

**A Guide to Using the
Accommodation Request Process of
The Americans With Disabilities Act
For People Who are Blind
Or Who have Low Vision**



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Introduction

The Americans with Disabilities Act (ADA) grants people who have a severe impairment the right to request reasonable accommodation. You may wonder whether you will receive anything if you request accommodation. You might also question whether what you do receive will be effective and you might be concerned about the effects of filing a complaint if a request is not fulfilled. You might also wonder if others experienced the same things you have or feel the same way about requesting accommodation as you do. This guidebook will try to answer those questions.

This guidebook treats the ADA like any other tool that is supposed to help people who have severe visual impairment. The focus is on how well the ADA functions. It is based on what people have written about the ADA and on the experiences of 151 people who are blind or who have low vision who responded to a survey about the ADA request process. It includes their suggestions on how to successfully request reasonable accommodation. The focus of this guidebook is on requests related to employment, but the entire ADA can be useful for obtaining, maintaining, or advancing in employment.

The ADA applies to schools and training programs, when applying for a job, and on the job. It also applies when using the services of private or government entities. This guidebook addresses all those areas as well as the

ADA complaint and enforcement process because they all may affect employment. The first section is a brief look at how the ADA request process functions for some people. Their experiences may not exactly resemble yours.

The second section offers suggestions from the survey respondents on requesting accommodation. These may not relate to all situations, but they come from real experiences with success and failure with requests. All 151 people who responded to the survey are covered by the ADA, their requests were reasonable, and the places where they made their requests are covered by the law. They do not represent the more than one and a half million Americans estimated to be legally blind, or the additional eight and a half million Americans who are estimated to have a severe visual impairment, but they give useful insight on the ADA tool from the point of view of some of those who could use it. The survey respondents were from 41 states: two thirds lived in a city; the rest were from suburbs or rural areas; about half were totally blind or only had light perception; almost half were legally blind, but not totally blind; slightly more than half had a visual impairment since birth; over half had a bachelor's degree or higher; the rest finished high school or completed a GED or a 2 year college; slightly more than half were female; almost 90% were White, and half were employed. The ages ranged from 20 to 64 with an average age of 49.

How often do people use the ADA?

A quarter of the people who answered the survey did not make any requests during the 5 year period 2000 to 2004. The majority of those who did make requests estimated they made only 1 request per year during that time period. However, they described on average only about 3 requests for the entire 5 year period. A small group, less than 10% estimated they made many requests, about 50 to 500 in the 5 years covered by the study. That group might be called advocates or frequent requesters.

The survey respondents were asked why they made few or no requests. Slightly more than half the reasons for not making any or many requests did not indicate there were any problems with the request process. The person was satisfied with what was received earlier, or received accommodation without asking, or was not seeking a job. Some people worked at places that were knowledgeable and willing to accommodate, such as an agency for the blind and they did not need to make requests. However, just under half of the reasons for not making any or many accommodation requests indicated that the ADA request process was too much trouble, too uncertain, or too risky. Twenty percent of requesters reported they experienced retaliation as a direct result of requesting accommodation and they felt they had no protection against retaliation. Discussion is supposed to be part of the request process. Most requesters reported they did not have any

discussions beyond making a request. The failure to discuss options may indicate the entity is not willing to comply with the law. If no reason or no legitimate reason is given for not accommodating, the law is being ignored.

What reasonable accommodations are requested?

The type of accommodations requested fall into three categories. One type is equipment such as a closed circuit television (CCTV), a scanner, or a Braille display, or computer software such as a screen reader or screen enlarger. Another category is alternate procedures such as a change in location, or more time, or alternate formats for print such as, a digital format, a reader or scribe, Braille, or large print. The third category is help with orientation and mobility including help with transportation or with accommodation related to using a dog guide.

Requests were fulfilled at about the same rate for each category. The type of accommodation requested did not seem to affect the success of requests. Further, request success was not affected by the person's level of vision (totally blind or just light perception, compared to legally blind or visually impaired). It was not affected by requester's current employment status. It was also not affected by gender or by the level of education (below bachelor's level compared to bachelor's or above). Being a client of vocational rehabilitation services at the time of request also did not affect success with accommodation

requests. If an entity is not going to comply with the law, anyone can be refused and something simple like reading aloud or being a sighted guide may be refused at about the same rate as something seemingly more expensive and complex such as, providing a CCTV, or computer software, or Brailled material.

How successful are requests?

All of the requests described on the survey seemed reasonable and 100% of them should have been provided.

- 67% of requests made to schools or training programs for their educational services were successful;
- 65% of requests made on-the-job were successful;
- 62% of requests made during job applications and interviews were successful;
- 48% of requests made for the services of private entities such as banks, medical facilities, and utilities, were successful; and
- 40% of requests made for services from federal, state, and local government entities were successful.

An effective accommodation is one that does not require too much time or effort to obtain, and it works the way it was intended, and it can be used when it is needed. The weighted average for all 5 areas combined was 57%.

Requesters received effective accommodation a little more than half of the time (57%) overall for all 5 areas. A range of between two fifths to two thirds of all requests led to receiving effective accommodation. This is the average for the survey group. It is not a sure standard of what you can expect. It would only be a guess to estimate that other requesters would be successful a little over half the time. Other individuals might receive everything requested, or nothing, or some number in between.

An individual's experience with the failure of other tools may vary, but the combined rate of failure of the ADA accommodation request process for the survey group was 43%. People who made requests did not receive effective accommodation a little less than half of the time for all 5 areas combined. Whether that level of failure is tolerable depends on personal experience, on people's goals, and if they have options besides the ADA.

Schools and other training programs accommodated effectively about two thirds of requests they received from the survey group. Employers fulfilled slightly less than that with requests made on the job, and slightly less than that for requests made for job applications or interviews. Private entities such as, banks, hotels, professional testing services and medical services complied with less than half the requests they received. Federal, state, or local government entities complied least, fulfilling only 40% of requests received. Those failures to effectively

accommodate were refusals. They were not cases of confusion, ignorance, or mistakes that were corrected.

People's impression of the request process

How difficult is the request process? Most people whose requests were fulfilled thought the process was easy or very easy. Most people whose requests were not fulfilled thought it was difficult or very difficult, but even when a request is unfulfilled it may not seem difficult. In about 10% of the unfulfilled situations, the process was viewed as easy or very easy. Sometimes when a request is fulfilled, it may seem difficult. In about 20% of the fulfilled situations, the process was seen as difficult or very difficult.

How fast is the request process? Half of those who received effective accommodation rated the speed of the process as fast or very fast. Slightly under half said it was slow or very slow. A very small number said they did not know how fast it was either because they had nothing to compare it with or because each situation was different.

How often do requests have to be repeated? Of those who answered the question, 60% only had to ask

once or a few times, while 40% had to ask repeatedly or every time they needed an obvious accommodation from the same entity. Repeating the same request to the same entity for the same accommodation such as alternate formats for print material each time print is given to everyone else, adds a burden to the request process.

Are people who make requests satisfied with the process? Just over two thirds of the people who rated their satisfaction with the ADA request process were satisfied or very satisfied, and just under one third were unsatisfied or very dissatisfied with the request process. Even some who did not receive effective accommodation said they were satisfied with the process.

When a request is made, are people willing to accommodate? In a few of the fulfilled requests the entity was seen as unwilling or very unwilling to accommodate. In over a third of the unfulfilled requests the entity was seen as willing or very willing to accommodate. Whether an entity seems willing to accommodate may not always indicate if a request will be successful. The entity should respond politely

whether they fulfill a request and comply with the law or not.

Will it help to know if the entity does typically accommodate? Requests to entities that were known to accommodate were more often fulfilled than requests to those that were known not to comply with the law. In over three quarters of fulfilled situations, the requesters thought the entity usually did accommodate. In over a third of the unfulfilled situations, the requesters thought the entity usually did, and in about the same number of unfulfilled situations the requesters did not know the entity's history. In about one fifth of the fulfilled situations the entity's history was unknown to requesters. In a few of the fulfilled situations, requesters thought the entity did not usually accommodate. They tried anyway and succeeded. The reverse occurred too. In a quarter of the unfulfilled request situations, the requesters thought the entity usually did not accommodate. They tried anyway and failed. Knowing the entity's accommodation history may help, but it does not always

predict its current behaviors. The ADA is a work in process. As the law is enforced and more areas opened, more entities will be willing to accommodate and just do it.

The Complaint Process

Will a complaint against disability discrimination help? An earlier study of all ADA complaints of disability discrimination made to the Equal Employment Opportunity Commission (EEOC) found a little over 5% won, or about 1 out of 19 complaints. However, winning took months and still might not lead to receiving accommodation. Winning a complaint might only mean winning the right to sue.

If a person can find and afford to pay for a lawyer to take the case, the courts help only a little over 4% of the time, or about 1 out of 22 cases, and those cases can still be appealed and take even longer. If a lawsuit is lost, the person bringing the complaint may have to pay court costs. The complaint process might not help get accommodation at all and it will certainly not help get it quickly. It is not likely that any complaint will help an individual obtain accommodation, but together, many individual complaints might contribute to changes in the future if they reveal a pattern of discrimination and focus attention on a particular problem area.

There is an enforcement mechanism for the ADA. You have the right to file complaints. However, the law is not well enforced. Compliance with the ADA can best be labeled “voluntary” because your civil rights under the ADA are not effectively protected.

One person said, “If I filed complaints I would be doing it all day, every day, that would be my life.” Another person said she did not appeal because she did not want to keep banging her head against walls. Someone else called it a “terrible fight.” She knew it might help others in the future, but she also had to consider her own strength and how a complaint would affect her well-being. Many people said there was no discussion. They did not know why their request was refused. Some said they were afraid that even if they were to win they would just get everyone angry with them. The ADA prohibits retaliation against a person who files a complaint, but there is no effective protection against retaliation. The complaint process can be difficult. It can seem as if the people filing complaints are the ones being put on trial and have the most to lose.

Some people who sued were labeled “abusive” in the way they made a request. They lost their cases simply because they had shown their frustration at refusals or delays with accommodation. They had to pay court costs. Thus, they were punished for responding to discrimination. Some courts and complaint agencies refused to provide information in an accessible format about the complaint process or an individual’s own case. A three year class-

action lawsuit declared that failure violates the ADA, but it still seems to occur. A case is then dropped because the court or agency does not receive a reply to a printed letter.

If you face resistance, the most effective means for obtaining accommodation may be to go to someone with higher authority in the place where you made the request. For the survey respondents, when accommodation was refused or ineffective, going to a higher level in the same organization helped almost half of the time (40%). That figure is about 10 times larger than the overall national rate for the agency complaint or court lawsuit approach.

Suggestions on How to Request Accommodation

Successfully

These suggestions are about how to request accommodation. They are not suggestions on how to get a job. The ADA does not require employment or guarantee anyone a job. You still must be qualified for the job and convince the employer of that fact.

The United States Congress found that disability discrimination is widespread and labeled it purposeful, unequal treatment. It is not ignorance, or lack of technique, or a problem with the cost of accommodation. An entity's lack of knowledge is no excuse for failure to accommodate and if something is too expensive or an undue hardship, that is, too much of a burden, it does not

have to be provided. Each entity covered by the law must have or acquire the expertise and funds needed to comply with the law or be able to justify why they do not accommodate.

A person who requests accommodation does not need any special knowledge and does not need to teach others what the law requires of them. You just have to let the entity know you have a disability if it is not obvious. Even so, it may help to have some knowledge about the law, the entity, your own feelings and abilities, and about various accommodations and what they can do. The following suggestions for requesting accommodation fall into three categories: *knowledge*, what to know, *attitudes*, what to believe or feel, and *strategies*, what to do.

Knowledge

There is a list at the end of this guidebook with sources of information on the ADA, and on requesting accommodation, on things you might request, and on the ADA complaint process. However, you should first know you might not receive effective accommodation when you make a reasonable request and you should also know the complaint process will probably not help. If the request process is stalled, you may be able to offer solutions, but if it takes too long, or the problems seem never ending, or illegitimate, you can decide to go to a higher level, or file a complaint, or just drop it and choose another goal, or try to

reach your goal by some other means. You should also be aware that even people required to abide by the ADA may know nothing about the tools and needs of people with a severe visual impairment. Likewise, you may know little about the options available to a person with sight.

In order to request access, you must know about something that would be useful to you if it were accessible. Thus, in order to ask for an accommodation for something, you must first know it exists or could exist. However, you cannot see information describing things you might want to use if it is not in an accessible format for you to read!

Traditional sources of information on the types of activities people with severe visual impairment engage in are organizations such as the National Federation of the Blind (NFB), the American Council of the Blind (ACB), a state rehabilitation service or center for the blind, or the American Foundation for the Blind (AFB). People learn new things from friends and family, or by reading, or by listening to TV, radio, or the Internet. The ADA permits you to expand what you do and how you do it, but you must know something exists in order to request access to it.

It will help if you know what you need or want and know your own abilities and skill level. You have the right to access, but you may not be able to use or want to try everything. Know your own limitations and whether the accommodations you seek will help you accomplish what

you want to do. You might prefer to fulfill accommodations yourself without asking for help, but be able to explain why you need something. It may help if you know where an item you request can be purchased, but be aware there is more than one way to accomplish accommodation.

Be aware that the places covered by the law have limitations, and have their own ways of operating. Some have a specific person or office to contact. You may simply need to ask to find out whom to contact. However, if that contact person never answers the phone or gives excuses instead of accommodation, you may need to go to a higher level. For example, if someone in a large organization such as a school says they cannot accommodate you because it is not in their budget for this year, they should be informed that the ADA requires they accommodate in a timely manner based on their overall financial ability not on yearly budget cycles or on one department's budget.

It would help to read the law. Know all the provisions of the ADA. Failure to provide reasonable accommodation is just one type of disability discrimination the law prohibits. Make sure that you are covered by the ADA, and have the right to be accommodated in a situation. However, you do not need to be a lawyer or an expert in order to request accommodation. If you decide to file a complaint, you must file within 180 days (six months) of the time of the incident.

Attitudes

Attitude is important. It is hard to have a good attitude when so much is written in newspapers and magazines that attacks the ADA or ignores people with disabilities. Even academic writers in professional journals and school texts attack or ignore the ADA and people with disabilities. Instead of discussing disability discrimination and the ineffectual complaint process, the media often blame people who are blind for the failure of ADA requests or complaints. Those charges may get repeated by neighbors or co-workers, even some who have disabilities. People's attitudes are affected by the attacks and the silence.

Social scientists, the courts, and even advocates have blamed people with severe visual impairments for their failure to be accommodated. Rehabilitation professionals write that accommodation is not received because people who are blind do not know how to properly make a request or file a complaint. People who are blind are accused of being lazy for not filing more complaints. These charges imply or even state outright that people with a severe visual impairment are greedy, lazy, ignorant, and impolite. Maintaining a good attitude in the face of this abuse is not easy. A few individuals may act that way in any group, but besides being false for most people, such charges ignore disability discrimination. They

ignore the abuse of repeated violations of the ADA and the ineffectual enforcement of the law. These attacks serve to make victims of disability discrimination feel ashamed of being discriminated against and trying to exercise their right to equality of access.

There is a social stigma to being blind and asking for help which is being intensified by the decade long attack against the ADA in the media. A Supreme Court judge said the ADA is a poorly written, hard to understand law. Scientists write that disability discrimination cannot be measured. All the while, people with severe impairments understand and experience it first hand every day. People who are blind can see it, but judges and scientists cannot.

It is hard not to be discouraged or intimidated when the law to protect you is ridiculed and your own life and the discrimination that you know is real is ignored by so many seemingly respectable voices. People with impairments may even begin to believe those negative values about the ADA and about themselves. They may even repeat them.

It might help to know that these are the same smear tactics used in earlier gender and race civil rights battles. They are not unlike lawyers blaming a victim of rape for seducing her attacker, or social scientists claiming African Americans do not have the intelligence to be integrated in the public schools. The victims are blamed for the crime.

That is the way discrimination works. Discrimination devalues or ignores people. Disability discrimination is just as ugly and mean as gender or race discrimination. People with disabilities are abused and insulted while the popular and professional media are willfully silent or are part of the attack. Historically, nobody gives up social advantage and power without a fight. The battle for the ADA is not over.

Frustration and anger can arise because of failed expectations, or broken promises, or from subtle or overt retaliation, as well as from the emotional and physical abuse of disability discrimination. Here are some things to consider about your attitude:

- It is up to you to control your emotions. You may be blamed for inappropriate behavior during a request, regardless of what the entity did or did not do that contributed to your frustration.
- You should get access and things should work effectively, but understand that the word reasonable may not mean you get everything you want.
- You are not taking advantage of the situation by requesting accommodation and it is not your fault if you do not get it.

- You should be allowed to be a partner and work out our accommodation needs together with the entity.
- Let the entity know that things are supposed to be made accessible to you. Equality of access, as much as is reasonably possible is a right, not a privilege.
- Reasonable accommodations are not too expensive. There is enough to go around. Asking does not deprive anybody else of what they are entitled to.
- Stand up to retaliation and deal with it as it comes. Know that everything in life has some problems.
- Do not keep hitting your head against a wall. Be able to give up, or take a break and find other things to do.
- (The opposite advice was also given) Don't give up. In most cases accommodating is no longer a voluntary act. It is the law.
- Recognize that you have to work harder than the average person. Be self-reliant and take care of your own needs as much as possible.
- Be aware if others perceive you in a prejudicial way and correct them if possible. Know if other employees have the same work to do as you. Be willing to educate people about your needs and the law. Don't

assume others know what is best for you.

- Be comfortable with yourself and accept your disability. It's respectable to be blind or have low vision and to ask for what you need.
- If you are not obviously blind, it may be your choice whether or when to reveal it. You can be open about blindness.
- You don't have to hide your disability or wear a sign about it. Do not be afraid or ashamed to admit you have a disability. Some people think it best to reveal a disability and others suggest not revealing it.

Strategies

You have the right to request accommodation, but you can consider if or when you want to bring it up. It is your choice. Some people do not like to be in situations that have the potential for conflict. Consider whether you want to spend the time and effort on an ADA request. You may prefer to try an alternative means or a different goal. Ask yourself if you really want to work, or go to school, or use the services of a place that is going to resist your requests for accommodation. You may want to ask yourself if you are wanted in that situation or on that job in the first place. If you have a choice, you may prefer to go

where you will be treated better. Some people do not have choices and others may not want to allow disability discrimination to rule their lives.

Disability discrimination means people have and act upon negative perceptions of a person just because he or she has a severe impairment. People facing gender or race discrimination have had to work harder than others for the same pay or promotion. So too, someone with a visual impairment may have to work harder than others to appear to be doing the same work. You may also have to work harder because using assistive technology (AT) can be difficult. Some things may take longer to do when you cannot see. You may have the added work of keeping up with changes or maintenance for AT. You may need to obtain AT and training beyond what an employer provides.

You may need to juggle and keep track of several accommodation requests to different entities at the same time that are all needed to accomplish one goal. If any are missing, you cannot accomplish the goal. Other people may accomplish the same goals without thinking about any of those barriers or extra steps. Being blind may just be an inconvenience for some, but it can also be hard work. The ADA request process may offer access, but it can mean added work to try to obtain more opportunities.

It is a great ideal for everyone with a disability to learn new things and be an ambassador of good will who teaches the whole world how not to discriminate.

However, not everyone is good at that or wants to play that role. You may feel it is enough just to know how to do a job or pay for a service like everyone else.

You do not have to make a request at any particular time, but if you have not prepared ahead, you may lose opportunities that have time limits. It can take some time to provide accommodation so it may be most efficient to ask early and have everything in place for a job interview, or a new job, or a training program, or to open a bank account, or to use some other service. However, you may not know what you need in a new situation. You do not lose the right to request later if you do not ask initially and you can ask for more later if you need additional accommodations.

It may be easiest to obtain accommodation from an entity that is already experienced with the ADA and the needs of persons who are blind. You could ask if they have any experience dealing with ADA compliance, or if they think a person who is blind could do the job. You may ask if the entity's computer system is accessible or can be made accessible. If they say "no" to these questions, they may be in violation of the ADA, but you can then decide if you want to teach them or file a complaint. Some people accomplish their goals without requesting accommodation and some are hired even if their requests are denied. Furthermore, some people press for access that they may not achieve immediately or without a struggle, but their requests may help themselves and others in the future.

Some people suggest you should always ask. For the people who took the survey, the response to a request for accommodation was “yes” over half the time overall; not just in word, but also in deed and attitude. Requests can be effective, but when not, a little checking may reveal whether it is worth seeking further help. A request will sometimes succeed by pressing for it, even when the entity seems unwilling or usually does not accommodate.

It may help to contact someone higher up in the same organization, but keep track of the requests you make even if you are not planning to file a complaint. As much as possible, record all the facts: the dates, times, and places, what you requested, the people you contacted, and their responses.

Employers may not be aware of the accommodations that are available. You should be prepared for questions about what you need and why and even where things can be obtained. Give clear and specific information such as, why one product is better than another. It might be tactful to avoid sharing information on an expensive item right away so that the cost will not scare an employer.

You might find instead that some places do not want your input. You do not need to be the expert. Share your knowledge if possible, but the entity is responsible, not you. If you have strong preferences say so, but be flexible

and try other things. If what you receive does not work, you can ask for something else. The goal is not one type of accommodation, the goal is effective access. That may change as you, the technology, or the situation changes.

Instead of telling people what you need, one way to begin is to explain your situation and ask them what they think you should do. You might call to apply for a job and say you cannot see a printed application, or you may say you use a dog guide. Their response may reveal whether they will comply with the ADA or if they are willing to learn. By calling ahead, you may save the time and expense of a futile trip. Then, it is your choice as to whether you want to take a request for accommodation to a higher level, file a complaint, or go somewhere else. It is your choice. You may already be busy or simply not want the aggravation.

Entities covered by the ADA are usually smart enough not to openly refuse to accommodate, but they might say yes and refuse by their action. They may drag the process out for a long time, or repeatedly claim they want to help, but not now, maybe later. They may give you something that is ineffective, or give nothing, or just give excuses. Don't allow people to patronize or intimidate you, or push you to frustration, or wear you out with the process.

Some entities might want you to get help elsewhere such as by bringing your own reader, or going to a state vocational rehabilitation agency, or contacting the National Library Service. Others may endlessly discuss options, but

do nothing and violate the law. You can try to persuade employers to comply by telling them they can get tax credits to offset the cost of accommodation, but tax credits do not offset very much and are rarely used by employers.

It always helps to have a backup plan and to have good blindness skills. Relying completely on the ADA is not a good idea yet. For example, if you know that in your area some taxicabs will see a dog guide and not pick you up, you might avoid waiting for hours by saying up-front you have a dog guide when you call for a cab. You might not get what you are entitled to, but you can try to save time or avoid conflict. You have the right to reasonable accommodation, but still no effective protection.

The ADA has not eliminated disability discrimination or the value of courtesy. Exercising self-control can be difficult in the face of discrimination and abuse, but being polite is still appropriate and does not ignore the fact that it is your right to receive accommodation. Being courteous does not ignore an entity's responsibility to accommodate.

It may be courteous to let people in a hurry get ahead of you in line, just as you might ask others to be courteous to you by not laying things on the floor or not leaving doors or cabinets open where you walk. Consider the schedule of the person receiving your requests for accommodation and see if they have the time to spend with you. Don't waste their time, but use services in a timely manner.

If you are obviously blind, you should not have to say anything to an employer. Someone should ask if you need something. If you do not carry a white cane or use a dog guide, you may only need to say “I’m blind” or “I have low vision” and “I need an accommodation,” but that may not be enough. Some places that ignore the law may not ask questions or discuss it further. They may not give any reasons, or any legitimate reasons for not accommodating.

You might want to disclose your visual impairment if you are not obviously blind, but other times you might decide not to say anything, or you may bring it up later. You will probably not receive an accommodation or win a charge of disability discrimination if the entity had no way of knowing you needed some accommodation. However, complaints or lawsuits will not likely help anyway, so you choose what to discuss and when.

You might prefer to direct a conversation to your strengths and what you can do and how you function independently before you discuss what others can do to help you. Let it be known that you can do a very good job or use the service you are requesting if you are given the tools. Making yourself valuable makes people more willing to help. If people get to know you and what you can do, they are more likely to help. Good relationships are vital.

If an entity is willing to work with you, it may help to

get the name and phone number of a person to make a request to, and then deal with that one person rather than going to several people. If this is not a one-time event, be available for follow-up contacts from the entity and be sure to follow-up yourself. Check that the right people are being contacted and the process is going forward. Try to find out how long it will take, but give your contact person time to fulfill the request or resolve problems.

If a request is not fulfilled, request again. If the accommodations are not right and on time, ask again. Complain if you don't get what you need and keep a record of your requests and complaints. Go up the chain of command in the same organization and stay on people's backs as needed. Be assertive, not timid, but know the difference between being assertive and being overly aggressive. Don't be afraid to ask, and don't give up. You will need to be persistent. Learn how the systems work in your area so you can use them effectively. Effectively does not necessarily mean winning, it means not wasting your efforts. There may be programs available to help you combat discrimination. There is usually more than one legal option and you may need to appeal the same refusal several times.

If staying within the organization does not work, your notes on what you tried will help with complaints to your state or county human rights office, or to the U. S. Equal Employment Opportunity Commission, or

the U. S. Department of Justice, or the Office of Civil Rights of the U. S. Department of Education. Their contact information and other phone numbers and Web sites can be found at the end of this guidebook.

Most complaints are rejected without consideration simply because the federal agencies do not have enough money to handle them. Some complaints are rejected because they are not clear and complete, but be aware that even if complaints are clear examples of disability discrimination, about 95% lose in the complaint process and about 96% lose in the courts. Do not think you will get anything done quickly or even at all by complaint agencies or the courts. They will probably not help your immediate needs. The entities may be at fault, but they are not likely to suffer any penalty for failure or delay.

This is not to suggest that you just give-up. Be aware it is tough to fight discrimination. Do it by your choice, in your time, and on your terms. Several people suggested the most effective tools against continued discrimination included mass demonstrations and using the public media to create adverse publicity against the offender. It will help to know how to get supporters together, who to contact in the media, and how to contact politicians. Also joining an advocacy organization such as the National Federation of the Blind (NFB) or the American Council of the Blind (ACB) may help, but they have their own agendas too. If your situation is part of what the larger group has decided

to fight, they may help. If not, other allies must be found or individuals must advocate for themselves. There are too many violations and abuses of the civil rights of people with severe impairments for any one group or even several groups to fight them all.

Some people described using civil disobedience as a way to get accommodation. One man who is totally blind asked a United States Post Office clerk for help filling out a postal form. The clerk refused and the Postmaster was not in, so the man refused to leave the line. The clerk called the police. The man could have been arrested, fined, and even physically injured in the process. Instead the police filled out the form! The clerk was reprimanded and now that particular post office accommodates. That entity's law breaking was stopped by civil disobedience.

In another recent case, mass demonstrations and a lawsuit forced a state to agree to phase-in compliance with one portion of the law by 2015, which is 25 years after the ADA was enacted. However, each time someone new is hired or elected, they may have to be reminded or taught about the ADA and the rights of people with disabilities because most textbooks used in high schools, colleges, or graduate schools do not mention the ADA or related laws, or the people who use them. Therefore, that state's ADA behavior must still be monitored because it might ignore the agreement it signed. Forceful methods initially helped win the ADA right to accommodation, but they are still needed today to get some entities to obey the law. You

can help guard your civil rights by using them and also by joining a national organization of and for the blind. Attend advocacy meetings and get current information. Network with others and learn from their experiences.

The following publications and Internet sites give information on the ADA, the ADA complaint process, and accommodations and assistive technology:

1. The text of the Americans With Disabilities Act of 1990, 42 U.S.C.A. 12101 et seq. (West 1993) can be found at <<http://www.usdoj.gov/crt/ada/pubs/ada.txt>>.
2. *Questions and Answers About Blindness and Vision Impairments in the Workplace and the Americans with Disabilities Act.* From The United States Equal Employment Opportunity Commission. (2005). This is found at:<<http://www.eeoc.gov/facts/blindness.html>>.
3. *Reasonable Accommodation, the Interactive Process and the ADA.* (2005) From The Southeast Disability and Business Technical Assistance Center (SEDBTAC). <http://www.sedbtac.com>>. (2005). From *The ADA Pipeline*. Atlanta, Georgia: SE DBTAC. (800) - 949 - 4232 (V/TTY), or online at <<http://www:ADATA.org>>. Or <www.Sedbtac.com>.

4. The ADA and IT Center is the Americans With Disabilities Act and Information Technology Center. This is the same as the regional Disability and Business Technical Assistance Centers (DBTAC). These are also called the ADA hotline. They can be reached at (800) 514-0301(Voice), 800-514-0383 (TTY) or at <<http://www.ADATA.org>>.
5. Gourgey, K., Leeds, M., McNulty, T., & Suvino, D. (2002). *A practical guide to accommodating people with visual impairments in the workplace*. New York: Computer Center for Visually Impaired People at Baruch College/CUNY. Phone (646) 312-1420.
6. *Working Effectively With People Who Are Blind or Visually Impaired* (2000). From the Employment and Disability Institute ILR School, Cornell University, 201 Extension Building, Ithaca, New York 14853-3901; or at (607) 255-7727 (Voice), (607) 255-2891 (TDD).

A guidebook on the complaint process is available that notes some of the difficulties with filing complaints.

7. Moss, K., Ranney, L., & Gunther-Mohr, C. (2002). *The ADA and you: What to do when an employer discriminates against you because of your disability*. The University of North Carolina at Chapel Hill, Cecil G. Sheps Center for Health Services Research, <<http://www.ADAinsights.org/adaguide.html>>.

The following are phone numbers and Internet sites of some of the main ADA complaint agencies.

8. The United States Equal Employment Opportunity Commission (EEOC)
<<http://www.eeoc.gov>><http://www.eeoc.gov>. (800) 669-4000. Their TTY number is (800) 669-6820.
9. The United States Department of Justice (DOJ)
<<http://www.usdoj.gov>>. (202) 514-2000.
10. The Office of Civil Rights (OCR) of the United States Department of Education (800) 421-3481.
<<http://www.ed.gov/about/offices/list/ocr/index.html>>.
Or send an e-mail to OCR@ed.gov.
11. You might want to first contact the state, county, or city human rights office in your area if there is one.

Some suggestions on ways to use the ADA request process and assistive technology can be found in the following:

12. American Foundation for the Blind (AFB), National Technology Center, 15 West 16th Street, New York, NY 10011, (800) AFB-LINE (800 232-5463)
afbinfo@afb.net, <<http://www.afb.org>>.
13. Joffe, E. (1999). *Practical guide to the ADA and visual impairment*. New York : AFB Press.

14. *Accommodation and accessibility: Implementing the ADA on a local level.* (1992) New York: AFB Press.
15. AccessWorld. c/o Jay Leventhal. E-mail: [<jaylev@afb.net>](mailto:jaylev@afb.net)
16. The Job Accommodation Network (JAN) [<http://www.jan.wvu.edu>](http://www.jan.wvu.edu), 1-800-526-7234 (V/TTY).
17. The Chicago Lighthouse has established a telephone assistive technology support line. The toll free number for the new service is: (888) 825-0080.
18. A Center for Independent Living (CIL or ILC) if one is in your area. [<http://www.cilberkeley.org>](http://www.cilberkeley.org).
19. Your state's rehabilitation services agency at [<http://www.ed.gov/about/offices/list/osers/rsa/index.html>](http://www.ed.gov/about/offices/list/osers/rsa/index.html)
20. State or private centers for the blind,
21. The United States Veteran's Administration [<http://www.va.gov>](http://www.va.gov), 1-800-827-1000.
22. The National Federation of the Blind [<http://www.nfb.org>](http://www.nfb.org), (410) 659-9314.

23. The American Council of the Blind.
<<http://www.acb.org>>, (202) 467-5081,
(800) 424-8666.
24. eSight, <<http://www.esight.org>>, a listserv of The
Associated Blind <<http://www.tablnc.org>>.
25. The Rehabilitation Research and Training Center On
Blindness and Low Vision at MSU (800) 675-7782,
<<http://www.blind.msstate.edu>>.
26. Helping People With Disabilities
<<http://www.adainsights.org>>.
27. The National Council on Disability (NCD)
<<http://www.ncd.gov>>, (202) 272-2004.
28. The National Organization on Disability (NOD)
<<http://www.nod.org>>, (202) 293-5960.
29. The American Association of People with Disabilities
(AAPD) <<http://www.aapd-dc.org>>, 800-840-8844
(V/TTY).
30. The Disability Rights Education and Defense Fund,
Inc. (DREDF) <<http://www.dredf.org>>.
31. The Office of Disability Employment Policy in the

U.S. Department of Labor. <http://www.dol.gov>
<http://www.dol.gov/odep>.
Voice (866) 633-7365, TTY (877)-889-5627.