuals, organisations and businesses are asked to take responsibility for their actions and the impacts of their actions. ’

This approach, that calls the travel and hospitality industry to hold itself to a Triple Bottom Line as it measures its financial, social and environmental performance over time, is also reflected in the work of Simon Darcy of Sydney University of Technology. Darcy writes on the inclusion of travelers with disabilities in what is variously referred to as accessible or access tourism, tourism for all, or inclusive tourism. He defines this lifespan sensitive approach to the consumers (and providers) of tourism as:

... a form of tourism that involves collaborative strategically planned processes between stakeholders that enables people with access requirements, including mobility, vision, hearing and cognitive dimensions of access, to function independently and with equity and dignity through the delivery of universally designed tourism products, services and environments. This definition adopts a whole of life approach where people through their lifespan benefit from accessible tourism provision. These include people with permanent and temporary disabilities, medical conditions, seniors, families with young children and those working in safer and more sustainably designed environments (adapted from Darcy & Dickson, 2009, p. 34).

Immediately this approach challenges the Responsible Tourism movement to expand its statement of responsibility.

The 2002 Cape Town Declaration on Responsible Tourism in Destinations set a baseline

The Travel Spot - Continued:

goal with its principle that RT “provides access for physically challenged people.” Darcy’s approach suggests that this is only partially inclusive. The Declaration does not refer to the dimensions of access required by those occupying the full range of diversity in vision, hearing and cognitive capacity. In so doing it fails to fully challenge the common, but false, assumption of homogeneity in the industry’s customer and worker base. Limited to addressing those with mobility impairments the Declaration stops short of articulating its two pillars of social justice and maximized local benefit in reference to diversity in the human functional capacities of tourists and those who work in the industry.

It also assumes that those not currently experiencing what are commonly referred to as disabilities will not experience those functional limitations in the future. That may be temporarily through minor injury, illness, pregnancy, or even intoxication. It may be permanently through major injury, chronic illness, or the natural processes of aging.

Surprisingly it has been the environmental sustainability movement, through the LEED green certification, that has recognized the very practical environmental impact of full inclusion on the lifecycle of a building. The increasing numbers and proportion of seniors in the world’s population is a significant market trend in tourism. To meet the opportunity of that demand the industry must design for one of the most obvious outcomes of aging – the diminishment of stamina and capacity. Alert to the implications of this fact, LEED provides certification points to buildings that apply the seven principles of Universal Design. Why? Because accommodation to travelers feeling the effects of aging will require retrofitting of poorly designed buildings. Retrofitting produces a waste flow. It requires double production of building materials resulting in a doubling of use resource consumption as well as production waste.

Retrofitted solutions “break” the design esthetic signaling to all that accessibility was an afterthought just as surely as considering persons with disabilities as customers was a grudging accommodation.

To prevent “designing exclusion in concrete” inclusive tourism promotes these seven principles of Universal Design:

1. **Equitable Use:** The design does not disadvantage or stigmatize any group of users.
2. **Flexibility in Use:** The design accommodates a wide range of individual preferences and abilities.
3. **Simple, Intuitive Use:** Use of the design is easy to understand, regardless of the user's experience, knowledge, language skills, or current concentration level.
4. **Perceptible Information:** The design communicates necessary information effectively to the user, regardless of ambient conditions or the user's sensory abilities.

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5. **Tolerance for Error:** The design minimizes hazards and the adverse consequences of accidental or unintended actions.
6. **Low Physical Effort:** The design can be used efficiently and comfortably, and with a minimum of fatigue.
7. **Size and Space for Approach & Use:** Appropriate size and space is provided for approach, reach, manipulation, and use, regardless of the user's body size, posture, or mobility.

Source: <http://www.adaptenv.org/index.php?option=Content&Itemid=25>

These seven principles figure also in such documents as the Americans with Disabilities Act (ADA) and the United Nations Declaration on the Rights of Persons with Disabilities (CRPD).

The entire argument for inclusion in tourism as a practical and responsible approach resolves back to some very detailed discussions model of what constitutes “disability.” Contrary to common usage disability is not simply the lack of human functionality. Disability includes a socially constructed and reinforced reality in response to difference in human functionality. Change in the response changes the disablement.

The disability rights movement in the US tends to promote what is called the Social Model of Disability. Mankoff, Hayes, and Kasznitz explain in “*Disability Studies as a Source of Critical Inquiry for the Field of Assistive Technology*”:

A basic tenet of this movement is that while impairment is seen as a physical or biological condition of a person (meaning that a limb, organ, or function of the body is somehow negatively different), disability is a form of exclusion propagated by a society that marginalizes or discriminates against people who are seen as being impaired. For example, deafness is an impairment (hearing is lacking). However, in a town where everyone communicates through sign language [18], deafness may not be perceived as a disability.

Source: <http://www.cs.cmu.edu/~assist/publications/10MankoffASSETS.pdf>

They continue:

...when social models are more dominant, attempts to “fix” disability naturally turn outward toward problems of access, oppression, and activism. Medical models can be characterized by a focus on fixing an impairment; social models may lead to a shift from “cure to care” [74], in which “patients,” not clinicians, become the leaders in managing their conditions [8], and societal change is also part of the solution. The

The Travel Spot - Continued:

social model and the associated independent living movement promotes a belief that self-advocacy and peer support are first steps to full participation in society, citizenship, and leadership development [31].

Here a vision arises of the disability community as non-stigmatized, even a positive through unique values, lifestyles, and social contributions. This approach of acceptance of the diversity of a range of human diversity in capacity rises to the level of human rights law in the CRPD where Article 30 establishes a positive right to inclusion in tourism, sport, and leisure activity just as the earlier Convention on the Rights of the Child established a right to inclusion in play.

A fully inclusive vision of Responsible Tourism will speak to a full spectrum of functional capacities and impairments across physical mobility as well as sensory and cognitive areas. It will speak to persons experiencing disability on both sides of the industry ecosystem: as tourism product consumers and as tourism product suppliers. To be sustainable in all senses Responsible Tourism will acknowledge the environmental benefits of Universal Design, the justice claims of the disability community through national legislation such as the ADA and international law such as CRPD, and the local economic development leveraged through accessible tourism infrastructure, skilled customer service that attracts travelers with disabilities, and incorporation of local people with disabilities into the tourism workforce.

The Technology Wire:

by Jim House, Director of Public Relations

Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI)

We Can Do Anything ... Except Hear Well

For many employees and applicants with hearing disabilities, the title has become their creed in life. How do supervisors and human resources respond to qualified applicants wanting to work or advance in your company? What messages are perceived by aspiring employees who want to boost their productivity?

Value All of Your Employees

For companies who believe that loyal employees are valued assets in every workplace, understand the wisdom of providing tools so they can fully function and perform all the duties they were hired to do. Over time, they accumulate skills and experience that cannot be fully duplicated elsewhere. They know what makes the workplace tick. The company that provides the tools for learning and adapts to changing needs within and without is a winner and so are the employees.

The Americans with Disabilities Act (ADA) prohibits discrimination on the basis of disability when hiring or promoting employees in the workplace. The ADA requires most employers to provide reasonable accommodations to qualified workers with disabilities. Providing reasonable accommodations is usually a no-brainer. According to the Job Accommodation Network (at <http://askjan.org/>), the average cost of a half of all reasonable accommodations is less than \$500.00. To maximize an employee's productivity, eighty percent of accommodations cost less than \$1,000 and 20% costs nothing at all. This is also true of common accommodations for employees with hearing disabilities, especially with telephones.

Telephones: Then and Now

Back then telephones were more or less the same type of devices. One phone looked and functioned pretty much the same as any other phone. You pick up the handset, punch a few keys on a dial pad, wait for the connection and you have a conversation. Phones became so ubiquitous in our society that up until this century, it was virtually impossible for deaf and hard of hearing people to crack the sound barrier - which in this case was the ability to use the telephone on the job. Some people who are hard of hearing were able to use the phone if it had sufficient amplification. Yet, in some jobs, the required duties involved being on the phone throughout much of the daily shift. Many opportunities were out there, but we did not have the tools to work with back then. Now we have smart phones and wireless devices individually fitted for each person.

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One major development created by the ADA after its passage in 1990 was implementing a network of telecommunications relay services (TRS) in each state. TRS has bridged the communication divide between the person who is deaf or hard of hearing and his or her family, friends, co-workers and just about everyone else. At first, it was basically conversation between a text telephone or a TTY (sometimes known as TDD). Callers with hearing and speech disabilities used the TTY to call a relay service in order to be connected to a person with a traditional telephone. Over the years TRS took on many formats. There were special services for people with speech disabilities, deaf-blind TeleBraille users, and finally video for the fortunate few who had access to ISDN telephone lines. All types of relay services offered in each state could be reached by just simply dialing 7-1-1.

The Digital Dilemma

Then the Internet came - it created a dilemma. It became quickly obvious that this new infrastructure based on the flow of “zeroes and ones” between computers everywhere has torn down geographical and political barriers. The so-called “information highway” took our world and turned it up side down. With a computer connected to the Internet, you could order things from popular and obscure merchants that offer good deals, and not have to worry about sales tax in most cases. The government took a “laissez faire” approach, to allow market forces to shape the Internet with minimal intervention such as taxes, fees or even requirements for disability access.

By the time the ink dried on a new law, the Telecommunications Act of 1996, the rules were rendered nearly obsolete by this radical new technology. As a result, many Internet service providers say that the 20th century regulations should not apply in a 21st century world. Yet, we had many expectations based on the old model - such as being able to call 9-1-1 through VoIP phones. After all, a phone is a phone right? Not so fast - since the Internet does not use telephone lines that were regulated by the government, VoIP providers felt they should not have to pay for using relay services. If a video clip came from online instead of the airwaves, the requirement to caption the clip did not apply in the online world. Access to the latest telephones, television and other services grounded to a halt.

The language in the ADA Title IV that governs the use of the telecommunications relay services mandated that the Federal Communications Commission (FCC) “shall ensure that regulations prescribed to implement this section **encourage, ... the use of existing technology and do not discourage or impair the development of improved technology.**” *

The ADA also defines TRS as “telephone transmission services that provide the ability for an individual who has a hearing or speech disability to engage in communication ... in a manner

The Technology Wire - Continued:

that is **functionally equivalent** to the ability of an individual who does not have a hearing or speech disability to communicate using voice communication services...” *

This functionally equivalent benchmark allowed for funding of innovative relay services. Relay providers began to offer Internet protocol relay using instant messaging, captioned telephone and video relay using sign language interpreters. Since Internet addresses do not accurately pinpoint the caller's location, the bulk of relay funding shifted from the states to the Interstate TRS Fund, which pays communication assistants and sign language interpreters to relay phone calls between people with hearing and speech disabilities and everyone else. Just two years ago, deaf and hard of hearing people using Internet relay received their own ten digit phone numbers, which makes it much easier for hearing people to call them because their calls are automatically diverted to the relay provider that assigned the phone number. Other deaf people can call them directly without having to remember their IP addresses, which is a string of up to twelve digits that could change, depending on the owner's Internet service plan.

Today we have many examples of relay services. Whether the employee prefers to speak, sign or type, it is much easier to make telephone calls in the format of your choice. For a person who prefers to sign, there are videophones that you can download on your computer or devices you can hook up to a TV set. Captioned telephones enable people who can speak well enough to be understood to call directly to anyone, speak to the other party and read the responses back from the other person. Mobile applications are available that allow supervisors to stay in touch with their employees, no matter what their job entails.

Solutions Close By

Yet, people with disabilities found tremendous advantages to doing business online. If you look on a search engine, there are many websites with solutions. No more trips to the store. Large corporations such as utilities and computer software tech support teams began to offer live chat where a user seeking assistance can bypass the interactive menu systems on toll-free numbers by going online and chatting directly with a representative of the company. Government offices transferred many of their services online such as vehicle registration renewals and other tasks that used to require a trip downtown. Over time the virtual world opened up to people with disabilities. Employees benefited from the accommodations in other sections of the ADA to help them do their jobs.

Soon, a new wave of changes will come about, thanks to the 21st Century Communications and Video Accessibility Act (CVAA), a bipartisan supported law that was signed by Presi-

The Technology Wire - Continued:

dent Obama on October 8, 2010. When fully implemented, CVAA will bring about many changes that will benefit the worker. For a summary of CVAA, go to the Coalition of Organizations for Accessible Technology website at <http://www.coataccess.org/node/9776>

We do not have to wait for CVAA to be implemented. There are many accommodations that can be used to provide effective communications between employee and supervisor. The same solutions can be used to facilitate communication between employee and customer or vendor in the course of his or her duties. Other solutions are available that can be used to further professional training or disseminate company information to its clients or to the public.

Depending on the nature of the job, employees should have access to:

- Telephone / Communications
 - Video relay websites and equipment such as videophones or webcams
 - Live chat programs between employee and customers or clients
 - Captioned telephone equipment or websites
 - E-mail and FTP as needed
 - Instant Messaging
 - Amplified Phones
 - Social Network for business-related inquiries and promotional efforts
 - SMS and texting for communication among coworkers
 - Pagers or smart phones
- Training
 - Webinars with captioning and video as well as chat
 - Captioned movies, DVDs and online videos
 - Assistive listening systems

The TTY machines were hand-me-down technologies that businesses discarded to make room for computers fifty years ago. Eventually no one knew what a TTY was and it was difficult for deaf and hard of hearing people to compete in today's world without access to a common phone. Now modern devices are far more accommodating for people with disabilities.

Today's wireless devices have basic accessibility features built in and further enhancements are available online as "apps" that can be downloaded as needed.

These tools should give you a head start in accommodating deaf employees or customers. While you may want to ask them for suggestions on what works best for their particular needs, you could check with the Job Accommodation Network. Also, as one of CVAA's goals in creating access to advanced communication services and equipment, the new law has man-

The Technology Wire - Continued:

dated a clearinghouse of information on accessible products and services at the Federal Communications Commission.

An On-Demand, Personalized, Accessible, On-Ramp to the Internet

In an effort combining cloud computing, online and platform services to make accessibility simpler and more inclusive, [Raising the Floor](#), a consortium of academic, industry, and non-governmental organizations and individuals is building an open-source [Global Public Inclusive Infrastructure \(GPII\)](#) to make development, delivery and use of access technologies and services easier, less expensive, and more effective. The purpose of the GPII is to ensure that everyone who faces accessibility barriers due to **disability**, **literacy**, or **aging**, regardless of **economic resources**, can access and use the Internet and all its information, communities, and services for education, employment, daily living, civic participation, health, and safety.

Thanks to innovation and policy enhancements, barriers that existed just a few years ago are now coming down. As new technologies evolve, accessibility features are beginning to be integrated within common devices. Although more work lies ahead, yet TDI along with its sister organizations are ready to take on the challenge of ... Shaping An Accessible World!

If you have any questions about technologies or to make your business more accessible to deaf and hard of hearing employees and customers, feel free to email me at Public.Relations@TDIforAccess.org or browse through TDI's website at www.TDIforAccess.org

* **47 C.F.R. § 64.601 - § 64.606, § 64.611, and § 64.613** - FCC Regulations for the Provision of TRS pursuant to Title IV of the ADA, Pub. L. No. 101-336, § 401, 104 Stat.327, 366-69 (adding Section 225 to the Communications Act of 1934, as amended, 47 U.S.C. § 225 at <http://transition.fcc.gov/cgb/dro/4regs.html>)

Our Guest Writer:

Featured in this Issue:

- *David Morrissey, MPS and Esmé Grant, JD; U.S. International Council on Disabilities (USICD)*
- *Pamela Dirks Burke, I&D, Chief of Staff; Cisco Systems, Inc.*

America and the CRPD

*By David Morrissey, MPS and Esmé Grant, JD
U.S. International Council on Disabilities (USICD)*

On July 30, 2009, the United States joined the international community in affirming the human rights of all persons by signing the Convention on the Rights of Persons with Disabilities (CRPD) at the United Nations Headquarters in New York, making the U.S. the 141st signatory to the treaty. A broad coalition of Americans with disabilities called for our country to sign the CRPD, upholding the American values of liberty, justice, and equality. As we have moved towards ratification, the continued support for this international treaty among Americans, with and without disabilities, has confirmed its broad appeal for its principles of equality, dignity, and respect.

The signing of the treaty affirmed what Americans with disabilities have long been calling for: that the values enshrined in the Americans with Disabilities Act be reflected in the policies and practices of our government in all of its international engagements. Since the signing of the CRPD, the U.S. has continued to advance the disability rights agenda with the ADA Amendments Act regulations, Rosa's Law, IDEA Reauthorization, and other similar developments.

As we head towards ratification, USICD has examined how the CRPD has thus far impacted the policies and legislation of the 101 countries that have already ratified. For example, Article 27 of the CRPD obligates State Parties to promote the right to employment for people with disabilities and actively take steps to ensure full integration in the labor market.

Some countries, such as the Republic of Tanzania, have used the CRPD as a tool to create national disability rights legislation. Tanzania ratified the CRPD in 2009 and developed its Persons with Disabilities Act in 2010, which takes from Article 27 to frame guarantees of accommodations and promotion of employment for persons with disabilities. Others nations have used the Convention to reshape existing disability policy or to reaffirm legislation already in place. This spring, the Saskatchewan province in Canada proposed legislation to rid of the R-word in all existing legislation referring to people with intellectual disabilities in order to reflect the CRPD's values of respect and dignity. Canada joined the CRPD in 2010 and has continued to explore amendments to its disability legislation to reflect the CRPD.

Our Guest Writer - Continued:

Regardless of this progress, there is still work to be done, even in countries that have ratified. Following the 5th Session of the Committee on the Rights of Persons with Disabilities this April, Akiko Ito, Chief of the Secretariat for the CRPD within DESA, noted that “while there is an increase in number of ratifications...the lack of expertise in how to plan and execute government policies and strategies remains a major challenge.” If the U.S. ratifies, they will be able to participate in the CRPD Conference of States Parties and also be eligible to serve a role on the Committee. Both mechanisms would bring U.S. expertise to the table and possibly address some of the gaps that Ito spoke of.

U.S. ratification of the CRPD has the potential of awakening existing U.S. federal legislation to become a true catalyst for change and achievement of international disability rights as the U.S. lends its expertise worldwide. With this goal in mind, USICD is looking forward and working toward U.S. ratification of the CRPD, a vital step in the progress of the global disability movement.

David Morrissey is USICD’s Executive Director and Esmé Grant is the Disability Rights Educator for USICD’s CRPD Education & Advocacy campaign. USICD is always looking for more opportunities to engage audiences around this important treaty and welcomes invitations for future presentations. Inspired by the CRPD’s global disability rights movement, USICD has partnered with USAID and the University of Iowa’s WiderNet project to connect people with disabilities in developing countries with best practices and advocacy resources through the Global Disability Rights Library. For more information on both of these initiatives, please visit www.usicd.org.

Developing Products for Accessibility at Cisco

*By Pamela Dirks Burke, I&D Chief of Staff
Cisco Systems, Inc.*

Attendees at the Disability Matters 2011 Conference, co-hosted by Northrop Grumman and Cisco, had the opportunity to tour the Cisco Accessibility Design Lab and Executive Briefing Center (EBC) and view a TelePresence Technology Demonstration while on the Cisco cam-



Our Guest Writer - Continued:

pus in San Jose, California. The Accessibility Design Lab was of particular interest to the Disability Matters attendees since it demonstrates tactically how Cisco tests products for accessibility. Additionally, Cisco's TelePresence technology, which uses video for face-to-face communication to allow people to be more productive and collaborative, and other work in technology was demonstrated given its ability to aid in leveling the playing field for people with disabilities – and lead to more innovation around products for all users.

This Cisco TelePresence technology has allowed people like Aneta Brodski, a hearing-impaired teacher at the Sign Language Center in New York City, to speak with family in Australia. She shares her powerful story of how this technology changed her life in the poem, [“The Magic of Technology”](#).

To assist in the development of these innovative products, the Cisco Accessibility Design Lab was set up in partnership with the Cisco User Experience team and Corporate Compliance teams. It provides a research environment for developers, designers and engineers to observe the usage of Cisco products by people with disabilities. It is also available to the Cisco sales team to demonstrate the accessibility of Cisco's products to customers.

A state-of-the-art facility, the lab is dedicated to the development and testing of the accessibility requirements for Cisco products. It is set up in two rooms: the participant room and the observation room. The participant room has three video cameras, lighting flexibility to help low vision users and a soundproof environment to eliminate any distraction from exterior noise. The observation room is designed to observe users through a one-way mirror. Video cameras and computer screen-capturing tools are used to record the user's activities.

Photo of the Participation Room:



Photo of the Observation Room:



Our Guest Writer - Continued:

By observing actual users, researchers and developers can determine if product designs are successful or if specific details need to be reworked. It is through observation that some of the more subtle issues can be identified and corrected. Given many features developed for people with disabilities are beneficial for all users, this facility enables Cisco to design better products not only for the disabled – but also across the board.

One area of new technology that is playing a significant role for accessibility is Cisco's [TelePresence](#) technology. TelePresence is a video conference that is delivered via large high-quality video screens. The screen size and quality of the video makes participants feel as if they “are present” even though people may be located in multiple time zones and countries. People who use sign language and lip read have been benefiting greatly from this high-quality experience.

Recently, one of Cisco's engineers has been regularly connecting via TelePresence from Cisco's Research Triangle Park (RTP) campus located in Raleigh, North Carolina to Cisco Networking Academy students in Nairobi. The Cisco engineer is hearing impaired and many of the students at the Networking Academy have varying degrees of hearing impairments. They are leveraging TelePresence so they may communicate with sign language. This natural mentorship would have not been possible without the use of this new technology. Additionally, this experience is made possible without air travel, just a normal trip to work and school. As video technology becomes more streamlined, there are additional benefits for people with mobility constraints and other disabilities.

In order to achieve disability confidence, it is important that companies have design, test labs and processes to create products that are not only accessible, but easy to use for all users. Additionally, integrating accessibility needs into the development process increases overall product innovation. Cisco is committed to producing products that are accessible to aid in leveling the playing field for people with disabilities. By sharing our values with others, Cisco can help people create a stronger connection and gain a better understanding of the world, changing the way everyone works, lives, plays, and learns.

Additional references:

1. Cisco Inclusion & Diversity People with Disabilities:

Our Guest Writer - Continued:

http://www.cisco.com/web/about/ac49/ac55/diversity_inclusion_disabilities.html

2. Cisco Product Design Accessibility Team:

<http://www.cisco.com/web/about/responsibility/accessibility/index.html>

3. Cisco TelePresence Technology:

<http://www.cisco.com/en/US/products/ps7060/index.html>

Springboard Webinar:

The Americans with Disabilities Amendment Act (ADAAA)

Legal Implications are Important, but Practical Applications are Critical

In celebration of the 21st Anniversary of the ADA!

Springboard Consulting LLC – in collaboration with the Workforce Opportunity Network, will host a Must Attend Webinar.

**The Americans with Disabilities Amendment Act (ADAAA)
Legal Implications are Important, but Practical Applications are Critical**

Tuesday, July 26, 2011, 12:00 – 1:15pm EDT
In Celebration of the 21st Anniversary of the ADA

On May 24th of this year, the EEOC’s final ADA regulations went into effect in order to implement the ADA Amendments Act of 2008 (ADAAA). Though the regulations were designed to simplify the determination of who has a disability and shift the focus from questions of discrimination to accommodation, employers are more confused than ever and concerned that virtually all employees will now be considered disabled.

The new regulations require collaborative efforts that now include Human Resources, Diversity and Work-Life professionals along with their counterparts in Affirmative Action. So while the legal implications are important, the practical applications are critical. It’s the application of best practices that will help participants to successfully hire and retain the most qualified individuals, regardless of disability while mitigating ADA related risk.

This Webinar, delivered by Shelley Kaplan, Springboard’s ADA Services Manager and Nadine Vogel, President, Springboard, will address the “why” and more importantly, the “how” of appropriately supporting individuals with disabilities, as defined by the ADA, in both the workforce and the workplace.

[REGISTRATION - COURSE: SB1001](#)

Individual Registration:

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Springboard Webinar:

The Americans with Disabilities Amendment Act (ADAAA)

Legal Implications are Important, but Practical Applications are Critical



★ **Group Registration:**

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- ★ • \$425 for multiple individuals in one location with no current affiliation.

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- ★ • *Real Time Captioning will be provided for this Webinar*
- ★ • *This program has been submitted to the HR Certification Institute for review in order to provide participants with HRCI credits, when approved. (In order to receive these credits, you must remain logged into the webinar from the start to the end, so that the system may record your participation.)*



★ Springboard Consulting LLC is a US based consulting firm, recognized as the expert in mainstreaming disability in the global workforce, workplace and marketplace. Springboard's clients are cross-industry multi-national corporations. Offering corporate assessments, training, event production, campaign development and communications, etc., Springboard works directly with executives in diversity, work-life, human resources, affirmative action, learning & development, marketing and communications and more. Springboard is also the producer of the highly acclaimed, annual Disability Matters Awards Banquet and Conference. For more information, please visit the Springboard website at www.consultspringboard.com.

★ The Workforce Opportunity Network is a US cross-industry employer forum launched in 1962 and dedicated to advancing best practices in diversity and inclusion as well as EEO management. WON members are diversity and EEO leaders from Fortune 500 companies and other large organizations that get together four times each year for in-person confidential roundtable meetings to share challenges, as well as best practices in both diversity and EEO compliance. Membership also entitles members to daily updates on news on the field, as well as a quarterly round-up of developments, regular webinars and other networking opportunities. For more information please visit our website <http://www.orcnetworks.com/node/20>.



2012 - Disability Matters Awards Banquet & Conference:



DISABILITY MATTERS 2012

Newark, New Jersey; United States

April 18-19, 2012

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Disability Matters is the most important Corporate Awards Banquet and Conference in the United States. The highly coveted awards are given to Corporations that are leading the way in terms of supporting people who either have a disability or who have a child or other dependent with special needs in the workplace through diversity, work life and/or human resource initiatives and in marketing to this segment of the population in the consumer space. The conference features experts from corporate America, academia, the federal government and the national non-profit sector who share best practices relative to internally supporting and externally marketing to this large, loyal segment of the population.

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Come See Nadine!



Nadine will present at the World Diversity Leadership Summit (“WDL S”), September 6th to 8th, 2011 in New York City.



Come celebrate with Nadine on September 14th, 2011 in Chicago at the Diversity MBA Magazine 5th Annual Diversity Leadership Forum & Awards Gala where she’ll be presenting and honored as a 2011 Top 100 Under 50 Diverse Leaders!



Nadine will also present on September 15th at the Diversity Solutions Best Practices Conference being held at the Westin, Washington, DC, City Center.



Join Nadine at the 2011 Pennsylvania Diversity and Leadership Conference being held at Drexel University on September 22nd, 2011.



THE CONFERENCE BOARD
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Nadine will be presenting at The Conference Board’s Workforce Readiness Rush Initiative being held in Washington, DC on September 27th and 28th, 2011.

Nadine Vogel...



A Note from the Springboard Team:

As always, I hope everyone has enjoyed this edition of “[The WAVE](#)”.

I hope after a long-hard winter that you are all enjoying the lazy days of summer... Spending time with friends and family, having a cookout, frolicking on the beach, or sitting by the pool with ~~a good book~~ “[The WAVE](#)”!

Please help us spread the word... tell everyone you know to visit our website and sign-up for the newsletter - <http://www.consultspringboard.com/newsletter/> .

Again, we thank you for your support and for subscribing to ...

“The WAVE”

Until Next Time...



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