

ADA Opportunities for Small Businesses Webinar

Lunch & Learn Series
Part 1 Of 3
Thursday, May 30, 2024



The graphic is a promotional poster for a webinar. It features a blue and yellow color scheme. At the top left is the CCDA logo (California Commission on Disability Access). The main title 'ADA Opportunities for Small Businesses' is in white text on a blue background, with 'WEBINAR' in large yellow letters below it. To the right, the date 'MAY 30TH' is in a white box, and the time '12:00 - 1:00 PM' is below it. Further down, it says 'LUNCH AND LEARN VIRTUALLY ON ZOOM'. The center of the graphic shows a hand holding a transparent sphere with 'ADA' inside, surrounded by icons for accessibility (wheelchair), business (gears), and healthcare (heart, stethoscope). At the bottom left, a computer monitor displays 'REGISTER HERE' in red. At the bottom right, it says 'Join us for this Collaboration Webinar' in white text on a blue background, with the 'PACIFIC BUSINESS CENTER' logo at the very bottom.

CCDA California Commission on Disability Access

ADA
Opportunities for
Small Businesses
WEBINAR

MAY 30TH
12:00 - 1:00 PM

LUNCH AND LEARN
VIRTUALLY
ON ZOOM

ADA

**REGISTER
HERE**

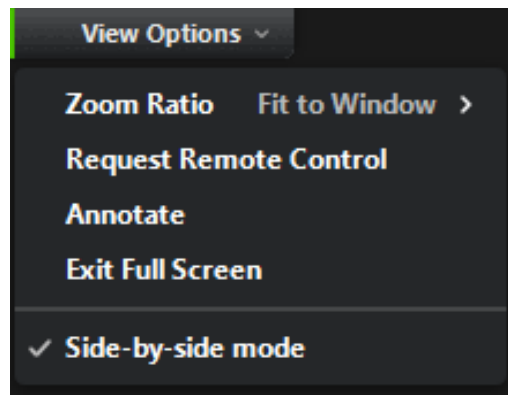
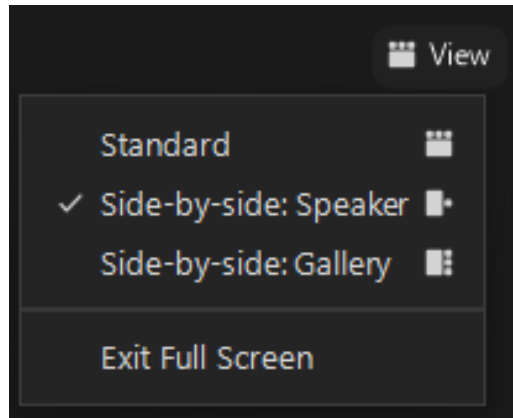
Join us for this
Collaboration
Webinar

PACIFIC BUSINESS CENTER

Housekeeping

- Please keep your audio muted during the webinar.
- Please use the Q&A feature to post questions.
- Chat feature is distracting for people with vision disabilities who use screen reading software.

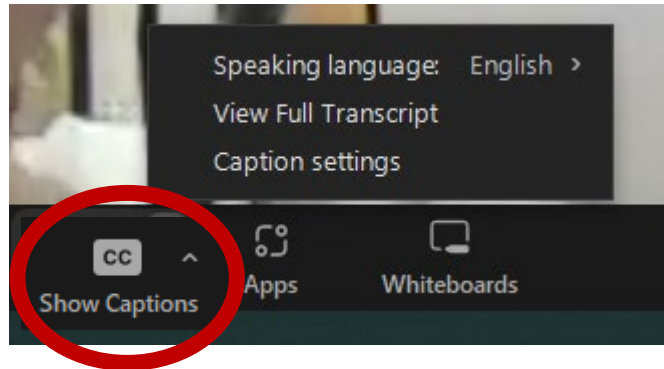
Zoom Viewing Options



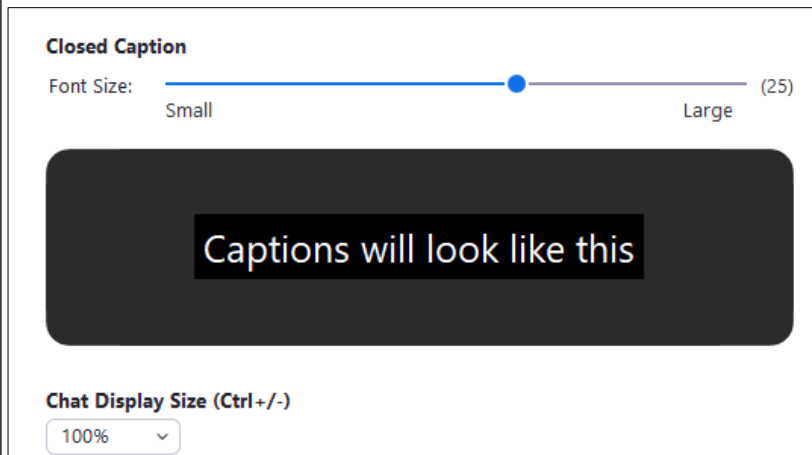
View options:

- Upper right-hand corner, select “View” for “Speaker” or “Gallery” views and with screen share: Standard and Side-by-side options.
- During PowerPoint: “View Options” menu at top of screen to adjust zoom ratio and other features.
- During PowerPoint: use the slider between the shared screen and participants and slide to your preference.

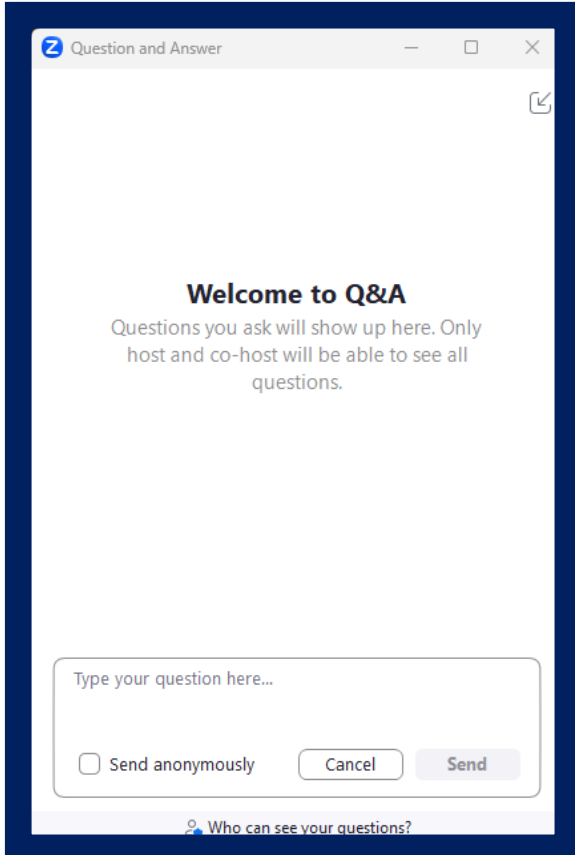
Zoom Live Captions



- Turn on captions by selecting the CC icon (show captions) on the menu bar.
- Change the size of captions by selecting the up arrow next to the CC and choose the “Caption settings”.
- Move captions by hovering over captions and dragging them to the preferred location.
- Turn off captions by selecting the CC icon (hide captions) on the menu bar.



Q&A Session

A screenshot of a web browser window titled 'Question and Answer'. The window has a white background and a blue border. At the top, it says 'Welcome to Q&A' and 'Questions you ask will show up here. Only host and co-host will be able to see all questions.' Below this is a text input field with the placeholder 'Type your question here...'. At the bottom left of the input field is a checkbox labeled 'Send anonymously'. To the right of the input field are two buttons: 'Cancel' and 'Send'. At the very bottom of the window, there is a small link that says 'Who can see your questions?'.

Question and Answer

Welcome to Q&A
Questions you ask will show up here. Only host and co-host will be able to see all questions.

Type your question here...

☐ Send anonymously

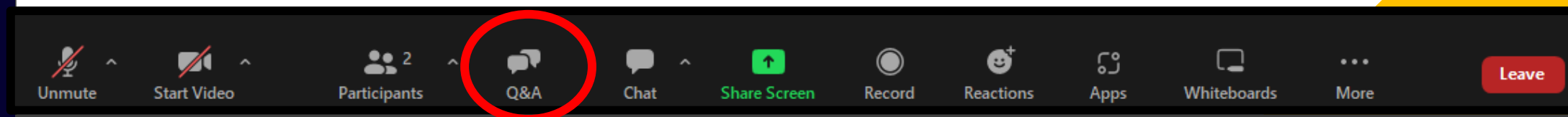
[Who can see your questions?](#)

To Ask a Question:

- Select “Q&A” at the bottom of your screen
- A box shown to the left will pop up, input your questions throughout the webinar

Q&A Session:

- Will be at the end of the presentation
- Selected questions will be answered

A screenshot of the Zoom meeting toolbar. It is a dark grey bar with various icons. From left to right, the icons are: a microphone with a slash (Unmute), a video camera with a slash (Start Video), a group of people (Participants, showing 2), a speech bubble (Q&A, circled in red), a speech bubble (Chat), a green square with an upward arrow (Share Screen), a circle with a dot (Record), a smiley face with a plus (Reactions), a puzzle piece (Apps), a document with a camera (Whiteboards), and three dots (More). On the far right is a red button labeled 'Leave'.



ADA Opportunities for Small Businesses Webinar Hosted by the CCDA and Pacific ADA Center

Lunch & Learn 2024 Series Part 1

Thursday, May 30, 2024

12:00 – 01:00 PM on Zoom

Agenda Items:

1. **Introductions:**
 - a. April Dawson Rawlings, Executive Director California Commission on Disability Access
 - b. Jan Garrett, Deputy Director of ADA Programs, Pacific ADA Center
 2. **Title I – Employment Overview**
 3. **Title III - Places of Public Accommodations Overview**
 4. **Service Animals**
 5. **Question and Answer**
 6. **Available Resources**
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Disability and Language Accommodations: Real-time CART captioning will be available. All other accommodations are available upon request within 10 days of advance notice prior to the event. To request accommodations, please register for the upcoming webinar.



What the Pacific ADA Center Offers

- Technical Assistance
- Trainings
- Webinars
- Materials
- Conferences



What the California Commission on Disability Access Offers

- Small Business Education and Outreach
- Technical Materials and Trainings
- Listening Forums and Webinars
- Disability Access Litigation Data Tracking
- Annual Report to State Legislature

Americans with Disabilities Act Titles



Title I. Employment

Title II. Public Entities

Part A - State and Local Government

Part B - Public Transportation

Title III. Public Accommodations

Title IV. Telecommunications

Title V. Miscellaneous

ADA Title I – Employment



What ADA Title I Covers

- Private employers with 15 or more employees
- State or local governments of any size
- Unions
- Employment (temporary) agencies
- California 5 or more employees

Disabilities Protected By the ADA

- Under the ADA, an individual with a disability is a person who either:
 - Has a physical or mental impairment that substantially limits one or more major life activities;
 - Has a record of such an impairment; or
 - Is regarded as having such an impairment.

What Does “Substantially Limited” Mean?

- Compare the person’s ability to perform the major life activity with how **most people** in the general population perform the activity.
- Should not require a lot of investigation.
- Congress wants broad coverage of disability.

Being Qualified Under the ADA Skills, Experience, and Education

- A person with a disability must meet the minimum qualifications for the job.
- Job qualifications include, but are not limited to:
 - skills
 - experience
 - education
 - medical, safety, physical . . .and other requirements an employer has for a job.

Job Qualifications

Must:

- not screen out or tend to screen out people with disabilities
- be job-related
- be necessary for the business
- allow the essential job functions to be performed with or without reasonable accommodation(s)

What are the important things to know about disclosing a disability?

- When a job applicant or employee needs a reasonable accommodation, they must disclose their disability to the employer verbally or in writing
- If no accommodation is necessary, no disclosure is necessary
- Employers can request additional information or documentation if the person's disability or the best accommodation is not obvious
- Employers must keep about disability and/or medical conditions confidential information

Reasonable Accommodation and Undue Hardship

- The ADA requires employers to provide reasonable accommodations to employees or applicants with disabilities who need them, except when such accommodations would cause an undue hardship
- “Undue hardship” means a significant difficulty or expense and focuses on the specific employer’s resources and situation
- Not only financial difficulty, but also reasonable accommodations that are too complicated, large, or disruptive, or accommodations that would fundamentally alter the way the business operates



What can an employer ask about disability?

- Employers cannot ask about an applicant's or an employee's disability.
- Employers can ask how an applicant will do the job with or without a reasonable accommodation.
- If an employee is having trouble performing their job, and an employer thinks an accommodation would help, the employer can discuss the possible accommodation with the employee.

The Interactive Process



- What is the interactive process?
- What is the employer's duty to engage in the interactive process?
- What situations trigger the duty to engage in the interactive process?
- Make sure to follow up in writing!

3 situations when accommodations may be required

- 1) To help an employee to perform the functions of the job.
- 2) To give a job applicant an equal employment opportunity in hiring or recruitment.
- 3) To prevent discrimination of employees with disabilities in the terms, conditions, and privileges of employment.

Ongoing Nature of the Accommodation Duty

- Change is the reason why accommodations often don't stay the same.
- Changes may require an adjustment in an existing accommodation, providing an accommodation where one was not needed before, or stopping an accommodation that was provided before.

Qualities Essential to the Interactive Process

Employers should...

- Meet with the employee
- Request necessary information about the limitations on the person's functions
- Ask the employee/applicant what they want
- Show they are considering the employee or applicant's request
- Offer and discuss available alternatives when a request is too difficult or expensive.
- Good faith of employer and employee/applicant to explore possible accommodations
- Direct communication
- Exchange essential information
- Avoid unnecessary delays or barriers in the process

ADA Title III: Public Accommodations

What ADA Title III Covers: Small Businesses Serving the Public

ADA Title III covers places of public accommodation (open to the public).

- Includes all types of private businesses and nonprofit organizations, **no matter how many employees they have:**
 - Social service organizations
 - Retail stores
 - Restaurants

Effective Communication: Communication Disabilities

- State and local government agencies, as well as public accommodations, must provide effective communication to people with communication-related disabilities:
- Hearing
- Vision and/or
- Speech

Accessibility for People with Mobility Disabilities

- No-step entrances with wide, easy-open doors
- Accessible parking
- Door opening force 5 lbs. or less in CA
- Interior accessible paths
- Lowered portions of counters and bars
- Accessible restrooms
- Maintaining accessible features

Path of Travel



- Accessible parking
- Clear Path from street/sidewalk and public transit stop
- Accessible Route into and through public areas

Reasonable Modification of Policy for Businesses

- Adjustments to policies, practices, and procedures to ensure accessibility for individuals with disabilities
- Modifications may be necessary for access to goods & services
 - Adjusting physical spaces (eg., ramps, accessible counters)
 - Allowing people to bring in food
 - Service Animals

The Basics of Service Animals



- Service animals are dogs that must be:
 - Trained to do one or more physical tasks for their handlers
 - Emotional support is **not** a task
 - Under control
 - Housebroken
 - Well-behaved
 - Leash, tether, or voice control
- Miniature horses may be allowed



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California Commission
on Disability Access

Two Questions Businesses Can Ask on Service Animals

1. Is the animal required because of a disability?
Do not ask this if the disability is obvious
2. What work or task(s) has the animal been trained to perform?
Do not ask about the handler's disability or to see the task performed.

Training & Proof for Service Animals

- Service animal handlers can train their own animals.
- Service animals in training are allowed in California.
- No certificates, vests, ID cards, etc. necessary to prove an animal is a service animal.
 - If the handler answers the 2 questions, don't ask for proof.

Questions and Answers



Employment Resources

- Equal Employment Opportunity Commission - <https://www.eeoc.gov/>
- ADA National Network— <https://adata.org/>
(800) 949-4232
- Job Accommodation Network - <https://askjan.org/index.cfm>
(800) 526-7234
- Vocational Rehabilitation - <https://rsa.ed.gov/about/states>
- California Civil Rights Office - <https://civildrights.ca.gov/accommodation/>

Business Resources

- ADA Update: A Primer for Small Business - <https://www.ada.gov/resources/title-iii-primer/>
- ADA Requirements: Effective Communication – <https://www.ada.gov/resources/effective-communication/>
- Service Animals & the ADA Frequently Asked Questions – <https://www.ada.gov/resources/service-animals-faqs/>
- ADA Quick Tips: Tax Incentives – <https://adata.org/factsheet/quicktips-tax>
- Certified Access Specialist (CAsp) Inspection - <https://www.dgs.ca.gov/DSA/Resources/Page-Content/Resources-List-Folder/Certified-Access-Specialist-Property-Inspection>

Stay Connected with the California Commission on Disability Access

Department of General Services

California Commission on Disability Access

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