

ENSURING YOUR PROGRAMS AND SERVICES ARE ACCESSIBLE UNDER THE ADA: DID YOU FORGET YOUR WEBSITE?

Vicki L. Beatty
Campbell, Durrant & Beatty, P.C.
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The Americans with Disabilities Act (ADA) requires local governments to provide qualified individuals with disabilities equal access to their programs, services or activities. Most municipalities complied by conducting a review of their programs and facilities, and making necessary changes. Did you think about your website when that review was completed? Did you even have a website when the review was completed? Your website can serve as an important tool to meet your obligations under the ADA – if it is accessible itself. More importantly, if your website has become your primary communication tool with your residents, it should not be viewed simply as a mechanism to make other services accessible, but a service itself which must conform with the ADA.

If your website was designed by a professional, chances are that your website will meet the standards for accessibility. On the other hand, if you hired your whiz kid nephew to design the site on the cheap, you may have a nice looking product that is useless to individuals with vision impairments. Such individuals often use screen readers – assistive devices that speak the text that appears on a monitor. Your logos, graphics and photos will be unintelligible to the screen reader unless coded with alt tags, descriptions or captions. There may be other steps you can take to ensure the accessibility of your website communications.

Assistance is available. Standards for website accessibility can be found at www.access-board.gov/sec508/guide/1194.22.htm and at www.w3c.org/WAI/Resources.

Employees who engage in fraud are ineligible for Unemployment Compensation. By: Gretchen K. Love

Recently, the Pennsylvania Commonwealth Court upheld the determination of the Unemployment Compensation Board of Review which denied unemployment compensation benefits to an employee who had engaged in insurance fraud. Downey v. Unemployment Compensation Board of Review, 2006 WL 3716528 (Pa. Commw. 2006). In Downey, the employee had sustained a work related injury which rendered him unable to work. In addition to being unable to work, the employee alleged that he could not care for or maintain his home, including performing necessary painting, plumbing, landscaping and carpentry work. The employee alleged that because he was unable to perform these tasks, he was in jeopardy of losing his home.

Shortly thereafter, the employer received an anonymous tip which prompted an investigation of the employee. Based on the investigation, the employer learned that the

employee could perform heavy work around the house (i.e. stripping the exterior of his house, climbing ladders, digging post holes, using a sledge hammer and operating a gas powered trimmer). The employee was subsequently discharged and sought unemployment compensation benefits.

Despite the absence of specific case law, Pennsylvania Commonwealth Court found the employee to be ineligible for unemployment compensation benefits. In reaching its decision, the Court compared the employee's acceptance of Workers' Compensation benefits when he was physically able to work to cases where unemployment benefits had been denied based on an employee's dishonesty, misrepresentation and theft. Accordingly, the employee was determined to have engaged in willful misconduct and was rendered ineligible for unemployment compensation benefits.