

PIRS Hot Sheet

Advocacy & Services for People with Disabilities

WAL-MART DISCRIMINATES AGAINST WHEELCHAIR AND SCOOTER USERS BY REFUSING TO PROVIDE ACCESSIBLE POINT-OF-SALE MACHINES

A class action lawsuit was filed July 25th against Wal-Mart Stores, Inc. (Wal-Mart) in the US District Court for Northern CA. It challenges Wal-Mart’s continuing practice of knowingly placing point-of-sale machines beyond the reach and accessibility of people with disabilities who use wheelchairs and scooters. The lawsuit is the first of its kind in the country and is filed nearly 22 years to the day after the passage of the Americans with Disabilities Act (ADA), the country’s landmark law guaranteeing people with disabilities the equal opportunity to participate in all aspects of our nation’s society and economy, including shopping with dignity and respect.

The Center for Independent Living, Inc., a disability service organization based in Berkeley and two individuals with mobility disabilities filed the case to address a widespread problem that impacts core concerns for wheelchair and scooter users, such as independence and privacy, at point-of-sale terminals. Plaintiffs are represented by Disability Rights Advocates (DRA) and Disability Rights Education and Defense Fund (DREDF), two non-profit disability rights legal centers that specialize in high-impact cases on behalf of people with disabilities, and the civil rights law firm Lewis Feinberg Lee Renaker & Jackson P.C.

Plaintiff Janet Brown, a wheelchair user and resident of Pittsburgh, CA., explains, “I feel unsafe when I check out at Wal-Mart. I can’t reach the payment device on my own, read the display screen, enter my PIN or sign the screen to complete the transaction. I have to share my private PIN with the cashier, which I hate to do,” said Ms. Brown.

Wal-Mart’s refusal to provide point-of-sale machines at accessible heights makes it extremely difficult or impossible for wheelchair and scooter users to independently and privately pay for goods using a credit or debit card. This creates barriers for many people with disabilities who cannot easily and independently process their purchase transactions at Wal-Mart stores – a basic activity of daily life for many in our country. It also puts many customers with mobility disabilities in vulnerable situations as they must disclose their confidential PIN to cashiers or rely on others to verify and authorize payments during check-out transactions. In addition, to finalize transactions, some customers with disabilities even have to rely on cashiers to provide a signature on the point-of-sale machine.

Disability organizations and consumers with disabilities have alerted Wal-Mart to these issues for years, but Wal-Mart refuses to make the changes necessary to ensure its point-of-sale machines are readily accessible and usable by individuals with disabilities, as required by the ADA.

[continued pg 3. col 1]

PIRS Calendar

Reasonable accommodations are available upon advance request to facilitate access to PIRS facilities and services.

In order to maintain a comfortable environment for everyone, we respectfully request that **no perfumes or other scented products** are worn when attending activities at PIRS. Thank you.

Deaf Awareness and Conversational American Sign Language:

⇒ **Beginning Class:** Learn basic vocabulary. For schedule or other information, call 530-885-6100.

Disability Peer Support Groups:

⇒ **Depression Support Group** – Friday, 1:00 – 3:00 pm. at PIRS. This group is facilitated by Senior Peer Counseling Program of PCHHS, and it is open to all adults regardless of age.

⇒ **Women’s Mental Health Disabilities Support Group** – Monday 5:00 –7:00 pm. Call Leslie Brewer, ext. 13.

⇒ **Men’s Disability Support Group** – Tuesday 6:00 – 8:00 pm. Call Jeff Cowen, ext 15, before attending.

⇒ **Women’s Disability Support Group** – Wednesday, 1:00 – 3:00 pm. Open drop-in group. Call Facilitator Barbara Finn, ext. 26, for more information.

⇒ **Individual Peer Support – New Program:** If you live between Applegate and Gold Run and would like to talk individually with a volunteer Peer Support Specialist, call Leslie, x13.

Auburn People First: self-advocacy for people with developmental disabilities

⇒ Call the Supported Life Institute, Self-Advocacy Coordination Project at 916-567-1974 for more information.

FREE Help with your healthcare services problems:

HICAP – Health Insurance Counseling for seniors and people with disabilities. Call Seniors First/SeniorLink at 1-800-878-9222 to make an appointment.

Health Rights Hotline, serving Placer, El Dorado, Yolo, & Sacramento Counties, regardless where you receive your health coverage. Tollfree (888) 354-4474 or TTY (916) 551-2180. In Sacramento, call (916) 551-2100. www.hrh.org.

HMO Help Center: State Dept. of Managed Health Care, free independent medical review (IMR) for denial of services. Assistance 24 hours a day, seven days a week. Call (888) 466-2219 or (877) 688-9891 (TTY). www.healthhelp.ca.gov.

DRA’s Health Access Project: free publications about the health care and insurance rights and concerns of people with disabilities and serious health conditions. <http://dralegal.org/>, and click on “Projects”.

Mental Health America
In Crisis? 1-800-273-TALK
Pensar en Suicida?
1-800-SUICIDA (784-2432)
(Ellos son Latinos y hablan Espanol)

California AgrAbility Project serves agricultural workers with disabilities and their families. Call (530) 752-1613 voice; Toll free: 1-800-477-6129; fax (530) 752-2640.
<http://calagrability.ucdavis.edu>

Walmart Lawsuit, continued:

"It is offensive to me and every citizen who uses a mobility device that more than 20 years after the Americans with Disabilities Act, we continue to be shut out and denied equal access to basic retail services," said Yomi Wrong, Executive Director of the Center for Independent Living Inc. "People with disabilities shop. This is not news. But Wal-Mart, which purports to be America's go-to place to 'save money and live better,' apparently doesn't believe that dignity, respect and equal access for people who use wheelchairs and scooters are important core values."

There are over 300,000 people who use wheelchairs and scooters in California alone, numbers that are expected to increase substantially over the coming decade.

The Center for Independent Living, Inc. (CIL) provides services, support and advocacy to enhance the rights and abilities of people with disabilities to actively participate in their communities and lead self-determined lives. CIL encourages people with disabilities to make their own choices and works to open doors in the community to full participation and access for all.

Disability Rights Advocates (DRA) is a non-profit legal center. For nearly twenty years DRA has specialized in high-impact class action litigation on behalf of people with all types of disabilities. DRA litigates nationally and has offices in New York City and Berkeley, CA. www.drlegal.org.

Disability Rights Education and Defense Fund (DREDF), founded in 1979 by people with disabilities and parents of children with disabilities, is a national law and policy center, based in Berkeley, CA, dedicated to protecting and advancing the civil rights of people with disabilities. www.dredf.org.

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Do you need to hire an in-home personal assistant or care provider?

Are you a professional care provider?

Apply to join PIRS Personal Assistants Registry/Referral Service. (No fee)

To hire a provider, or to join our Provider Registry, call Tim Cooper at PIRS - 530-885-6100, x15.



Do you need some minor modifications to make your home safer and more accessible?

Call Don Wixon, Coordinator of PIRS Minor Home Modification Program. 530-885-6100, ext 34

ADA Checklist for Readily Achievable Barrier Removal

www.adachecklist.org/checklist.html

www.proyectovision.net

información sobre nuevas becas, pasantías, puestos de trabajo, y recursos que le pueden ayudar en el cumplimiento de sus metas relacionados con la educación, el empleo, y la vida independiente.

Walmart Lawsuit:

Lewis, Feinberg, Lee, Renaker & Jackson P.C. is a national law firm based in Oakland, CA, that represents plaintiffs in civil rights litigation, wage and hour overtime litigation, and ERISA employee benefit and pension litigation. www.lewisfeinberg.com.

ADA CORNER

The US Justice Dept announced a settlement under the Americans with Disabilities Act (ADA) with the city of Flint, Mich., to make all the city's polling places more accessible for individuals with mobility impairments. Under the terms of the settlement, the city of Flint recognizes that accessible polling places are the cornerstone of its voting accessibility program and will make all of its polling places accessible to people with disabilities by the November 2012 elections. The settlement also requires that accessibility will be a major factor in the city's choices of future polling places. To assist Flint to make its elections accessible, the Justice Dept will provide technical assistance to the city in deciding whether a polling place location can be made accessible on Election Day.

More information about this settlement and the ADA is available at the Justice Department's toll-free ADA Information line at (800) 514-0301 or (800) 514-0383 (TTY) and on the ADA website at www.ada.gov or contact the U.S. Attorney's civil rights hotline at 313-226- 9151.

Free Technical Assistance:

- Pacific Disability and Business Technical Advisory Center (DBTAC) – Hotline provides free detailed explanations on ADA questions and Guidelines. 1-800-949-4232. www.adapacific.org.
- Dept of Justice ADA webpage: www.usdoj.gov/crt/ada/adahom1.htm
- Equal Opportunity Employment Commission – non-discrimination in employment: www.eeoc.gov.
- Job Accommodation Network (JAN): lists examples of accommodations that may be appropriate for various types of disabling conditions. www.jan.wvu.edu

- www.access-board.gov – US Access Board publishes access guidelines based on research about best practices.
- www.DisabilityInfo.gov is a cross-government portal on disability, and is easily accessible.
- www.ncaonline.org- National Center on Accessibility promotes access to recreational facilities, focusing on universal access and practical solutions by linking designers with users.
- www.firstgov.gov – a one-stop source to find any federal agency and other information.
- Federal Transit Administration – ADA Assistance line: 1-888-446-4511 or www.fta.dot.gov/transit_data_info/ada/
- Information on the U.S. Dept of Education enforcement of education rights (Individuals with Disabilities Education Act or IDEA). www.ed.gov/offices/OCR/index.html
- Discrimination in air transportation and related services. Hotline at 1-800-778-4838 (voice) or 1-800-455-9880 (TTY) to obtain assistance. Complaints must be submitted in writing. <http://airconsumer.ost.dot.gov/>



Advocate for Your Rights!

Never take your independence for granted. Never ignore discrimination. Speak out and defend your rights to access housing, education, employment, transportation, health care, telecommunications, recreation, and all the other benefits our society enjoys. Get involved! Stay informed! Contact Jeff Cowen: <jcowen@pirs.org>; Call 530-885-6100, ext.15; or write: PIRS, 11768 Atwood Rd., Ste.29, Auburn CA 95603.

NEW! Monthly workshops on disability topics that impact your life. Call Jeff to sign up or get more information.

To Contact Your Legislators online:

President: www.whitehouse.gov

Governor: www.governor.ca.gov

US Senators: thomas.loc.gov, then choose "Senate Directory" at top.

US Representatives: thomas.loc.gov, then choose "House Directory" at top.

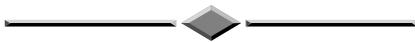
State Senate: www.senate.ca.gov

State Assembly: www.assembly.ca.gov

Placer County: www.placer.ca.gov

El Dorado County: co.el-dorado.ca.us

Alpine County: www.alpinecountyca.gov



PIRS Board of Directors is seeking new members. In particular, if you are of Latino, Asian, or African-American descent and have a disability, or have legal or accounting expertise, please consider joining our Board.

Please call for an application:
530-885-6100, in Auburn
1-800-833-3453 outside of Auburn area
530-885-0326 TDD
530-885-3032 Fax

PIRS Board of Directors

Dawn Davidson, President
Robert Hancock, Vice President
Paul Opper, Treasurer
Dan Roye, Secretary
Michael Cummings, Director
Terry Scott, Director
Linda Wisdom, Director

PIRS Board Meeting:

Third Wednesday, 5:00-6:30 p.m. at PIRS.

Disability Rights Organizations:

www.ADAWatch.org: Advancing the Civil Rights of People with Disabilities

National Council on Independent Living:
www.NCIL.org

Association of Programs for Rural Independent Living: www.april-rural.org

CA Foundation for Independent Living Centers: www.cfilc.org

Mental Health: www.Bazelon.org

Advocacy for persons with developmental disabilities: [The ARC.org](http://TheARC.org)

Disability Rights California: www.drc.org

Disability Rights Education Defense Fund:
www.dredf.org

Not Dead Yet: opposing physician-assisted suicide. www.ndy.org

Disability Rights Advocates: dralegal.org

American Association of Persons with Disabilities: www.aapd.org

California Disability Community Action Network (CDCAN): Advocacy Without Borders: www.cdcan.us



www.disabilitybenefits101.org

Information on employment, health coverage and other benefits, and how it all relates to working. There's a unique "calculator" that will help you figure it out. You can work!

Placer Independent Resource Services
11768 Atwood Rd., Ste. 29
Auburn, CA 95603

Non Profit Organization
US Postage PAID
Auburn, CA
Permit #130

RETURN SERVICE REQUESTED

PIRS Hotsheet is available online at
www.pirs.org
For alternative formats, call us at:
530-885-6100 (v); 530-885-0326 (tty)



*Please Include PIRS
in Your Will.*



PIRS is funded by grants from the US Dept. of Education/Rehabilitative Services Administration; State Dept. of Rehabilitation; Area 4 Agency on Aging; United Auburn Indian Communities; City of Roseville; Community Technology Foundation of CA; James & Virginia Benson Fund for the Elderly of Placer County of the Sacramento Region Community Foundation; by contract with the Pacific Disability & Business Technical Assistance Center; and by private donations.

We need your support. Please make a donation to PIRS today. Thank you!

PIRS is a Certified Agency of United Way California Capital Region: **Agency # 5751**

