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### “Frequently Asked Questions: The Americans with Disabilities Act”

By:

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It has been more than 18 years since the American with Disabilities Act (“ADA”) was passed. This landmark civil rights law has changed the landscape in terms of employment, public transportation. Yet many questions, particularly relating to the public accommodations provisions outlined in Title III remain. Let’s take a look at some frequently asked questions when it comes to the ADA’s public accommodations provisions.

#### *What’s a Disability under ADA?*

A “disability” as defined under the ADA is a physical or mental impairment that substantially limits one or more of “major life activities”. “Major life activities” include caring for oneself, walking, seeing, hearing, speaking, breathing, learning and working. Thus, with such a broad definition, is often the case that a conference attendee who claims they need an accommodation probably qualifies for one under ADA. Note that “temporary” conditions such as broken limbs and pregnancy are not considered to be disabilities under ADA.

*A conference attending is deaf and has requested a sign language interpreter throughout the conference. Does ADA require our organization to arrange and to pay for a sign language interpreter?*

The answer to this question depends on the nature of the services to be provided to attendees. Title III of ADA requires organizations to provide equal access to goods and services to persons with disabilities. Among the requirements is the provision of auxiliary aids and services to provide such equal access.

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In this case, the person requesting the accommodation does have a disability as outlined under ADA. The next focus would be the services to be provided at the conference. Let's say for our discussion that the conference involves educational sessions and social/networking sessions. The organization would focus on each of these types of session and ask itself how it could provide equal access to the services. While text-type display (like closed captioning) or can be an option, it is likely that a sign language interpreter would be the best option. The organization would be obligated to hire and pay for the cost of the sign language interpreter throughout the conference.

Organizations should contact disability organizations to seek their expertise on which auxiliary aids will work best in any given situation.

*A person attending my organization's conference suffers from a disease which prevents them from walking long distances. The person has requested that our organization provide them with a power scooter for use during the conference. Are we obligated to provide it?*

Again, another "it depends" answer. The key item to remember is that under Title III, the organization does not have to provide the exact accommodation as requested. Rather, the obligation is that the accommodation must be effective.

In this case, the person has a disability and the requested accommodation is help with moving about the conference facility. A wheelchair would suffice but someone would need to be assigned to push it. The organization could decide to offer the wheelchair/assistant option or go ahead and provide a scooter so that the person could control their own movement.

*Can we charge a person for the cost of an auxiliary aid or service?*

No, the organization cannot assess any fees or surcharges in connection with auxiliary aids or services. The organization is solely responsible for the cost. The only thing the organization can do is to require the person to provide a security deposit in connection with using auxiliary aids, such as for assistive listening devices, to ensure their return.

*How should our organization ask for information about disabilities on our conference registration form?*

The organization should include a statement such as the following: "Should you require any special accommodations to participate fully in our conference, please let us know in the space below or contact us at [contact information]." I recommend that organizations refrain from using the "wheelchair" symbol on the form since disabilities can be more than mobility impairments.

When the organization receives the request, it should contact the person to discuss their needs in order to determine how best to accommodate the person during the conference. As I frequently remind clients, remember that ADA is a civil rights law just like so many other civil rights laws so it is important that staff treat people with disabilities with the utmost sensitivity.

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As you can see from the above, there's never a shortage of questions when it comes to ADA issues. One good resource is the *Americans with Disabilities Act* handbook which can be purchased from the United States Government Printing Office at [www.usgpo.gov](http://www.usgpo.gov). Until next time, take good care.

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