

P&A TIDBITS

LEGAL NEWS & other Disability-Related info

NEW YEAR



JANUARY 2020

New Decade



World Braille Day
January 4th

HOLIDAY
SCHEDULE

OUR OFFICE
WILL BE CLOSED

NEW YEARS DAY – Wednesday, January 1st
Monday, January 20th for Martin Luther King Day

Law Enforcement Personnel Comment on Ways to Better Serve People with Disabilities

Researchers at the **Rocky Mountain ADA Regional Center** held focus groups with 19 law enforcement personnel from two counties in the Rocky Mountain region: a rural and an urban county, both with high crime rates. During the groups, the researchers asked the participants about their experiences serving individuals with disabilities including strengths, challenges, and things that could improve their interactions with people with disabilities. The researchers found that the participants' responses fell into four major areas:

Interpersonal skills: The participants described skills that are necessary when serving individuals with disabilities. These skills included patience, effective communication, and a willingness to explore all sides of a problem. The participants emphasized the importance of finding out why an event occurred, not just what occurred.

Complex responsibilities: The participants described being responsible to multiple stakeholders, which can create challenges when interacting with people with disabilities. For example, law enforcement personnel's first priority may be to ensure that a situation is safe in the moment. This may take precedence over investigating why an incident occurred or determining whether an individual has a disability that could impact the situation.

Conflicting expectations: Related to the previous point, the participants described having competing pressures placed on them that could make it more difficult to interact effectively with people with disabilities. For example, some of the participants described being under time pressure to work quickly, which could create challenges when interacting with someone who needs more time to communicate or who uses an interpreter.

Improvement opportunities: The participants suggested changes that could improve the quality of interactions between law enforcement personnel and people with disabilities. A common suggestion was to have a system for storing information about individuals who are frequently involved with law enforcement, so that new officers are briefed on the specific individual's needs and preferences, including whether or not they have a disability, their particular triggers, and things that can calm them during a crisis. Another suggestion was to make more training resources available to law enforcement personnel, especially training led by people with disabilities, and training that mimics real-life situations as much as possible.

The authors noted that increased training and resources in interpersonal skills, communication, and disability awareness could be helpful for law enforcement personnel. In addition, different jurisdictions may also have different training needs depending on the characteristics of their population and how familiar the law enforcement personnel already are with people with disabilities. The authors suggested that training may need to be tailored to these specific needs. Future research may be useful to explore relationships between law enforcement personnel and people with disabilities more deeply, and to identify and develop strategies to improve those relationships in specific communities.

For more info, go to: <https://www.naric.com/?q=en/rif/Law%20Enforcement%20Personnel%20Comment%20on%20Ways%20to%20Better%20Serve%20People%20with%20Disabilities>

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INFO

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Big Lots Stores to Pay \$100,000 to Settle EEOC Disability Discrimination Suit



National retailer, Big Lots Stores, Inc., will pay \$100,000 and furnish significant equitable relief to settle a disability discrimination and retaliation lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC). The EEOC charged that a retail worker with hearing and speech disabilities was subjected to harassment by her co-workers at Big Lots' Elkins, West Virginia, store. A

number of store employees often mocked the worker's hearing disability and manner of speech, frequently using derogatory and highly offensive terms, and Big Lots management officials were aware of the harassment but failed to take appropriate action. Additionally, the EEOC charged that Big Lots refused to promote the employee because of her disabilities and in retaliation for reporting the harassment. Further, the EEOC's lawsuit charged that Big Lots subjected a non-disabled department manager to discrimination because of her association with the harassment victim and in retaliation for her efforts to protect her co-worker from harassment.

Such alleged conduct violates the Americans with Disabilities Act of 1990 (ADA). The U.S. District Court for the Northern District of West Virginia previously denied Big Lots' motion for summary judgment seeking dismissal of the case, and the EEOC and Big Lots reached an agreement to voluntarily settle the case by consent decree before a scheduled trial. In addition to paying a total of \$100,000 to the two workers, the agreed consent decree approved by the U.S. District Court enjoins future violations of the ADA and requires that Big Lots implement various measures to prevent workplace disability discrimination, including ADA investigation documentation requirements, furnishing reports to the EEOC concerning certain allegations of disability harassment or discrimination and retaliation, a training requirement, and posting a notice to employees of the Elkins store relating to the settlement.

Source: <https://www.eeoc.gov/eeoc/newsroom/release/11-26-19a.cfm>

Walmart to Pay \$80,000 and Implement Nationwide Change in Policy to Settle EEOC Disability Lawsuit

Walmart Inc. will pay \$80,000 and implement nationwide changes to its disability reassignment policy to settle a disability discrimination lawsuit filed by the EEOC. According to the EEOC's lawsuit, Walmart violated the ADA by failing to reassign a long-term employee at its Augusta, Maine, location to vacant positions at other locations after she became disabled. The ADA imposes a requirement that employees with disabilities be provided a reasonable accommodation, such as reassignment to a vacant position, absent undue hardship on the employer. The lawsuit alleged that Veronica Resendez, who had worked for Walmart since 1999, developed a disability that, according to Walmart, prevented her from continuing to work in a sales associate position in Augusta. Walmart determined that the only positions that could accommodate her disability were fitting room associate and people greeter. While there were no such positions vacant in Augusta, there were two fitting room associate positions open in Waterville and one in Thomaston. Walmart's policy, however, was to search for open positions only in the store where the employee had been working. Because of this, Walmart did not transfer Resendez to the positions in Waterville or Thomaston, which she would have accepted. As a result, Ms. Resendez never worked for Walmart again.

As part of the settlement, Walmart will change its policy so associates with a disability that are eligible for job reassignment under the ADA as a reasonable accommodation can request that Walmart search at up to five stores beyond an associate's then-current store location ("home store") or in the home store's entire market. The revised procedures will be applied to all hourly field associates working in Walmart retail stores in the United States. Walmart is also enjoined from failing to offer to reassign a qualified individual with a disability to a vacant position. Finally, Resendez will receive payment of \$80,000.

Source: <https://www.eeoc.gov/eeoc/newsroom/release/11-15-19.cfm>

AAVMC Offers Guidelines on Service Dogs at Teaching Hospitals"

The Association of American Veterinary Medical Colleges



(AAVMC) has created a series of guidelines on how service dogs should be handled in veterinary teaching hospitals run by

member institutions. The document, AAVMC Guidelines for Service Animal Access to Veterinary Teaching Facilities, was developed by a working group established by the AAVMC board of directors. The guidelines offer definitions to distinguish between service animals and emotional support animals, outline the legal framework covering these animals, and make recommendations for professional conduct toward and accommodation of service animals at veterinary teaching hospitals.

Latest Issue of the Digest of Equal Employment Opportunity Law Now Available

The newest edition of the federal sector Digest of Equal Employment Opportunity Law (EEO Digest) is now available on the Equal Employment Opportunity Commission's (EEOC) website. The Digest of Equal Employment Opportunity Law, a quarterly publication prepared by the Office of Federal Operations (OFO), features a wide variety of recent Commission decisions and federal court cases of interest. The Digest also includes hyperlinks so stakeholders can easily access summaries of full decisions.

Source: https://www.eeoc.gov/federal/digest/vol_4fy19.cfm?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=



The DIGEST Of Equal Employment Opportunity Law

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