



ACCOMMODATING INDIVIDUALS WITH DISABILITIES

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State of Illinois
State Internal Audit Advisory Board
(SIAAB)

Society is changing – More Proactive



What laws apply to Government Auditors?

- Rehabilitation Act of 1973 Section 504
 - Applies to any entity that accepts federal dollars
 - Applies to the entire entity, not specific to “who” or “what” got the federal dollars
 - Requires that all programs and services must be readily accessible to and useable by persons with disabilities
- Americans with Disabilities Act of 1990
 - Modeled after Section 504 of the Rehabilitation Act of 1973
 - Requires that all programs and services offered by covered entities must be readily accessible to and useable by persons with disabilities

Structure of the ADA

- Title I – Employment
 - Public Employer – covered with 1 or more employees
 - Private Employer – covered with 15 or more employees
 - State of IL Fair Employment law covers entities with 1 or more employees
- Title II – Local and State Government
 - Any unit of government
 - Auditors Office
- Title III – Places of Public Accommodation
 - 12 categories
 - Must be engaged in commerce



Structure of the ADA (2)

- Title IV – Telecommunications
 - Public Service Announcements must be captioned
 - Telephone services must be accessible
- Title V – Miscellaneous
 - Insurance
 - Retaliation
 - Coverage of Congress
 - Requirement for Technical Assistance

Who is protected against discrimination?

- The ADA defines a person with a disability as a person who:
 - Has a physical or mental impairment that substantially limits one or more major life activities
 - Has a record of such an impairment, even if they do not currently have a disability
 - Does not have a disability but is regarded as having a disability
- Individuals who are associated with a person with a disability
 - Parent, guardian, sibling, caregiver, friend, etc.

What is required?

- Facility Accessibility
 - New Construction and Renovated Buildings after the implementation date of the ADA must be physically accessible and follow the ADA Standards for Accessibility
 - State of Illinois Environmental Barriers Act predates the ADA and is more stringent than the ADA in many areas
 - Facilities that are not accessible must ensure that the program is accessible which may require relocation of the activity to an accessible location
 - No “grandfather clause” under the ADA
 - Limited exceptions for historic structures
 - Priorities for existing facilities:
 - Entrance
 - Path of travel within the facility
 - Restrooms
 - Other amenities (signage, water fountains, emergency notification, etc.)

What is required? (2)

- Modification of Policy, Practice and Procedures to ensure equal opportunity for persons with disabilities to participate in the program and/or activity
- Examples:
 - Modification of “how” something is done
 - Remote versus in-person
 - Reduce travel related fatigue, need for personal care when traveling, lack of accessible transportation, etc.
 - Altered timing
 - Address fatigue, issues associated with personal care, issues related to transportation, side affect of medication, etc.
 - Written versus Verbal responses
 - Address issues with anxiety, communication limitations (shuddering, loss of voice due to laryngeal cancer or aphasia due to a stroke, etc.)
 - Allow a “support person” during the meeting
 - Reduce anxiety, assist with communication limitations, provide emotional support for someone with extreme anxiety, etc.
 - Allow individual to be accompanied by their service animal or ‘approved’ emotional support animal

What is required? (3)

- Effective Communication
 - Provide sign language interpreter
 - Arrange for a video remote or in-person sign language interpreter
 - Communicate with the individual, not the interpreter
 - Arrange interpreter in advance and pay for it (Identify sign language providers in your area and know their deadlines)
 - Provide real-time captioning
 - Arrange for remote or in-person captioner
 - Advise not to rely on AI for captioning due to the limitations in accuracy, especially for technical and/or legal information
 - Arrange for captioning services in advance and pay for it (identify captioning services in your area and know their deadlines)
 - Utilize an assistive listening device
 - Personal amplification for individuals who are hard of hearing
 - Individuals may have their own device
 - Have access to a device and know how to use it (i.e. central pool of equipment that can be loaned or work with other state agencies such as VR or the Illinois Assistive Technology Project to obtain)

What is required? (4)

- Effective Communication (continued)
 - Provide Braille materials upon request
 - Produce any written materials in Braille if requested by the client
 - Identify Braille providers in your area or link with existing state agencies for assistance to produce Braille (Bureau of Blind Services, Illinois Assistive Technology Project, Illinois School for the Visually Impaired, etc.)
 - Provide Large Print materials upon request
 - Produce any written materials in large print if requested by the client
 - Large print is defined as print that is 18 pt or larger. Individual to the user and should meet the requestors requirements to be compliant.
 - Large print can be produced on any word processing program by changing the size of the font.
 - Use sans serif font only.
 - Individuals may also request that all letters be bold for ease in viewing

Accessible Information Technology

- Communication that is done electronically must be accessible to persons with disabilities
 - Websites
 - Apps
 - Email
 - Documents
 - 3rd Party Applications used to carry out or deliver services on behalf of the covered entity (payment portals, document transfer and storage programs, etc.)
- Courts and the U.S. Department of Justice have determined that all communication/documents used/shared by covered entities must be accessible
 - Recommended Guideline for Accessibility –
 - World Wide Web Consortium (W3C) Accessibility Guidelines (WCAG) – Version 2.2
 - Section 508 Standard – Mandated for all federal agencies

Accessible Information Technology (2)

- Things to consider/ensure are accessible:
 - Email content
 - Refrain from using images or create alternative text (including logos, etc. used in your signature)
 - Avoid using stylized wallpaper for email background
 - Use sans serif font (examples: Helvetica, Aptos, Tahoma, Calibri, Arial, etc.) Example of font not to use: Times Roman
 - Use 12 pt font minimum
 - Label any hyperlinks contained within the email (example: A copy of the leger document is available **online.** (insert link to the document on the word “online”)
 - This tells the user of screen reader, etc. where you are taking them versus just listing a long/short URL.
 - Documents
 - Ensure that the content is accessible.
 - If using Microsoft Suite products, check for accessibility using the “Check Accessibility” option available within each program.
 - If converting to a PDF document, ensure that the source document is accessible.
 - Check accessibility of the PDF reading order using “Read Out Loud” option within Adobe Acrobat Reader
 - Accessible document features:
 - Reading Order
 - Alternative Text for images
 - Labeled Hyper links
 - Use of appropriate headers for organizing content

Accessible Information Technology (3)

- July 2024 Regulations issued by U.S. Department of Justice applied to local/state government entities (Title II)
 - Compliance dates –
 - April 2026 for entities in municipalities with 50,000 or more residents
 - April 2027 for entities in municipalities with less than 50,000 residents
- Applies to websites and apps owned and operated by Title II entities
 - Includes social media and 3rd party applications that are used to deliver programs or services.
- Limited exceptions:
 - Archived information that is not part of current programs or services
 - Information that is contained behind password protected accounts

Planning for Accommodations

- Include a statement in all communication related to conducting an audit, setting up a meeting, etc. that includes language regarding accommodations.
 - Example: If you need an accommodation to participate in the audit process please contact (insert email address or phone #) by X-X-XXX (insert deadline date for requesting an accommodation).
 - Deadlines may be needed to ensure you can arrange the accommodation in a timely manner (i.e. sign language, etc.)
- Know the resources available to you and where to go to find a resource to provide an accommodation if requested.
- Ensure that the cost of accommodations is included in your department budget or you have an identified source of funding for the accommodation.

Defenses

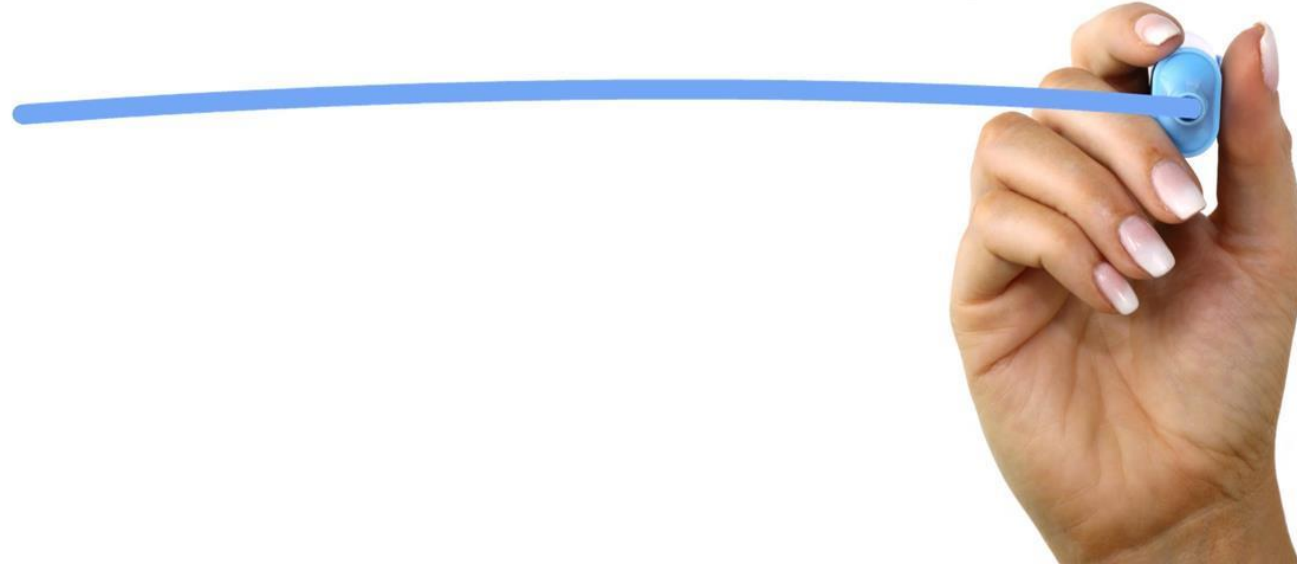
- Undue financial or administrative burden
 - Difficult to argue financial burden when all resources of the government entity would be considered, not an individual department.
 - Administrative hardship may apply if the impact of the accommodation would negatively impact how the process was carried out for legal or other purposes
- Direct threat
 - If providing the accommodation would result in a direct threat to the individual or others

Enforcement

- State of Illinois Agency Grievance Procedure required under the ADA
 - Each local/state covered entity is required to have a grievance procedure for individuals to use if they feel that they have been discriminated against.
- U.S. Department of Justice, Disability Rights Section
 - Via online form or by mail (no telephone complaints accepted)
- Private right of action in federal court
- Utilize local/state non-discrimination laws or ordinances
 - Examples – Illinois Department of Human Rights or City of Chicago Human Rights Ordinance



QUESTIONS





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