

## ADA 30 MN / NDEAM 2020 Video Transcript

**Vincent:** Hello, everyone. Welcome to the event, celebrating the 30th anniversary of the Americans with Disabilities Act and the National Disability Employment Awareness Month.

I'm Vincent. I'll be the emcee today, I describe myself as a white male with brown hair and facial hair, and I'm wearing a teal shirt.

We wanted to let you know how to make this event successful. If you want to change the size of your interpreter, you should have a sidebar on your screen. If you pull that, it will increase or minimize the size. If you would like to view closed captions at the bottom of your Zoom screen, you can click closed caption and then view subtitles. There'll also be a link in the chat for you, which will have the option to view your captions in a separate window.

Today we'll be sharing our ADA anniversary message from Senator Tom Harkin. We'll have a keynote address from Kevin Lindsey from Minnesota Humanities Center, Chief Executive Officer, and featuring Keep Moving Forward participants Adonia Kyle and Bart. We'll have a proclamation by Governor Tim Walz, a musical performance by Dupree Edwards, a rapper and teaching artist.

Then we'll have a segment titled 30 Years of Employment Rights & The ADA: Where We've Been; Where We Are and Where We're Going presented by Barry Taylor, Vice President of Civil Rights & Systemic Litigation, and Rachel Weisberg, Staff Attorney from both from Equip for Equality.

Then we'll finish it off with a dance performance by Alice Sheppard, founder of Kinetic Light.

I'd now like to introduce Senator Harkin. Senator Tom Harkin retired is from Iowa. And knows firsthand the challenges people with disabilities face from his brother Frank, who was deaf from an early age. He served in the Senate from 1985 to 2015. Senator Harkin was top by Senator Ted Kennedy to craft legislation to protect the civil rights of millions of Americans with physical and mental disabilities, the ADA.

The Harkin Institute for Public Policy & Citizen Engagement continues to work to advance Senator Harkin's legacy within the realm of disability rights and employment alongside Senator Harkin.

**Audio Describer:** Gray-haired man, wearing a herringbone jacket and maroon sweater, sits in an empty conference room.

**Tom:** Hi, I'm retired senator, Tom Harkin. On July 26<sup>th</sup> of this year, our country is celebrating 30 years of commitment to creating equal opportunities for individuals living with disabilities through the passage of the Americans with Disabilities Act, the ADA.

A lot of times people ask me, what was my motivation for sponsoring the Americans with Disabilities Act? Well, I grew up with a brother, my brother Frank, who became deaf at around between 5 and 6 years of age. He was taken from his home, sent halfway across the state to a school for the deaf. It was called the school for the deaf and dumb in those days.

But as my brother once said to me, I may be deaf, but I'm not dumb.

That's the kind of hurtful language that the people used. And then I saw later in life how he was discriminated against in so many ways simply because he was deaf. And so I thought, well, if I ever had the chance to do something about it, I would.

**Audio Describer:** Black and white and then color photographs of Senator Harkin with various people, with and without disabilities.

**Tom:** For a person with a disability, it was a life of segregation and separation from their family and their friends and their community. It was a life of hurtful language you would hear all the time. And it was a life, even among the most well-meaning of people, it was a life of pity and patronizing attitudes. Life was limiting in so many ways to a person with a disability before the ADA.

A lot of people ask me who were – who were your partners in getting this done?

Well, the biggest force really, behind the ADA were persons with disabilities. In the 70s and 80s, they would start laying down behind the wheels, under the wheels of Greyhound buses because they couldn't get on a bus. There was the famous Capitol crawl, when people fell out of their wheelchairs and crawled up the steps of the U.S. Capitol because that was the only way they could get in.

To illustrate. This creative non-violence that they engaged in brought to the conscience of America that things needed to change.

And this all came to a head in the late 80s, when I was in the Senate. And we had bipartisan support. This was a bipartisan effort.

I remember when the bill passed the Senate floor. Being the chief sponsor, I was leading the effort on the Senate floor and I gave my speech in sign language.

**Audio Describer:** A young Senator Harkin addressing the Senate using American Sign Language.

Tom: And I remember this caused quite a stir on the Senate floor because, as you know, there's a reporter that takes down everything that's said on the Senate floor. Well, the reporter didn't understand sign language. The senator sitting in the chair that was in charge of the Senate was Senator Bob Kerrey from Nebraska. He didn't know what to do either because he didn't understand sign language.

So I remarked, well now you know what a deaf person feels like when all they see are verbal communications, and they can't understand verbal communications.

But I had to go back and give my speech verbally also.

But I think, I hope, it brought home to people kind of what we're talking about, and that is accessibility.

You see, there are four goals of the Americans with Disabilities Act: full participation, equal opportunity, independent living, and economic self-sufficiency.

So in 30 years, we kind of look back and think, well, how have we done? Well, on the first three, we've made some progress. We have more participation in all aspects of society by persons with disabilities, and especially by what I call the ADA Generation.

The ADA Generation, those with disabilities born after 1990, has grown up under the ADA, where access and inclusion are the norm, not an exception. These children and young adults and their parents expect to have integrated classrooms, to be cared for by local doctors and to be hired without discrimination.

It's no longer enough to rise to the level of accommodation outlined in the ADA. Accommodations are the minimum. We're now in an age where full inclusion is expected.

But it's in that last goal, economic self-sufficiency, where we really have not kept up and we haven't made much advance. When I retired from the Senate, I decided to focus my energies and efforts in that area. And to that end we have started what's called Harkin Summits, and you can look it up, [harkinsummit.org](http://harkinsummit.org). The goal of those is simply to get the private sector to commit to doing more.

In 2017, I challenged the broad private sector to set a goal that in the next 10 years they would double the rate of employment of persons with disabilities.

Whether you are a small business, hardware store, a dry cleaner or ice cream shop, pledge to hire your first employee with a disability. If you already employ a worker with a disability, pledge to double the number and to consider advancement for your current employees with disabilities.

If you are a big business like American Airlines or Microsoft or Home Depot, you should have an aggressive hiring plan to recruit, hire, train, retain and advance workers with disabilities.

And finally, I encourage you to work with this new, young ADA Generation. They are a marvel to behold. They're smart, they're engaged, and they're ready to make the world their own.

Small changes by those on Main Street and big changes by those on Wall Street can make the goal of economic self-sufficiency for people with disabilities a reality. Make that pledge now, on behalf of the 30 anniversary of the ADA. If we all do this, then 30 years from now we can say with pride that everyone in America, every person with a disability, has access to the same rights, the same dreams and the same opportunities as everyone else to make those dreams come true.

**Audio Describer:** On-screen text, The Harkin Institute, Connecting People with Policy. Sponsored by VGM & Associates, Member Service Organizations, and U.S. Rehab®.

**Vincent:** Today's keynote message comes to you from Minnesota Humanities Center CEO Kevin Lindsey and Keep Moving Forward participants Adonia Kyle and Bart.

As CEO of the Minnesota Humanities Center, Kevin is working to use the humanities to create a just society that is curious, connected, and compassionate. As the former commissioner of the Minnesota Department of Human Rights under Governor Dayton, he was steadfast advocate in many forms for the rights of individuals with disabilities.

Adonia Kyle BIPOC and LGBTQIA+ people are left out of these conversations so let's talk about it, but having a conversation can change a life.

[upbeat music]

**Sherry:** My name is Sherry Bartholomew, but you can call me Bart.

I love classic cars, especially Mopar cars. This here is my beastie. She's a 1971 Plymouth roadrunner, and it's a unique color called hugger orange, which is a very vibrant red much like the sunset in the summer, and it has some fancy pin striping and yellow and black. I love getting out and seeing people's faces light up when the engine revs or when they pass by. A lot of people scream out the window at me. Hey, nice car, so to know that I can affect and improve someone's day just by driving my car it makes me happy, it makes them happy. You know, it's the ripple effect.

My day kind of looks like any other day now since COVID before I used to go to a place called Interact Center for the Visual and Performing Arts, and there were over 80 of us artists both in the visual department and the performing arts. I was a visual artist; I still am a visual artist.

Now I get up, I go to my dining room table, which is my art studio, and I hop on to Zoom, see my friends from Interact, we connect through there, and we create art from there.

The point I'd like to make is that we are here. We've always been here. We're tenacious, and we're never going away. It's a fact of life; keep Moving Forward was - it was something I said yes to, and it was in the beginning stages of me learning my communication style. Linda asked me to come and do the state fair event.

And that was my first major event. I hadn't been to a state fair in a decade over a decade, and I didn't do social outings. It changed me. We connected through the heart. I almost left, but we took the time to step back and discuss things, talk about things, what was happening. And I ended up going out, and it's made me a fiercer advocate not only for myself but for others around me who need a voice who need people to know and understand what's happening.

I can't choose just one critical issue. Just about everything is critical with the disability community. We've been pushed aside, coddled, ignored - and everything is connected like a spiderweb. If you touch one area, it affects another area.

So we need to do a major overall. I'm a realist. So I know that we're not in a perfect world. I would say, give us the power that we need as a community. And we can impact not only our local community but also the community at large other populations and the world we're inventive. You know, we don't look at things the same way as others who are so quote unquote normal we've become pretty ingenious in getting what we need done accomplished, so I'd say hand the reigns over, you've tried now it's our turn.

**Adonia:** Hey, my name's Adonia Kyle, I'm born and raised in Minnesota, and I live in North Minneapolis.

Well, I've been a dancer my whole life. So dancing is always how I express myself. It's how I meditate, how I get through feelings. Music is my life; music is my life force. So listening to music, whether it be, you know, two thousands alternative music or rock or Metallica or hip hop and classical music as well anything to do with music or making people smile those are all my memories.

If I can make one point to people listening to this event, that a point would be that so many people are living with disabilities and so many of them are left out; there's a huge gap, and a huge amount of people that are left to fall between the cracks and most of those people are BIPOC; they're black, they're indigenous, they're queer, they're gender non-binary, they're trans, and all of us don't have care, and we aren't recognized as having a disability and that needs to change.

Telling my story and keep moving forward has impacted me because, for the first time in my life, I felt heard. I felt recognized as a person with a disability. And I feel like I have a voice, and I'm able to put a megaphone to other people who don't feel like they're heard.

The critical issue that the disability community faces right now is that we have to work to prove that we're disabled - and if we can work, we're not disabled, and if we're disabled, we can't work. So we're stuck in this place of eventually causing self-harm and huge damage to our body and our minds and our souls because we're not considered disabled and people are left out and they're left without assistance.

And we need help; we need to be recognized as people, people that love and that are sexy and smart and dance, which is why my saying is disabilities can be (beep) fabulous because they are. If it were a perfect world, disabled people would be counted as people; they would be seen as the beautiful dynamic community that we all know we are. We need to be seen as humans.

We are not less than, we're not more than. Just like when it comes to black lives, indigenous lives, and other POC, trans lives - everyone in marginalized communities. We just wanna be seen as human, and we just want to have rights.

That's it; it's not that hard, really. It is gonna okay. And you can still do all the things that you dream of. Just because you struggle and are in pain doesn't mean that you're less than, doesn't mean that you can't live your dreams. And you are amazing and you're loved and you're talented and you're worthy.

**Kevin:** Hi, my name is Kevin Lindsey, and I'm the CEO of the Minnesota Humanities Center. It's a pleasure to be a part of this celebration. Ampers, the Minnesota Council on Disability, and the Minnesota Humanities Center all joined together to keep moving it forward.

The mission of the Minnesota Humanities Center is to increase understanding to spark innovation and spark change. Our vision is a just society that is curious, connected, and compassionate.

Curious that we come to conversations with open hearts and open minds, connected as Dr. Martin Luther King would say that we see ourselves tied in a garment of mutual destiny compassionate that we're moved beyond empathy toward action.

I love the words of Bart and Adonia. Bart talking about the friendship she formed with Linda at the state fair and talking about seeing issues in her life as a spiderweb, all connected together. One strand can't be pulled apart because it's all connected and seeing her life intertwined with Linda's and others, seeing more beauty, seeing more power, just a powerful story.

Adonia, it's not that hard; just remember to love. Love, whether it's BIPOC, love whether it's transgender, love whether it's queer - just love one another. Recognize everyone is sexy everyone, is smart, everyone is worthy to be recognized. What a powerful message.

We have work to do; it's been 30 years since the Americans with Disabilities Act was passed. It's been reaffirmed once that time period.

And maybe, as Adonia suggesting, we need to look at reaffirming or changing some of the respective language concerning the definition of work.

That means we need to keep moving forward, we need to raise our voices, we need to listen to one another, and we need to remain steadfast so everyone's life can be seen her recognized and be viewed and mattered.

The Minnesota Humanities Center is proud to be a partner like Ampers Minnesota Council on Disability. Let's keep moving forward together to ensure that everyone is seen in our society. Thank you.

(upbeat music)

**Vincent:** Tim Walz is Minnesota's 41st governor, his career has been defined by public service, from serving our country in the military to serving our students as a high school teacher and football coach to serve in our state and Congress born in a small town in rural Nebraska Governor Tim Walz grew up with the values that guide his commitment to common good and selfless service.

Governor Walz is also committed to lifting up the diverse voices of Minnesota that make it a good place to live, including celebrating the achievements of the disability community and the contributions to Minnesota's workforce and economy.

**Tim:** Hi everyone, Governor Tim Walz here. Lieutenant Governor Peggy Flanagan and I are proud to proclaim October 2020 as Disability Employment Awareness Month in the state of Minnesota.

This year, we celebrate the 30th anniversary of the Americans with Disability Act, the ADA. Like the Minnesota Human Rights Act, the ADA prohibits discrimination against individuals with disabilities in all areas of public life. This act reminds us what we already know to be true. Disability rights are civil rights. However, we also know that individuals with disabilities still encounter bias and discrimination at all stages of employment.

People with disabilities who are black, indigenous people of color, LGBTQ+ and women encounter intersectional discrimination, a type of discrimination that targets multiple aspects of an individual's identity.

Minnesota employers are crucial in providing opportunities for work experience, career paths, and the dignity that comes through labor. That's why Lieutenant Governor Flanagan and I are committed to working with the

disability community to break down systemic barriers so that people with disabilities can not only work but thrive in Minnesota, thank you.

Whereas 2020 is the 30th anniversary of the Americans With Disability Act and the 75th anniversary of National Disability Employment Awareness Month.

And whereas individuals with disabilities are valuable and productive contributors and taxpayers into our workforce.

Whereas more than half a million or approximately 11% of Minnesotans report having one or more disabilities. And the unemployment rate of this group is more than double that of people without disabilities.

And whereas employers are crucial in providing opportunities for work experience, career path, and the dignity that comes through labor.

And whereas the benefit Minnesota's economy and its competitiveness in the global marketplace, the state of Minnesota must value the contributions of all people, including those with disabilities.

And whereas the state of Minnesota, in accordance with Minnesota's Olmstead Plan, is committed to providing Minnesotans with disabilities with a continuum of work options that best meet individual needs and choices for in-person centered manners.

Now, therefore I, Tim Walz, Governor of Minnesota, do hereby proclaim October 2020 as Disability Employment Awareness Month.

**Vincent:** Dupree is a creative aspiring performing artist who lives in Minneapolis. He has acted in three local productions sponsored by Partnership Resources Incorporated. Dupree had a radio show with KFAI Dup Ed that raised awareness of disability issues.

While attending the Transition Plus program for Minnesota public schools for Minneapolis public schools, he started a talent show for people with disabilities.

Dupree loves to sing and freestyle rap his own songs

Currently, Dupree is an apprentice teaching artist with Upstream Arts and also serves on the Governor's Council on Developmental Disabilities.

We will hear Dupree's rap piece, My Testimony, which dropped on Spotify and numerous other music outlets last week.

Images that all appear during the piece will show a smiling African-American man with a robust build and a short-sleeved white shirt with dark pants and cross necklace. Behind him are evergreens and other trees in full autumn color of yellows and dark reds.

**Dupree:** ♪ Yea, LightLord Records, Dupree ♪

♪ My testimony, and the truth, will set you free ♪

♪ Look, check it out ♪  
♪ I came out the womb ♪  
♪ I know I was special ♪  
♪ God's arms around me, and wouldn't let go ♪  
♪ At 2 I entertained for my family ♪  
♪ Not knowing a year later ♪  
♪ I'll see tragedy ♪  
♪ Changed my life forever ♪  
♪ Made my mom faint ♪  
♪ Brain damage, exposed to lead paint ♪  
♪ With my life, hanging on a tread ♪  
♪ Thank God for the U, 'cause I would have been dead ♪  
♪ But I'm here, so God has a plan ♪  
♪ To keep me out the system ♪  
♪ Grandma Ann ♪  
♪ Can't forget Jackie, and uncle Kelly ♪  
♪ For doing what they seen fit to protect me ♪  
♪ When life gives you lemons, you got to find shade ♪  
♪ On to AZ, sunshine and lemonade ♪  
♪ My situation went from bad to worst ♪  
♪ This is my testimony, why I put God first ♪  
♪ My testimony, it's all about me, Dupree ♪  
♪ My truth will set you free ♪  
♪ Life dealt the cards, and I'm all in ♪

♪ 1st optical, survived lead poisoning ♪  
♪ My testimony, is all about me, Dupree ♪  
♪ My truth will set you free ♪  
♪ Life dealt the cards, and I'm all in ♪  
♪ 1st optical, survived lead poisoning ♪  
♪ Growing up, living life on the run ♪  
♪ Rules were no fun, Cuz I was young ♪  
♪ I got older, Focus my energy ♪  
♪ all things possible, with Christ in me ♪  
♪ Not to be a victim, love is the key ♪  
♪ Thanks to Tyler Perry, influencing me ♪  
♪ Shout out the t plus, time to shine ♪  
♪ Showcase my talent, truly Divine ♪  
♪ Partners policy, leaders today ♪  
♪ Heart and soul Award, 2008 ♪  
♪ I'm living my best life, census superhero ♪  
♪ With my team, overcoming obstacles ♪  
♪ My testimony, in this rhyme I spit ♪  
♪ Makes my testimony, as an advocate ♪  
♪ Thank to God, for saving my life ♪  
♪ Giving me a savior, in Jesus Christ ♪  
♪ My Testimony, it's all about me, Dupree ♪  
♪ My truth will set you free ♪  
♪ Life dealt the cards, and I'm all in ♪

♪ 1st optical, survived lead poisoning ♪  
♪ My Testimony, it's all about me, Dupree ♪  
♪ My truth will set you free ♪  
♪ Life dealt the cards, and I'm all in ♪  
♪ 1st optical, survived lead poisoning ♪  
♪ I wanna thank God for giving me my aunt and uncle ♪  
♪ I'm not running away anymore ♪  
♪ We're growing, to being on leadership teams ♪  
♪ You know not to be the victim, God is good ♪  
♪ I wanna thank the growth that he gave me ♪  
♪ Everything, speak your testimony y'all ♪  
♪ Speak your testimony ♪  
♪ Speak it, cause the testimony is the key ♪  
♪ The truth will set you free ♪  
♪ It's all about you ♪  
♪ Thank you God, in Jesus name, Amen ♪  
♪ And Amen, and Amen ♪  
♪ LightLord records y'all ♪  
♪ Peace ♪ ♪

**Vincent:** I'd now like to introduce Equip for Equality presenters Barry Taylor and Rachel Wiesberg and their segment entitled 30 Years of Employment Rights & The ADA: Where We've Been; Where We Are and Where We're Going.

Barry Taylor is the Vice President for Civil Rights and Systemic Litigation at Equip for Equality, where he has worked since 1996. At Equip for Equality, he has overseen many individuals and systemic disability discrimination cases, including successful federal ADA suits against the National Board of Medical Examiners, the Chicago Police Department, and the Chicago Transit Authority. He is currently co-council in seven class actions,

including lead counsel in (indistinct) a class-action on behalf of the people with developmental disabilities who are seeking community services.

Barry has given numerous presentations on the ADA across the country to people with disabilities, family members, attorneys, employers, businesses, service providers, and advocacy organizers.

Rachel Wiesberg is a staff attorney at Equip for Equality, where she litigates individual and systemic disability discrimination cases under titles I, II, and III of the ADA. Rachel also manages the Illinois ADA contract, which provides ADA information and trainings.

In this capacity, Rachel has given numerous presentations on the ADA to people with disabilities, family members, employers, businesses, medical professionals, attorneys, service providers, and advocacy organizations. In 2014, Rachel was awarded a Chicago Bar Foundation sometimes public interest law fellowship.

**Barry:** Hi, welcome to 30 Years of Employment Rights & the ADA. My name is Barry Taylor, and I'm joined by Rachel Wiesberg. We're both from Equip for Equality based here in Chicago. We're the protection advocacy agency for the state of Illinois.

We want to thank ADA Minnesota and the Great Lakes ADA Center for making it possible for us to be with you here today.

As far as the description myself, I'm a white man with dark hair green eyes, and I'm wearing a cardigan that's black and tan.

Let's move to the next slide.

So today, what we're gonna be doing is in honor of the anniversary of the ADA, we're gonna look back at where we've been in ADA cases, check in where we are now, and then focus on where we're going in the future. And we're gonna focus on four different topics. The first one will be the definition of disability, and I'll review those issues.

And as you all know, the ADA definition of disability applies to all aspects of the ADA, including employment.

Then I'll turn it over to Rachel Wiesberg, who will talk about telework. Then she'll give it back to me, and I'll talk about direct threat. And then she'll close us out in talking about medical exams and inquiries.

And excuse me, she'll be talking about hiring practices, and she'll also provide some resources at the end.

All right, so let's move to our first topic, the definition of disability. And as I said, we're gonna first start with where we've been looking back at the history of this issue. As many of you might know, during the first decade of ADA litigation, the courts narrowly interpreted the definition of disability, even though it seemingly is quite broad, and one of the first cases to do this by the Supreme Court was Sutton vs. United Airlines.

For those who weren't aware of this case, this is a case involving two women who wanted to be global airline pilots for United Airlines, and United airlines had required that global airline pilots be able to see 2100 without their glasses.

And they didn't see that well without their glasses. They saw 2020 with their glasses, but without their glasses they couldn't, and United didn't hire them, saying that they didn't see what well enough to be global Airline pilots.

Well, the women's sued, and then United said, well, you're not actually able to bring a suit under the ADA because you see too well because in determining whether you have an ADA disability with glasses, you don't you're not substantially limited in any major life activity.

So the issue before the court was are mitigating measures, like glasses considered when assessing disability in determining whether somebody is substantially limited in major life activity.

And the Supreme Court said yes, the effects of corrective measures must be taken into account when determining whether somebody has an ADA disability, and the court decided three cases that day on this issue, and they're now known as the Sutton Trilogy.

Moving on to the next slide, slide four.

The impact of this case was huge. Hundreds of ADA cases were dismissed just because plaintiffs were not able to show that they had a disability due to the fact that they use some kind of mitigating measure.

And what was really frustrating, I think for people who are seeking to get relief under the ADA, is it wasn't limited to glasses. In fact, it included any kind of mitigating measure like medication or scissors devices that people use.

And it really put people with disabilities at a catch 22, and that they were forced to choose between enforcing their civil rights under the ADA and addressing the manifestations of their disability.

A terrible choice, well it got worst after that because the Supreme Court decided another case, this one called Toyota versus Williams just a few years later. And in that case, you had an employee who had carpal tunnel syndrome. She worked at a Toyota plant, and she had to rotate around the plant doing different jobs.

And some of the jobs required her arms to be over her head, which really exacerbated her carpal tunnel syndrome.

So she asked if she could have an accommodation where she'd only had to go to those places in the plant and do the jobs that didn't require arms to be over her head, and Toyota wasn't willing to do so, and ultimately she was fired.

So she sued under the ADA and in that case, and again, went all the way to Supreme Court, and they said, in this case she could not prove she didn't have an ADA disability not because of mitigating measure because she but she couldn't show that she was substantially limited in performing manual tasks that were central to most people's daily lives.

So she had testified that she could brush her teeth. She could take care of her kids. She could dress herself and they said, well, if you can do all that, you're not substantial limited in the major life activity of performing manual tasks even though that was what you couldn't do at work.

And what was really disheartening about this case is the court said that the definition of disability is to be interpreted strictly to create a demanding standard, which is exactly the opposite of all prior cases on civil rights, which said that civil rights laws should be interpreted very broadly to effectuate the important purpose that the law is seeking to address.

And the impact is this further narrow down who could be covered by the ADA.

Moving on to slide five, the impact, as I said before, was tremendously bad for people disabilities.

And in fact, courts regularly found that plaintiffs with a number of disabilities that you would inherently think would be covered weren't, and their case was dismissed. Not because they weren't discriminated against but because they couldn't prove they had an ADA disability.

So things like asthma and back injuries, types of mental illnesses, cancer, diabetes, epilepsy, people who are hard of hearing, heart disease, intellectual disabilities, monocular vision, multiple sclerosis. All of those in various cases were dismissed because the person couldn't prove they had an ADA disability.

Fortunately for people with disabilities, in 2008, Congress finally said enough is enough courts you are really not following through what we thought you should do with this law. You're interpreting the definition of disability way too narrowly.

And they passed a law called the ADA Amendments Act. And what that was really looking to do was to restore the ADA's definition of disability to the court's original - or to Congress's original - restore the definition of disability to Congress's original intent and have the courts follow that intent.

So let's see how that played out. Where are we now, moving on to slide six.

Well, first on the issue of mitigating measures. Remember the Sutton case where the court said you have to look at mitigating measures in determining whether somebody is substantially limited to major life activity.

Well, the ADA Amendments Act said no, we don't want you to do that when you're determining whether somebody is covered by the law. And they explicitly overruled the Sutton case and the ADA Amendments Act.

And in fact, we're seeing courts follow Congress's directive. The Ceska case is a good example of that. In this case, the plaintiff had a neck injury that limited him from lifting 10 or more pounds and unable to sleep even three to four hours at night.

And the employer wouldn't accommodate his lifting restrictions. And so he filed suit under the ADA. And you know he'd been taking medication to address his sleep issues, and under Sutton pre-ADA Amendments Act he wouldn't have been able to prove he had an ADA disability because with the medication he wasn't substantially limited in the major life activity of sleeping, but the court here said that's no longer the rule anymore.

We disregard mitigating measures. We disregard the ameliorative effects of medication and other mitigating measures.

And we would assume without his medication he can't sleep three to four hours a night. So, therefore, he is substantially limited in a major life activity.

So this shows that courts are really making a difference now in these cases, and people can proceed with their cases, even if they do use mitigating measures as a way to address the manifestations of their disability.

Let's look at what else the court has done since the ADA Amendments Act was passed.

So on slide seven, it raises another issue before the ADA Amendments Act courts had said if you couldn't show your substantial limitation at the exact same time where you had the adverse effect or the adverse action, you didn't have an ADA disability.

So the problem with that is, is that a lot of manifestations of impairments vary as time goes by. So if somebody has mental illness or somebody has epilepsy, they may be very symptomatic at one point and not so much at other points. And if they couldn't show that the symptoms and the manifestations were substantially met at the exact same time as the time they were fired or not accommodated. They couldn't show they had an ADA disability.

And what the ADA amendments act said is Okay, that's no longer the rule anymore. As long as the person could show that their episodic conditions are substantially limited when they're active, you don't have to show that they're active or they're at the exact same time as the adverse action.

So let's see for the Jones case. In that case, you had an employee whose pain back pain was acute enough that she had to miss work several times during the year for a variety of lengths of time, one time even for 16 days, and the employer terminated her, and she said that she was terminated because of her disability and she filed under the ADA.

And so the question was does she have an ADA disability, given that the manifestations of her back impairment were episodic; they weren't constant. And the court said, yes, it can be a substantial limitation, even if it is episodic in nature. And they said even when a physical impairment doesn't substantially limit a major life activity at the time of the adverse action, an employee can still associate has a disability.

So this was a great advancement for people disabilities, and many more cases were able to continue.

So let's look at one more, where are we now slide. And that is this whole concept of major bodily functions. So pre ADA Amendments Act, many people had cases dismissed because their impairment didn't fit into the definition of disability or the traditional major life activities like cancer, heart disease, and diabetes.

But the ADA Amendments Act said, look, we know that some people have impairments that should be covered, but since they can't meet that definition, we're gonna add this new category called major bodily functions. And if they can fall under a major bodily function, then they can be covered by the ADA, even if they can't fall under the regular major life activities.

And this slide has a variety of examples.

So in the middle of the slide, you see that cancer substantially limits the major life activity of normal cell growth. So even if the person couldn't show a traditional major life activity, if they could show a major bodily function, that would be enough. Or for instance, muscular dystrophy substantially limits the major bodily function of

neurological functioning. So that - that's all you have to show. You don't have to show a traditional major life activity.

All right, so now let's turn to, where are we going? This is some looking in the crystal ball.

So one of the issues that's come up recently is, is gender dysphoria covered by the ADA and the definition of disability? And we've had a case out of Massachusetts called the Doe case in which a transgender woman had gender dysphoria, and the Department of Corrections in Massachusetts argued that it wasn't a disability under the ADA, and the court found for her and said yes, we're gonna let your case can continue.

Even though the ADA does exclude gender identity orders, not resulting from physical impairments, it's not categorically exempt. And here the plaintiff showed that gender dysphoria might result from physical causes like hormonal and genetic drivers, so she was able to proceed with her case as a result of her showing she had physical symptoms in conjunction with her gender dysphoria.

But notice that in the Parker case, the court went the other way because that point of couldn't show that she had physical manifestations for the gender dysphoria. So it's important to put forth that evidence if you have it.

All right, the last issue on where we're going is what about COVID as a disability, is COVID-19 a disability under the ADA. Well, under actual disability and record of disability, the first question was say is COVID-19 and impairment yes, just like HIV and other types of viruses have been deemed impairments.

So the question is, does it cause a substantial limitation to a major life activity? Well, certainly, in severe cases, people have limitations in breathing and lung functioning once they get COVID. But even in mild cases, people might be unable to interact with others. They might be unable to work or communicate. So it looks like people would have some strong arguments there.

And you could also potentially raise the regard - regard as claim under the definition of disability as well. You just have to show that it's not transitory and minor, which is an exception of that prong. But at this point, we don't have any court cases to say definitively where this is gonna play out.

So this is something we're gonna definitely watch.

We do have one case where they have discussed the definition of disability and COVID sort of tangentially. This was a case brought by a man who worked - who was part of the city council - but because of his heart disease, he didn't wanna go to in-person city council meetings.

And as a result, he asked for an accommodation not to be in person. Unfortunately, Louisiana law said that council members had to be in person, and he argued that ADA is federal law. It should allow accommodations from the state law requirement. And the city said, you know his impairments are really only COVID-related. They're situational, so he should not be entitled to accommodations. If COVID wasn't around, he would come in person.

So this is not really an ADA issue and not a qualifying disability here. And the court said, oh, no, we find this as easily a qualifying disability. You have to consider the impairments with the COVID-19 pandemic and which is

what we're all going through right now, and that the law must consider the totality of health circumstances in conjunction with social circumstances. And therefore, he was able to proceed with his case.

All right, let's move to the next issue. I'll hand it over to Rachel to talk about the next issue of telework.

**Rachel:** Okay, hello everyone, and happy birthday to the ADA. We're really thrilled to be here celebrating the 30<sup>th</sup> anniversary of the ADA with all of you in Minnesota.

So again, thanks for having us.

In terms of a visual description, I am the white woman with red hair. I am filming today - I'm presenting today out of Chicago in my office, in my basement.

So the first employment issue that we really wanted to do a deep dive on is the issue of telework. Well, it's no surprise that telework is a really important issue for people with disabilities, and it's becoming even more so, of course, in light of COVID.

So we wanted to, you know, go through our different analysis here, where have we been, where are we now, and where are we going.

So starting with where have we been. We're taking us all the way back to 1995.

So in one of the very first cases where we have a court interpreting the ADA - and that is the Vande Zande case, Vande Zande versus State of Wisconsin. And what happened in this case was that there was an employee who worked as a program assistant.

She had some lower body paralysis and used a wheelchair and, as a result, had some fresh pressure ulcers and due to her pressure ulcers had to have periods of time where she was unable to leave her home.

So what did she do? She was able to work but unable to leave her home. She did what many of us are doing, we asked, she asked for the reasonable accommodation of teleworking for a short time period for eight weeks.

Well, this request was ultimately denied, and she filed a lawsuit under the ADA. This case went to the Seventh Circuit Court of Appeal, and the Seventh Circuit affirmed the dismissal of the case. And so what that means is that they found for the State of Wisconsin and when they did, and the reason we wanted to highlight this case, is that typically when we look at whether or not an accommodation is reasonable, there's a pretty extensive analysis about the person and about the person's job. Here none of that was done.

The court just kind of painted some pretty broad strokes about telework not being something that's reasonable. The court said, and I'm gonna quote, an employer is not required to allow disabled workers to work at home where their productivity inevitably would be greatly reduced and it would take it a very extraordinary case for the employee to be able to create a triable issue of the employer's failure to work, to allow the employee to work from home.

But a big bite, what the court also said is that this will no doubt change as communication technology evolves. So when we look at where have we been, we look at the mid-90s, the Vande Zande case is a pretty good

illustration of the skepticism the courts were employing when considering whether or not telework is a reasonable accommodation for people with disabilities.

So moving on to slide 13, let's look at where are we now? And we have two cases that we think really paint a nice picture of what courts are currently doing when analyzing whether or not telework is a reasonable accommodation.

The first case is the EEOC versus Ford Motor Company case. There - there was an employee who worked as a resale buyer, and she had irritable bowel syndrome. And she had requested to be able to work from home up to four days a week.

Well, the court in this case did a, you know, did an analysis as we're seeing of what did her job entail. And when they did that, they found that her job was very interactive; it required a lot of teamwork. And a lot of these meetings and availability was really required to have a face-to-face interaction.

But what I think was the most particularly problematic for the plaintiff in this case is that there was evidence that she had made a lot of mistakes due to some teleworking in the past. And this is a big and four out of 10 of her job duties couldn't be performed at home.

And, of course, an employer isn't obligated as a reasonable accommodation to remove any essential functions. And so they said here when you look at her case and you look at her facts, she just simply wasn't able to do a lot of these tasks from home.

And then this case also made some pretty broad proclamations of the importance of being physically in the workplace. But just a couple years later, the very same court held very differently for another case. And that is the Mosby-Meacham versus Memphis Light Gas & Water case. And what happened here was that there was an attorney and she needed to be on bed rest for a number of weeks due to some pregnancy-related complications.

Now, what she did is something that we encourage a lot of employees who are looking at telework as an accommodation to do. She went to her employer and she said, look, here are the five things that I'm required to do in my job. Here's exactly how I'm gonna do each one of these tasks at home, and she was on - she was able to show how she could do each of these tasks, either from home or even from the hospital while she was on bed rest. But still, despite showing all of that, her employer said, you know too bad, sorry, we really need you to be in the workplace.

Well, this case went to a jury and then went to that same court, the Sixth Circuit. And they found for the employee, finding that telework in her case was reasonable and they said, look, yes, physical presence in the workplace is a requirement of many jobs, but it's not a requirement of all jobs. And this employee was able to show us exactly how she's been able to telework successfully in the past.

They also said, look, it's only for a short period of time. She had evidence from other colleagues saying it really wasn't a problem. And the employer had even brought in some evidence like its own job description saying but look, her job description says she needs to be in the office, but it was because the job description said well, she

maybe has to have a trial but this employee, this attorney had said, I've been in this job for so many years and I've never done a trial. And so that's not gonna be an essential part of my job right now for this period of time.

And so where we are now, I think a broad picture is that, you know, court sometimes still share that skepticism but are doing a much more detailed analysis about whether or not the job task is essential.

So that takes us to where are we going. I'm sorry, where are we going.

And I wanted to highlight one recent case called the Bilinsky versus American Airlines case. And what happened here is that there was an employee who had multiple sclerosis, and she had been working remotely from Chicago instead of Texas for a number of years.

She really just didn't do well in the hot Texas heat; it exacerbated her multiple sclerosis. And so she had been working in Chicago successfully for a number of years. But unfortunately, what happened from Ms. Bilinsky is that American Airlines had a company merger, and then they totally restructured her job.

So before she was doing a lot of work that was able to be done remotely communications, correspondence, but once her job changed, she was doing her job position required a lot more on the ground assessments event, event planning things of that nature that were something that needed to be done in person.

So she was, you know, obviously very disappointed when they said telework was no longer permitted filed a lawsuit under the ADA, and here the court also found for the employer in this case, finding that telework was not required but the reason we're talking about it today is that the court went out of its way to have some really really important language about what we should be looking at as employees and employers and as courts.

And we look at whether or not telework is a reasonable accommodation. And what the court said is that technological development and the expansion of telecommuting means that this accommodation is not as extraordinary now as it once was. They even cited that Vande Zande case that I had mentioned earlier and said, look, a lot has changed since 1995.

And then they said something that I think all of us that work in the ADA world know that this inquiry is context-specific, right? We always say it's a fact by fact situation. It's a case by case basis. We really need to look at the particular employee and the particular employer. And they even, you know, they give kind of an obvious example of that telework might be reasonable for a software engineer, but not for a construction worker.

And then what are the point that this court makes that I think is really important for us all to keep in mind when considering telework as an accommodation is they said it's really important to assess the reasonableness under current technological capabilities.

And I just, you know, looking back on that statement is just and a statement that was made in 2019, you think of what was technologically capable in 2019 versus what it is now at the end of 2020 in light of COVID, we've already seen so many changes and already seen so many growth. And of course, so many more people are just working at home as a matter of course.

And so I think that a lot of the language from this Bilinsky case can be used to support requests for telework for employees moving forward. And it's something that employers hopefully are becoming more comfortable with given that it's becoming the norm and it will be an easier accommodation to implement.

So moving on to slide 15, we wanted to wrap up this section with what we think is the first and maybe the only one right now COVID ADA employment case. And, of course, it's about telework.

So here we have a case Peeples versus Clinical Support Options. This case was brought by an assistant manager who has moderate asthma. And right when COVID struck, they asked to work from home as an accommodation. It was granted, and they were able to perform all of their essential job duties home.

While fast forward, a couple of months, we get to June. In June, the employer said, look, everyone needs to come back to work, and this assistant manager said, well, I'm asking to extend my telework as a reasonable accommodation. And what happened here is that the employer said, well, you know, we understand that this is difficult for you, but we need all managers back in the building.

What I think the employer did improperly here is they made this broad sweep, right? All managers need to come back. We're not gonna do this individualized assessment. Well, this employee reluctantly reported back to the office, was given some accommodations, not a lot of accommodations, and was so fearful for their life and their safety that they only ate and drank in their car.

And ultimately found out that other managers were able to work from home because of non-disability related reasons, including managers with children. And so they renewed their request, it was still denied.

So moving on to slide 16, they ultimately said, you know, I'm at the point where I'm so fearful of coming in, I'm so worried about my health, I'm gonna start teleworking. And the employer said, well, you know, we're gonna enforce our policies, which that employee interpreted to me. And well, I guess I'm gonna lose my job.

So this employee filed a complaint and filed what's called a motion for preliminary injunction asking the court to take some very, very quick emergency action given how long a typical court case is. And whenever a court considers whether to grant this preliminary relief, they look at the likelihood of success and the merits, so how likely is it that this employee would be successful in an ADA case.

And the court said, well, let's look what first so whether this employee has a disability under the ADA, well, this person has asthma, which under normal circumstances is likely a disability. And under this case given the pandemic is certainly gonna rise to the level.

Number two, this person can perform the essential functions of their job and actually their supervisor who was even supportive of this request which was a really good fact for the employee. The court said telework was reasonable again so much saying that the supervisor said that it was something that could be done.

And there were other managers on-site in case there was any, you know, huge issue. And that they said it was unlikely that the employer would show an undue hardship. And so, in this case, the court granted this preliminary injunction saying that this employee is able to telework for 60 days, and then the parties were supposed to try to work out a solution or come back to court.

So the first case that we know of, but certainly I think when we talk about where are we going, this is gonna be the issue that we're gonna see a lot of in the near future.

So with that, we will turn it back to Barry to talk about direct threat.

**Barry:** Thanks Rachel, so the third issue we're gonna need to talk about, as Rachel said, is direct threat, and just as a reminder, direct threat is a defense under the ADA. Sometimes people call it the health and safety defense, and it can be used if the person's disability poses a significant risk of substantial harm.

And so first we're gonna look about how the courts have looked at direct threat in the past, where have we been. And the Chevron versus Echazabal case is the big case of direct threat from the past. This is back in 2002, for those of you don't remember this one, this is involved a plaintiff who had Hepatitis C, and he was trying to work in a chemical plant at Chevron. And ultimately, he wasn't hired because he was considered a danger to himself; they found he was a direct threat to himself. If he was in this particular workplace, his Hepatitis C would be at risk.

And the issue before the court was, well, look, the ADA statute itself only says direct threat is danger to others, but the ADA regulations said the Equal Employment Opportunity Commission came up with said direct threat is danger to others or danger to self. So the question before the Supreme Court is whether or not danger to self would be included in direct threat like the regulations, even though it's not in the statute.

And the court agreed with the EOC and upheld the regulations and found the danger to self is part of direct threat. And the concern was in the disability committee that this ruling would result in some paternalistic conjecture by employers and undercut personal empowerment for people with disabilities and that they couldn't really choose whether or not it was safe for them to be in the workplace it would be somebody else's choice.

So that was a big concern, but it was a big expansion of direct threat, and we've seen many direct threat cases since then involving threat to self, as well as threat to others.

Well, let's move to slide 21 and look at where we are now. And the case we're gonna focus on is a case called Taylor versus Rice. So generally speaking, it is a high burden for employers to prove direct threat, and oftentimes the issue of reasonable accommodation, whether you can lower that threat with an accommodation, is at play, and that's what happened in Taylor versus Rice.

So the facts in this case involved a person who wanted to be a foreign service officer, but he had HIV, and the state department had an absolute ban on having any foreign service officers who are HIV positive because they were concerned they said that medical treatment might not be available in certain countries where he might be stationed. And so this went up to the appellate court, and he claimed that with some accommodations he could still do the job.

And they found for him, and they said yes, what happened here was it was an absolute ban. They didn't look at that person individually to assess whether that person could potentially do the job even with an HIV diagnosis, and they didn't look at possible reasonable accommodations.

Two possible accommodations the court talked about were: one, they could put him at overseas posts that have good medical care and focus on that when they assigned him. Or perhaps what they could do, even if he was in a country that didn't have good medical care for HIV, he could use his time off that he was entitled to, to go to nearby countries that did have adequate medical care.

Interestingly after the case was decided, the state department withdrew its absolute ban on people with HIV being foreign service officers, so that no longer is in place after this court decision and after the state department's decision.

All right, so now let's look at where we're going for direct threat, and we're gonna focus on the Breaux case. I hope I'm pronouncing that right, out of Louisiana. And in this case, you had an employer who again had an absolute ban as opposed to individualized assessment, but here it was on taking certain medications within eight hours of a shift. And this employer, excuse me, this employee had worked for a number of years at this particular employer.

And after this period of time, the employer learned that the employee was taken Suboxone, an opiate. And he, the employee, once this was discovered, got clearance from the doctor and said, look, when I take Suboxone, it doesn't impair my ability to do my job, and the employer didn't agree with that.

They said, you got six months to wean yourself, and then if you don't, you're fired, and he couldn't, and he was fired.

So he fought under the ADA, and the court found for the plaintiff here denied the employer's motion for summary judgment. And the court said it's true while Suboxone can cause sedation and other symptoms that might interfere with a person's performance in the workplace.

It, there was no evidence here that those specific symptoms were an issue for this particular plaintiff. And they said, you know he was cleared by his own treating doctor who looked at how this particular medication affected him. And he had done it for years without any kind of issue; the employer just didn't know.

And so this is a great example of how employers need to do an individualized assessment and that these bright-line rules of prohibiting certain things in the workplace instead of looking at how it affects a particular person, you know, aren't favored under the ADA.

And one reason we wanna talk about this case is that we think we're gonna see similar kind of direct threat cases related to employees who either have COVID themselves or have any kind of family member or other associates with COVID, and again, the important thing here is for employers to do individualize assessment and not have any kind of automatic rules of banning particular people because of a particular diagnosis.

And with that, we'll turn it over to Rachel for our final issue.

**Rachel:** Okay, thanks, Barry, so let's take a look at the evolution of interesting cases about hiring practices. Again, taking us back to 2005, to look at the Karraker case and the Karraker case came about when a lot of employers first started using personality tests to screen out applicants.

And so this case, Rent-A-Center was using a personality test called the MMPI, the Minnesota Multiphasic Personality Inventory. And it was given to everyone who was seeking promotions into management positions.

So for folks who aren't familiar with MMPI, it has a number of questions, including things like I see things, animals or people that others do not see, or I, at times, I have fits of laughing and crying that I can not control. And there's a whole host of other questions that, you know, it's pretty clear that there're questions that are attempting to get at mental health.

So, Karraker was someone who was seeking a promotion and said, you know, I don't know that these are questions that should be being asked under the ADA and filed a lawsuit.

So what the court did is it assessed whether or not these questions were permissible.

Now, remember under the ADA, there restrictions on the types of questions and exams that an employer can ask at different periods of time. So in the pre-employment stage, so anytime before an individual receives a conditional job offer, employers are not permitted to ask any medical questions or require any medical exams. Any disability-related questions or medical exams.

But the question is, well, what about these types of personality tests? Well, the EOC has put out some guidance kind of helping us understand when as a personality test or this quote unquote, psychological test, a medical exam. And what the EEOC says is that any sort of psychological test that's designed to identify a mental disorder or mental impairment well, that's gonna be a medical exam. And if that's a medical exam, we can't do it pre-employment.

On the other hand, if we have something like a psychological test that just measures personality traits, like honesty, preferences, and habits, and that's not a medical exam. And in those cases, they would be able to be asked pre-employment subject to a couple of their conditions, and analyzing the facts here and looking at these questions, the court said that the MMPI is best categorized as a medical exam.

So that was kind of an interesting early case about interesting hiring practice.

So, where are we now? Well, the ADA has some really strong employment protections about using different types of qualification standards that screen out people with disabilities. The law the ADA says that we can't use qualification standards if they screen out people with disabilities, unless they're job-related and consistent with business necessity.

Now, despite these strong protections, there's really not a huge body of case law on it, but it's something that I think we see a lot at least in terms of, you know, how employers are looking at their, at some of their hiring practices. And we have a really interesting settlement agreement from the US Department of Justice against York County.

And what happened here was that there was an individual who had had dwarfism and had applied for a job as a purchasing manager, while they applied for this job and the job application said, well, you need to have a driver's license. Well, this individual, because of their disability, didn't have a driver's license but said, hey, can you wave this for me? Because this driver's license is not essential for my job.

Well, that request was denied. This individual filed a complaint with the Department of Justice, DOJ jumped in, started looking at the application, and said, you know this is an impermissible qualification standard. Why? It's requiring something of somebody that's screening out a person because of their disability.

We know that's a no and only okay if it's really necessary for the job, if it's job-related and consistent with business necessity. But here, it wasn't required to have a driver's license.

And so they ultimately - the County entered into a settlement agreement with the Department of Justice, where they are gonna look at all of their job listings and make sure that they only have essential functions as mandatory requirements.

So for all those employers who are listening today, definitely something that I would recommend if you haven't done it on, done it recently is to - is to make sure your job descriptions are up to date and include only essential functions of your job because you wanna make sure you're not screening people out based on these types of marginal or unnecessary functions.

And we see that with driver's license a lot. Sometimes it's just something that's thrown into a lot of job descriptions when really it's not a necessary component, and it is something that can screen out people with a lot of different types of disabilities.

Okay, so where are we going. This is what I think a pretty interesting issue. A lot of employers these days are using different types of artificial intelligence to help screen these huge applicant pools that they're giving.

So what do I mean by artificial intelligence? I mean, things like a lot of employers are using different computer-based assessments where folks have to go in and take some sort of assessment. And then a computer is kind of determining how strong of an applicant they would be. There's a lot of employers now that are doing different types of video interviews. And those video interviews are actually analyzed instead of by people but by computers, for speech and facial expressions.

Now, you know, technology, of course, is excellent. I just raved about it when we talked about telework, but it's really important that we're mindful that we don't use these types of assessments in a way that's gonna screen out people with disabilities. And so from a legal perspective, what I think we're gonna see a lot of in the future is some questions about what are these different types of tests, medical exams like we saw in Karraker.

The other question is, well, okay, even if they're not medical exams, are they test that are screening out people with disabilities like we saw in our DOJ settlement? And if so, are they really job-related and consistent with business necessity?

So again, I kind of thing an up and coming issue for folks who are interested in learning more - I have an earned policy brief on this issue. And also, there's a project at Georgetown looking at these types of issues.

Before we wrap up today, we just wanted to highlight a couple of additional resources for folks who are interested in learning more. Barry and I did for the Great Lakes ADA Center and Equip for Equality a webinar called the 30th Anniversary of the ADA: A review of the most important cases. We did it much like we did today, where we looked at where we've been, where we are, and where we're going.

And in addition to the issues that we raised today, we did a look at voting, healthcare, community integration, criminal justice, websites, and places of public accommodation. And the direct link to that webinar is on slide 23.

And on slide 24, we also wanted to flag a webinar that we recently did with the Great Lakes ADA Center, all about COVID-19 and return to work issues.

We, of course, wanted to make sure folks were aware of various ADA resources, ADA Minnesota, who's hosting us today, the Great Lakes ADA Center, both wonderful places to go to get free technical assistance and training.

And then, of course, the government has a lot of great resources to the job accommodation network, the EEOC, and the US Department of Justice.

So with that, unless Barry has any final thoughts, we wanted to wish a happy birthday to the ADA. A big thank you to all of you in Minnesota for hosting us today, and we look forward to connecting again soon.

**Barry:** Thanks, everybody. Bye-bye.

**Vincent:** Our last presenter today will be Alice Sheppard, founder of Kinetic Light, a project-based ensemble working at the intersection of disability, dance, design, identity, and technology that is based in Berkeley, California.

We are including Alice and her company because they'll be featured by the Walker Art Center and the University of Minnesota Northrop auditorium in an online performance in early December. We also include them because their great work is a fitting way to close today's webinar.

**Vincent:** Thank you, everyone, for attending this event. Thank you everyone who spoke, presented and performed and thank you to the ADA, NDEA anniversary celebration committee and a special thanks to the following committee celebration hosts for their support:

- ADA Minnesota
- Great Lakes ADA Center
- Access Press
- Metropolitan Center for Independent Living
- Minnesota Council on Disability
- State Services for the Blind
- Disability Viewpoints
- Minnesota Statewide Independent Living Council
- DHS Employees and Disabilities Employee Resource Group
- Metropolitan State University
- Metropolitan Council
- Metro ECSU
- Minnesota Department of Human Rights
- City of Minneapolis
- Minnesota Department of Human Services, Deaf & Hard of Hearing Services Division
- Minnesota Olmstead Implementation Office

- Minnesota Commission of Deaf & Hard of Hearing
- Minnesota Department of Transportation, Office of Equity and Diversity
- The Arc Minnesota
- Paralyzed Veterans of America, Minnesota Chapter
- Disability Law Center
- Hamline University
- University of Minnesota Institute on Community Integration

For more information, go to [www.ada30mn.com](http://www.ada30mn.com). Goodbye, thank you.