



# ADA TODAY

## Newsletter



Volume 4 Issue 7

June 2014

### **DC Taxicab Commission Votes to Publish Proposed Rules to MetroAccess Expand Wheelchair Accessible Taxicab Service**

#### *Final Rulemaking of Multiple Chapters Also Approved*

The DC Taxicab Commission (DCTC) voted today to initiate a regulatory process that could increase the number of wheelchair access vehicles available in the District, save District taxpayers as much as \$1.8 million a year and significantly improve the quality of service for some Washington Metropolitan Area Transit Authority (WMATA) users.

The action follows an agreement reached between DCTC and WMATA that would allow approximately 100,000 MetroAccess dialysis rides to be taken in taxicabs as well as vans acquired from WMATA by DC taxi companies who qualify to provide the service. Thirty three wheelchair accessible vehicles will be transitioned to taxicab service through the newly created Coordinated Alternative to Paratransit Services (CAPS) program.

The cost of the rides to the District government through the CAPS program would be \$17 less per ride than current MetroAccess cost. Thus, the subsidy payment from the District government to WMATA to support MetroAccess will be credited as much as \$1.8 million for the actual amount of savings based on the number of rides taken through CAPS.

Those Metro Access patients choosing to use the new CAPS service would be able to make a reservation an hour before the ride is needed. The participants would not be required to share the vehicle or make multiple stops as is done with MetroAccess. The CAPS participants will also see a reduction in their out-of-pocket costs as rides through the CAPS program have a rate of \$5.00 per trip compared to the \$7.00 per trip charge through MetroAccess.

The Commission's vote today to publish a proposed regulation sets out the conditions that taxicab companies would have to meet in order to qualify for participation in the program. Key among the requirements for the taxi company is to first purchase a surplus van from WMATA and then replace it after 3,000 dialysis rides with a new CNG-powered, side entrance power ramp wheelchair access vehicle. To qualify for participation in the new service companies also must have a central dispatch capability and meet certification requirements for trained drivers. Grants will be provided through DCTC to companies to meet the federal interest of \$4,800. As the thirty three vehicles are replaced, they may possibly be auctioned or donated to a District based nonprofit that services the disabled, low income or seniors.

In other action, DCTC approved the publication of several final rulemakings to: amend procedures for enforcement of complaints against taxicab owners and operators; establish compliance standards for Payment Service Providers (PSPs); clarify the time period for PSPs payments to drivers and increase penalties for failure to make timely payments; require taximeters to be double-sealed and correct reporting inconsistencies; and update the definition of the integration service fee. A petition submitted by the D.C. Drivers United for Equal Rights to allow the formation of new associations committed to using wheelchair accessible and fuel efficient vehicles was also

## Local News and Information

### U.S. Census Bureau Employment Opportunity - June 23rd - September 25th

The U.S. Census Bureau is researching modern and new methods for the population to exercise their civic obligation to be counted in the next census. At least 1,000 people in the District of Columbia and Montgomery County are needed for temporary positions to get this important job done. Whether through the Internet, telephone or traditional paper questionnaires, the Census Bureau is committed to making the once-a-decade headcount quick, easy and safe for all to participate. Through the smart use of technology and existing government data sources, the 2020 Census hopes to provide substantial taxpayer savings while maintaining the highest quality and accuracy standards mandated by the U.S. Constitution. The 2014 Census Test will allow the Census Bureau, on a small scale, to test a variety of new methods and advance technologies that are under consideration for the 2020 Census. The 2014 Test will take place from June 23, through September 25, with Census Day on July 1, 2014.

The test will be conducted in portions of Washington D.C., and Montgomery County, MD. The Census Bureau has opened a temporary Local Census Office (LCO) in Silver Spring, MD to conduct the 2014 Census Test and is hiring field staff for temporary positions. Pay ranges from \$14-\$21.50 an hour. Be a part of helping to shape the 2020 Census. Call 1-888-480-1639 for information on how to apply.

---

### Conferences and Other Events

**2014 ADA Celebration**, Wednesday, July 23, 6:30PM – 8:30PM, Washington, DC. Hosted by the American Association of People with Disabilities. Cost: \$100 per ticket; Registration is necessary. For more information or to purchase a ticket, visit the [AAPD website](#).

**2014 Annual Conference on Independent Living: Prevail**, July 28 – 31, Washington, DC. Hosted by the National Council on Independent Living. Cost: Varies; Registration is necessary. For more information and to register, visit the [NCIL website](#).

**World Congress on Special Needs Education (WCSNE)**, August 11 – 14, Philadelphia, PA. Hosted by the WCSNE. Cost: Varies; Registration is necessary. For more information, visit the [WCSNE website](#).

**National Veterans Wheelchair Games**, August 13 – 17, Philadelphia, PA. Hosted by the U.S. Department of Veterans Affairs, Paralyzed Veterans of America, and the Philadelphia VA Medical Center. Cost: FREE. For more information, visit the [VA website](#).

### Webinars

**Online Radio Show: ADA Live**, First Wednesday of Each Month, 12:00pm – 12:30pm. Presented by the Southeast ADA Center online. Cost: FREE. For more information, visit the [ADA National Network website](#); to listen to the episode live, log in at [www.adalive.org](#).

**Webinar: Getting From A to B: Connecting Individuals to Transportation Resources in Your Community**, Wednesday, June 25, 1:00pm – 2:30pm. Presented by Easter Seals Project Action. Registration is required. For more information and to register, contact Krystian Boreyko at 800-659-6428 or [webinars@easterseals.com](#) or visit the [Easter Seals website](#).

**Webinar: Including Disability in State and Local Offices of Emergency Management**, Tuesday, July 1, 1:00pm – 2:30pm. Presented by the ADA National Network. Cost: FREE; Registration is required. For more information and to register, visit the [ADA Conferences website](#).

**Online Radio Show: ADA Live: Beach Access**, Wednesday, July 2, 12:00pm – 12:30pm. Presented by the Southeast ADA Center online. Cost: FREE. For more information, visit the [ADA National Network website](#); to listen to the episode live, log in at [www.adalive.org](http://www.adalive.org).

---

## Federal News

### Individuals Living with HIV/AIDS Fight Back Against Housing Discrimination

Written by: [Bryan Greene](#)

“Suddenly, there were no more one-bedroom apartments available,” says Keith, describing his experience searching for rental housing in New York City with a voucher for persons living with HIV/AIDS. Although brokers initially told Keith that apartments were available in his price range, they refused to rent to him once they found out that he received a subsidy from the city’s HIV/AIDS Services Administration.

Having a safe, stable place to call home is especially critical to persons with HIV/AIDS, for whom housing affects their access to healthcare and their ability to receive treatment. Yet Keith found that, after encountering refusal after refusal, his housing options were limited to substandard apartments, often unfinished and in no condition for a person to live.

Enough was enough. With the assistance of the [Fair Housing Justice Center \(FHJC\)](#), a nonprofit organization whose operations are partly funded by the U.S. Department of Housing and Urban Development (HUD), Keith brought a lawsuit against one of New York City’s largest real estate rental brokers and a second company—and he won. In 2012, a judge ruled in favor of Keith and ordered the companies to pay damages and change their practices under a local law prohibiting discrimination based on source of income. By asserting his rights, Keith made a difference not only for himself, but for others who might have experienced similar discrimination.

Keith is one of several fair housing plaintiffs whose stories are told in [A Matter of Place](#), a recent documentary film produced by FHJC under a HUD grant. We were proud to screen this film last week at HUD’s opening ceremony for Fair Housing Month. Fair Housing Month marks the anniversary of the passage of the federal Fair Housing Act, which prohibits discrimination in housing based on race, color, national origin, religion, sex, familial status and disability.

Read full story at: <http://blog.hud.gov/index.php/2014/04/10/individuals-living-with-hiv-aids-fight-back-against-housing-discrimination/>

\* \* [Watch film by clicking “A Matter of Place” above](#) \* \*

---

### Call for Public Input: EEOC Proposes Revisions to Rehabilitation Act - July 14th

The U.S. Equal Employment Opportunity Commission (EEOC) is inviting public input on potential revisions to the regulations implementing Section 501 of the Rehabilitation Act of 1973, a law that governs employment of individuals with disabilities by the federal government.

Current Section 501 regulations prohibit employment discrimination based on disability and explain the standards for determining whether discrimination has occurred. The regulations also impose a separate obligation on federal agencies to be "model employers" of individuals with disabilities, but do not explain what federal agencies must do to comply with this obligation.

The Commission is proposing to revise its regulations to include a more detailed explanation of the model employer obligation. Before it publishes a proposed regulation, however, the Commission is issuing an Advance Notice of Proposed Rulemaking (ANPRM) that seeks comments from members of the public on what the amended regulations should say.

The EEOC welcomes input from federal agencies, individuals, employers, advocacy groups, agency stakeholders, and other interested parties.

**The ANPRM is now available on the Federal Register website at:**

<https://www.federalregister.gov/a/2014-11233>

---

## **House of Raeford Farms to Pay \$52,000 To Settle EEOC Disability Discrimination Suit**

### ***Poultry Processor Fired Employee Because of Her Anemia, Federal Agency Charged***

WILMINGTON, N.C. -- House of Raeford Farms, Inc., a poultry processor, will pay \$52,000 and provide other relief to settle a disability discrimination lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC), the agency announced today. The EEOC had charged that House of Raeford violated federal law by discriminating against an employee because of her disability.

According to the EEOC's lawsuit, Erica Sutton, who has anemia, was employed by House of Raeford on a box construction line. On May 24, 2011, the box line employees were moved to the debone department, which is a cold environment. Sutton informed her supervisor that she could not work in a cold environment due to her anemia, asking to work in a warmer environment. The EEOC said that instead of assigning Sutton to a vacant position in a warmer environment, House of Raeford sent Sutton home until she could provide a doctor's note stating that she had been diagnosed with anemia. The EEOC charged that instead of allowing Sutton time to get the doctor's note, House of Raeford fired her on June 1. The EEOC also charged that House of Raeford unlawfully disclosed Sutton's confidential medical information.

Such alleged conduct violates the Americans with Disabilities Act (ADA), which protects employees from discrimination based on their disabilities and requires employers to provide disabled employees with reasonable accommodations unless it would be an undue hardship on the employer to do so. The EEOC filed suit in U.S. District Court for the Eastern District of North Carolina, Southern Division (*Equal Employment Opportunity Commission v. House of Raeford Farms, Inc.*; Civil Action No. 7:13-CV-00183) after first attempting to reach a pre-litigation settlement through its conciliation process.

In addition to the monetary damages, which total \$52,073.54, the two-year consent decree settling the suit requires that House of Raeford develop a discrimination policy which includes the ADA.

In addition, House of Raeford will provide annual training to its managers and supervisors at its Rose Hill facility on the ADA and post an employee notice at the facility concerning the lawsuit and employee rights under federal anti-discrimination laws.

"This case reminds employers that a reasonable accommodation can be as simple as allowing an employee sufficient time to secure a doctor's note," said Lynette A. Barnes, regional attorney for the EEOC's Charlotte District. "Following that simple requirement of the ADA could have saved the employer as well as the employee a lot of needless trouble. In addition, employers need to be reminded that an employee's medical information must be kept confidential."

*For Information about ODR's Newsletter call 202-724-5055 or visit the web at [odr.dc.gov](http://odr.dc.gov).*



441 4th Street NW  
Suite 729 North  
Washington DC 20001

Phone: (202) 724 - 5055

Fax: (202) 727 -9484

E-mail:

[ODR.Complaints@dc.gov](mailto:ODR.Complaints@dc.gov)

Visit us on the web: <http://odr.dc.gov>

### **MISSION STATEMENT**

The mission of the District Office of Disability Rights (ODR) is to ensure that the programs, services, benefits, activities and facilities operated or funded by the District of Columbia are fully accessible to, and useable by people with disabilities. ODR is committed to inclusion, community-based services, and self-determination for people with disabilities. ODR is responsible for overseeing the implementation of the City's obligations under the Americans with Disabilities Act (ADA) as well as other disability rights laws.