Technology and Disability Policy Highlights

August 2013

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# Overview

In August, the FCC issued a Report and Order and Further Notice of Proposed Rulemaking to revise the rules for Internet Protocol Captioned Telephone Service (IP CTS); addressing improper practices. The new rules prohibit IP CTS providers from providing financial incentives or awards to entice customers to register for the service, while also requiring all new and existing IP CTS customers to provide proof of eligibility. In the FNPRM, the FCC asked for comments concerning the appropriate method for calculating IP CTS compensation rates and the creation of a centralized registration and verification process for users.

Relating to the ADA, the Department of Justice reached an agreement with the town of Fort Morgan, Colorado requiring the city to remediate accessibility barriers, which includes ensuring all employment policies align with the Equal Employment Opportunity Commission regulation, and ensuring the accessibility of sidewalks and emergency management procedures.

The Department of Labor released two new rules revising Section 503 of the *Rehabilitation Act of 1973* and the *Vietnam Era Veterans’ Readjustment Assistance Act of 1974* (VEVRAA) to enhance employment opportunities for people with disabilities and veterans. The new rules apply to federal contractors and establish a hiring goal of 7 percent of employees with disabilities and the creation of hiring benchmarks for protected veterans. In addition, the new rules require contractors to document the number of applicants with disabilities and identify veterans, while also requiring contractors to “invite applicants to self-identify” as either protected veterans or people with disabilities.

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# Regulatory Activities

## Accessibility Waiver Requested for E-Readers

August 1, 2013 — The Federal Communications Commission (FCC) is requesting comment on a petition filed by the Coalition of E-Reader Manufacturers, for a class waiver of section 716, part 14 of the *Communications Act of 1934*, as amended by the *Twenty-First Century Communications and Video Accessibility Act of 2010* (CVAA). Part 14 of the FCC’s rules require that advanced communications services (ACS) and equipment be accessible to people with disabilities. The Coalition is requesting a class waiver for e-readers, stating that “although e-readers are equipment that consumers can use for ACS…they are marketed to consumers as reading devices, and promotional material does not tout the capability to access ACS.” Comments are due on September 3, 2013 and reply comments are due September 13, 2013.

#### Additional Information

[Public Notice [CG Docket No. 10-213]](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-13-1686A1.pdf)

[<http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-13-1686A1.pdf>]

## Fort Morgan, Colorado to Become ADA Compliant

August 8, 2013 — The Department of Justice reached an agreement with the town of Fort Morgan, Colorado regarding the implementation of the *Americans with Disabilities Act* (ADA). The agreement is the 208th made under Project Civic Access, an initiative which “[surveys] state and local government facilities, services and programs in communities across the country to identify changes needed to comply with the ADA.” Under the agreement, the city is required to remediate accessibility barriers, which includes ensuring employment policies align with Equal Employment Opportunity Commission regulations, providing notification of the ADA Grievance Procedure, and installing curb cuts and resurfacing walkways to ensure accessibility of sidewalks. In addition, the city will review all emergency management procedures to ensure that emergency shelters and communications are accessible, and that all evacuation plans consider the needs of people with disabilities.

#### Additional Information

[DOJ Press Release](http://www.justice.gov/opa/pr/2013/August/13-crt-895.html)

[<http://www.justice.gov/opa/pr/2013/August/13-crt-895.html>]

## FCC Extends Comment Deadline for Rulemaking on the Closed Captioning of Internet Protocol-Delivered Video Programming

August 22, 2013 — The FCC released an *Order in the Matter of Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010* [MB Docket No. 11-154]. The Order extends the comment deadline for the *Further Notice of Proposed Rulemaking* released on June 14, 2013, wherein the FCC requested comments on requirements for the synchronization of closed captions and video display in addition to the closed caption requirements for DVD and Blu-Ray players that “do not render or pass through closed captions.” While the initial comment dates were set for September 3, 2013 for comments and September 30, 2013 for reply comments, the FCC has acquiesced to consumer groups’ request for a 60 day extension for comments with reply comments due 30 days thereafter. In their request, Telecommunications for the Deaf and Hard of Hearing and other consumer groups noted that additional time was needed to confer “on issues raised in the *FNPRM*” and “retain pro bono counsel to file comments and reply comments on their behalf.”

Additional Information

[Order on Reconsideration and FNPRM [MB Docket No. 11-154]](http://transition.fcc.gov/Daily_Releases/Daily_Business/2013/db0614/FCC-13-84A1.pdf)

[<http://transition.fcc.gov/Daily_Releases/Daily_Business/2013/db0614/FCC-13-84A1.pdf>]

[Order: Granted the Motion for Extension](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-13-1785A1.pdf)

[<http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-13-1785A1.pdf>]

## FCC Revises Rules for Captioned Telephone Service

August 26, 2013 — The FCC released a *Report and Order and Further Notice of Proposed Rulemaking (FNPRM) in the Matter of Misuse of Internet Protocol (IP) Captioned Telephone Service and Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities* [CG Docket No. 13-24 and 03-123]. The *Report* *and Order* addresses improper practices relating to the Internet Protocol Captioned Telephone Service (IP CTS), a service which provides captioned phone calls for people who are able to speak but are hard of hearing. Specifically, the *Report and Order* prohibits IP CTS providers from using financial incentives or rewards to entice consumers to register for IP CTS, while requiring all existing and new IP CTS users to provide proof of eligibility for the service. Also adopted are rules requiring a minimum cost of $75 for IP CTS equipment, noting that TRS providers are not able to receive compensation for “any IP CTS minutes of use generated by IP CTS equipment that [is distributed], directly or indirectly, for free or for less than $75.” The rules also require all potential IP CTS providers to submit a plan to the FCC outlining how the provider will ensure payment collected for IP CTS service satisfies the registration and certification requirements. In the *FNPRM* the FCC seeks comment on the appropriate method for calculating IP CTS compensation rates and the interval for which compensation rates should be calculated. Finally, the FCC also seeks comment on the creation of a centralized registration and verification process for IP CTS users.

Additional Information

[Report and Order and FNPRM [CG Docket No. 13-24 and 03-123]](http://transition.fcc.gov/Daily_Releases/Daily_Business/2013/db0826/FCC-13-118A1.pdf)

[<http://transition.fcc.gov/Daily_Releases/Daily_Business/2013/db0826/FCC-13-118A1.pdf>]

## New Rules to Expand Employment for People with Disabilities

August 27, 2013 — The Department of Labor’s Office of Federal Contract Compliance Programs issued two rules revising Section 503 of the *Rehabilitation Act of 1973* and the *Vietnam Era Veterans’ Readjustment Assistance Act of 1974* (VEVRAA) to enhance employment opportunities for people with disabilities and veterans. Under the new rules, Section 503, which prohibits the discrimination of people with disabilities in employment, was amended to establish a nationwide hiring goal of 7 percent of employees with disabilities by federal contractors and subcontractors in addition to requiring that contractors document the number of job applicants with disabilities and number people with disabilities hired. Similarly, VEVRAA has been amended to require federal contractors to establish hiring benchmarks for protected veterans while also requiring contractors to collect data on the number of applicants who are veterans and the number of veterans hired. Both rules also require contractors to “invite applicants to self-identify” as either protected veterans or people with disabilities both before and after the application process.

Additional Information

[Department of Labor News Release](http://www.dol.gov/opa/media/press/ofccp/OFCCP20131578.htm)

[<http://www.dol.gov/opa/media/press/ofccp/OFCCP20131578.htm>]

[Final Rule: Vietnam Era Veterans' Readjustment Assistance Act](http://www.dol.gov/ofccp/regs/compliance/vevraa.htm)

[<http://www.dol.gov/ofccp/regs/compliance/vevraa.htm>]

[Final Rule: Section 503 of the Rehabilitation Act](http://www.dol.gov/ofccp/regs/compliance/section503.htm)

[<http://www.dol.gov/ofccp/regs/compliance/section503.htm>]

# Publications and Reports

## National Governors Association Addresses Employment of People with Disabilities

August 2, 2013 — The National Governors Association (NGA) held its 105th Summer Meeting, providing an opportunity for governors from all states to convene and “share experiences and discuss critical issues facing [the] states.” One key issue considered during the three-day meeting was that of employment of people with disabilities. NGA Chair and Delaware Governor Jack Markell released *A Blueprint for Governors*, a report highlighting employment strategies determined during the year-long NGA Initiative “A Better Bottom Line: Employing People with Disabilities.” *A Blueprint for Governors* emphasizes that people with disabilities are a key part of the workforce and that states should “make disability employment part of the state workforce development strategy” in addition to working to prepare youth with disabilities for the future workforce. The report also notes that states need to support businesses working to hire people with disabilities by serving as a model employer and providing businesses with a point of contact at the state level which can provide information on disability services, assistive technology and vocational rehabilitation. Governor Markell noted that the report looks at ways both state government and businesses can partner to bring opportunities to individuals with disabilities in the competitive labor market. “We’re making strides on this front, but the work is far from over.”

Additional Information

[NGA Summer Meeting Press Release](http://nga.org/cms/sites/NGA/home/news-room/news-releases/2013-news-releases/col2-content/national-governors-association-g.html)

[<http://nga.org/cms/sites/NGA/home/news-room/news-releases/2013-news-releases/col2-content/national-governors-association-g.html>]

[A Blueprint for Governors](http://www.nga.org/files/live/sites/NGA/files/pdf/2013/NGA_2013BetterBottomLineWeb.pdf)

[<http://www.nga.org/files/live/sites/NGA/files/pdf/2013/NGA_2013BetterBottomLineWeb.pdf>]

# Other Items of Interest

## Partnership to Expand Emergency Preparedness Outreach for Older Americans

August 12, 2013 — The Federal Emergency Management Agency (FEMA) and the American Association of Retired Persons (AARP) announced that the two organizations will partner to ensure that older Americans have better access to services and resources for emergency preparedness, response and recovery. The new effort will include expanded “social media outreach, and training and exercise, and evaluation opportunities.” Although, AARP has historically implemented emergency preparedness and response programs, the organization hopes the partnership will expand their role in the community. Craig Fugate, FEMA Administrator, noted that “this agreement today puts into writing what FEMA and AARP already do in practice. FEMA and AARP will continue to support communities and individuals to build, sustain and improve our capacity to prepare for, protect against, respond to, recover from, and mitigate all hazards.”

Additional Information

[FEMA Press Release](http://www.fema.gov/news-release/2013/08/12/aarp-and-fema-partner-disaster-preparedness-response-and-recovery)

[<http://www.fema.gov/news-release/2013/08/12/aarp-and-fema-partner-disaster-preparedness-response-and-recovery>]

## Living with Disability and Disasters: UN Seeks Survey Participants

August 26, 2013 — In honor of 2013 International Day for Disaster Reduction the United Nations Office for Disaster Risk Reduction (UNISDR) released a survey “to ascertain the needs of persons living with disabilities and disasters.” Through the survey, UNISDR hopes to capture the critical needs of people with disabilities, and ensure these needs are met by the Hyogo Framework for Action (HFA), “the global disaster risk reduction plan that was adopted in 2005.” The UNISDR and FEMA’s Office of Disability Integration and Coordination are urging all people with disabilities and caregivers to complete the survey by September 25, 2013 so that future policies can ensure disaster risk reduction for people with disabilities.

Additional Information

[United Nations Office for Disaster Risk Reduction](http://www.unisdr.org/2013/iddr/#survey)

[<http://www.unisdr.org/2013/iddr/#survey>]

[Survey on Living with Disabilities and Disasters](http://www.surveymonkey.com/s/XJFJD96)

[<http://www.surveymonkey.com/s/XJFJD96>]

[أستبيان 2013 حول التعايش مع الأعاقات و الكوارث](http://www.surveymonkey.com/s/IDDR-2013-ARABIC)

[<http://www.surveymonkey.com/s/IDDR-2013-ARABIC>]

[遭受灾害的残疾人士生活状况调查 - 2013 中文版](http://www.surveymonkey.com/s/IDDR-2013-CHINESE)

[<http://www.surveymonkey.com/s/IDDR-2013-CHINESE>]

[Sondage 2013 a propos des personnes handicapees en situation de catastrophe naturelle](http://fr.surveymonkey.com/s/NJZ9YX7)

[<http://fr.surveymonkey.com/s/NJZ9YX7>]

[Опрос за 2013 год о роли людей с ограниченными возможностями в процессе снижения риска бедствий](http://www.surveymonkey.com/s/M7W9D9K)

[<http://www.surveymonkey.com/s/M7W9D9K>]

[Encuesta del 2013 sobre discapacidades y desastres](http://es.surveymonkey.com/s/KMD6RNJ)

[<http://es.surveymonkey.com/s/KMD6RNJ>]

# Wireless RERC Updates

## Wireless RERC Comments on Accessibility of Devices for Video Programming

August 2, 2013 - The Wireless RERC submitted reply comments to the FCC’s Notice of Proposed Rulemaking (FPRM): I*n the Matter of Accessibility of User Interface, and Video Programming Guides and Menus* [MB Docket No. 12-108]. The NPRM requested input on defining the scope of Sections 204 and 205 of the *Twenty-first Century* *Communications and Video Accessibility Act of 2010* (CVAA) which require user interfaces and navigation devices for video programming to be accessible to people with vision loss. Wireless RERC comments noted that with the advent of the “second screen” and mobile apps integration into the television viewing experience, it is imperative that rules are designed to cover the array of equipment, devices, software and features that constitute the video programming environment. Wireless RERC comments emphasized that video programming viewed on mobile devices may blur the distinction between digital apparatus and navigation devices and thus accessibility requirements “should not be limited to MVPD-supplied equipment.” Regarding required accessibility features the Wireless RERC asserted that the eleven functions outlined by the *VPAAC Second Report on User Interfaces* should not be relied upon as a safe harbor for Section 205 compliance, as there are many necessary features not listed, including diagnostic functions and digital video recording functions. Finally, the Wireless RERC recommended co-locating all accessibility features within a “minimal step accessibility button, key and/or icon,” so as to streamline activation of accessibility features. Positioning all the accessibility features on the same menu would improve awareness of all the features that may be applicable to users, as some people may want to activate more than one access feature.

Additional Information

[Wireless RERC Reply Comments](http://apps.fcc.gov/ecfs/document/view?id=7520935793)

[<http://apps.fcc.gov/ecfs/document/view?id=7520935793>]

## Wireless RERC Releases Results from Latest SUNspots

August 7, 2013 – The Wireless RERC released two SUNspots highlighting findings from ongoing data collection through the Survey of User Needs (SUN), a survey on use and usability of wireless technology by people with disabilities. The most current SUNspots discuss how people with disabilities choose a wireless provider and what sources of information people with disabilities consult when choosing a wireless device.

Additional Information

[SUNspot 5 - Adults with Disabilities and Wireless Service Plans](http://wirelessrerc.org/content/publications/2013-sunspot-number-05-adults-disabilities-and-wireless-service-plans)

[<http://wirelessrerc.org/content/publications/2013-sunspot-number-05-adults-disabilities-and-wireless-service-plans>]

[SUNspot 6 - Adults with Disabilities and Sources of Wireless Accessibility Information](http://wirelessrerc.org/content/publications/2013-sunspot-number-06-adults-disabilities-and-sources-wireless-accessibility)

[<http://wirelessrerc.org/content/publications/2013-sunspot-number-06-adults-disabilities-and-sources-wireless-accessibility>]

## New GARI Website Launched

August 15, 2013 - Access to mobile communications has become a lot with the launch of a new service to help identify which smartphones and tablets provide the critical features people with disabilities need to communicate. The new website - www.GARI.info – announced at the M-enabling Australasia conference in Sydney is the latest update to the mobile industry’s Global Accessibility Reporting Initiative (GARI) to help older people and those with a disability search for mobile devices that suit their specific accessibility requirements.

Mobile Manufacturers Forum (MMF) Secretary General Michael Milligan said users could now search for devices that run their favorite accessibility apps as well as more than 110 other features on the GARI database for people with mobility, vision, hearing, speech or cognitive impairments.

The new GARI website provides consumers with a dedicated online resource designed as a one-stop shop for information about mobile device accessibility options. The new website allows users to search and compare devices based on their particular disability, or alternatively check the accessibility features of a specific model of phone or tablet they may be interested in buying.

Additional Information

[Full MMF GARI Press Release](http://www.mmfai.org/public/docs/eng/MMF_AMTA_PressRelease_GARI.pdf)

[<http://www.mmfai.org/public/docs/eng/MMF_AMTA_PressRelease_GARI.pdf>]

## Wireless RERC Comments on Accessibility of Emergency Information

August 22, 2013 - The Wireless RERC filed reply comments with the FCC in response to their Further Notice of Proposed Rulemaking: I*n the Matter of Accessibility of Emergency Information and Apparatus Requirements for Emergency Information and Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010* [MB Docket No. 12-107]. The FNPRM requested input on whether a multichannel video programming distributor (MVPD) service should be required to comply with rules to provide accessible aural emergency information when subscribers access linear video programming, and whether such entities should be required to assist individuals who are blind or visually impaired in traversing between main and secondary audio streams.

The Wireless RERC comments note that many content providers provide programming via mobile, IP delivery, and consumers may expect emergency information to be present. In order to ensure that emergency information is relevant to the consumer, the Wireless RERC emphasized that the rules should apply only to “programming that is simultaneously being provided to the home television,” not on-demand programming The Wireless RERC also agreed with AT&T and CTIA in that MVPDs should comply with the FCC rules “regardless of the devices that are accessing the video programming” and that the rules should apply to the “entities that control the technology in question.” In addressing accessible customer service options for people with vision loss, the Wireless RERC challenged statements from the CEA and the TIA, noting anecdotal evidence that customer service representatives have been unable to address the needs of people with vision loss due to insufficient knowledge on accessibility features. Accordingly, the Wireless RERC recommended specific accessibility training be mandated for customer service representatives.

Additional Information

[Wireless RERC Reply Comments](http://b.gatech.edu/12tkm6V)

[<http://b.gatech.edu/12tkm6V>]

# Upcoming Events

## Online Accessibility Summit

Environments for Humans will host the *4th Annual Accessibility Summit* from September 10 – 11, 2013. This online conference will bring together “some of the Web’s most notable experts” to discuss web accessibility, including the accessibility of Java Script, CSS, keyboard interactions, and accessibility on mobile browsers.

Additional Information

[Accessibility Summit 2013](http://environmentsforhumans.com/2013/accessibility-summit/#.UhtYThukoiC)

[<http://environmentsforhumans.com/2013/accessibility-summit/#.UhtYThukoiC>]

## STEM Diversity Career Expo

The Equal Opportunity Publications (EOP) *STEM Diversity Career Expo* will be held at the New Yorker Hotel in New York City on September 20, 2013. The Expo is an opportunity for women, minorities, and people with disabilities to meet with companies and government agencies hiring within the Science, Technology, Engineering, and Math (STEM) fields. EOP urges all those interested in the Expo to register at <http://www.eop.com/stemexpo> and submit a resume, which will be sent to the recruiters present at the Expo.

Additional Information

[EOP STEM Expo](http://www.eop.com/stemexpo)

[<http://www.eop.com/stemexpo>]

## 16th Annual Accessing Higher Ground Conference in November

The *16th Annual Accessing Higher Ground Conference*, presented by the Association on Higher Education and Disability (AHEAD), will be held in Westminster, Colorado November 4 – 8, 2013. The conference will address accessibility, including “accessible media, universal design and assistive technology” for institutions of higher education and businesses.  Online registration for the conference can be accessed [here](http://accessinghigherground.org/registration2013.html).

Additional Information

[16th Annual Accessing Higher Ground Conference](http://accessinghigherground.org/index.html)

[<http://accessinghigherground.org/index.html>]

**Technology and Disability Policy Highlights**

August 2013

Technology and Disability Policy Highlights reports on national and local public policy events and recent wireless technological advances and political activities; and tracks emerging issues of interest to individuals with disabilities. *Technology and Disability Policy Highlights* is published monthly by the Wireless RERC. The Wireless RERC is a research center that promotes universal access to wireless technologies and explores their innovative applications in addressing the needs of people with disabilities. For more information on the Wireless RERC, please visit our web site at [<http://www.wirelessrerc.org>].

For further information on items summarized in this report, or if you have items of interest that you would like included in future editions, please contact this edition’s editors, Braeden Benson [braeden@cacp.gatech.edu], Salimah LaForce [salimah.laforce@cacp.gatech.edu], or James White, Ph.D., [james@cacp.gatech.edu].

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