



AAADM Leadership Delivers U.S. Access Board Webinar

Technical/Code Committee CHAIR: JEFF DUNHAM



AAADM was well-represented on the U.S. Access Board's recent webinar covering "Automatic and Power-Assisted Doors." AAADM board of directors member Jeff Dunham and member John Cringole wrote and presented, and AAADM president Len Pursell and secretary Paul Durgin participated in the virtual question-and-answer session that followed.

It was a wide-ranging webinar that included an overview of Americans with Disabilities Act (ADA) and Architectural Barriers Act (ABA) standards. Dunham and Cringole's presentation focused on ANSI standards, with emphasis on ANSI 156.19 for low-energy power automatic doors.

It was streamed live on December 1 and is now [permanently housed on the U.S. Access Board's website](#), where it can be viewed at any time.

The target audiences include architects, building owners, facility managers, inspectors, and maintenance personnel, but AAADM members can benefit as well.

While Dunham expects AAADM members will be well-versed in ANSI 156.19, he believes they can still find value in the presentation. "Our members might be less informed about ADA and ABA code, and I'd be willing to bet some viewers won't be familiar with the ABA," said Dunham. Enacted in 1968, the ABA covers accessibility for federal buildings.



"I think AAADM members are also going to want to watch to brush up on door owners' responsibilities, especially for performing daily maintenance checks," said Dunham. "So much of the problem with improperly performing doors is due to poor maintenance. Our members have the tools to properly train their door owners to perform daily inspections. This can help us remind owners of their responsibility."

Dunham points out that the webinar will be permanently housed on the U.S. Access Board site, where it will serve as a resource into the future.

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PRESIDENT'S MESSAGE

Hope this note finds everyone well. It's been a whirlwind year for AAADM and, if you're like me, you may be finding that time seems to fly by faster and faster as the years pass.

Looking back, I am pleased with our accomplishments and our consistency with AAADM in 2022. The board and committees are meeting regularly to work on exciting initiatives for the membership.

We've broadened our focus to work with legislative bodies in support of access for all, and will continue to support those efforts. We've amplified our communication efforts with you, including sharing new availabilities for grants and tax credits for installing automatic doors.

A highlight of the year for all of us was our first all-members meeting in Las Vegas in May. It was important to gather together and we look forward to doing it again.

Looking ahead to 2023, National Automatic Door Day is just around the corner on March 19. We will be looking to build on last year's success with an even more engaging campaign.

But, of course, the biggest news to come out of next year will be AAADM's 30th anniversary! We're planning a year's worth of exciting commemorative events and retrospective social media posts. We have created a special logo to mark the occasion as well.

We want to include your memories in this celebration. We sent out a [survey link](#) for you to share your favorite industry moments. Please take a moment to respond, as your content will make this a much richer year-long event.

I am proud to be a part of this group, and honored to be part of this wonderful industry. AAADM was relevant when it was formed in 1993, and it remains just as relevant today.

Happy holidays to you, your staff, and your families.

All the best to you all,

Len Pursell
AAADM President

"A highlight of the year for all of us was our first all-members meeting in Las Vegas in May."

AAADM COMMITTEE UPDATES

AAADM has formed committees to oversee and develop various projects. Following is a summary of some recent committee activity:



Certification Committee

CHAIR: DAVE TIMMERMAN

TRAIN THE TRAINER

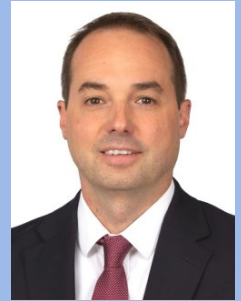
In September, AAADM held its biannual Train-the-Trainer event at Stanley Access Technologies' Chuck Schaum Training Center in Greenfield, Indiana. The purpose was to educate new trainers and refresh current trainers. Over 40 trainers were in attendance, including many first timers.

The two-day session included classroom teaching and hands-on instruction of automatic swinging, sliding, and folding doors. Attendees were also educated on new training materials that will be used in all future AAADM certification training programs. The sessions helped ensure consistency among trainers as they shared best practices and experiences.



Government Affairs Committee

CHAIR: TIM BLANKE



As our industry changes and attitudes about building access evolve ... we're everywhere decisions are made, in the halls of congress and on the streets of America's cities.

U.S. ACCESS BOARD TOWN HALL

The U.S. Access Board recently held a town hall meeting in Philadelphia. Board members and other federal officials heard from local residents about the state of accessibility in Philadelphia, covering a host of topics including housing, transportation, recreation and outdoor areas, and design for neurodiversity.

Disabled Philadelphians turned out in force, raising specific concerns about a lack of accessibility at a local post office and the low inventory of affordable, accessible housing. The town hall culminated two days of learning and training sessions sponsored by the Access Board. To read our full wrap-up of the town hall event, click [here](#).

DISABLED AMERICAN VETERANS

For Veterans Day this year, we spotlighted the work being done by Disabled American Veterans (DAV) to advocate for legislation, provide employment assistance, and fight for the interests of disabled service men and women. This included championing safe and accessible entrances and exits to buildings where they live, work, and play, which are critical to achieving their desired independence.

In the words of Marquis Barefield, assistant national legislative director for the DAV, "Veterans with service-connected disabilities want to get back into the workplace and lead productive and active lives. Veterans who use wheelchairs, walkers or canes value the ability to access buildings under their own power." Our full Spotlight can be read [here](#).

LEGISLATIVE UPDATES

As always, to stay abreast of the latest access bills before the state and federal governments, visit our dedicated legislative updates page [here](#).

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Marketing Committee

CHAIR: KAREN MASLOW

30TH ANNIVERSARY LOGO

Next year, AAADM celebrates a milestone with the 30th anniversary of our founding. It seems hard to believe, but it's been three decades since we spun off from a subcommittee of the Builders Hardware Manufacturers Association to form our own association in 1993.



To mark this occasion, 2023 will be full of retrospective events and celebrations. To kick off the festivities, we've commissioned a new 30th anniversary AAADM logo. It will accompany our marketing materials to give them a distinctive look and make it easily known that we've reached this significant milestone in our history. Look for it all next year!

NEW ELDER CARE WHITE PAPER

AAADM has released a white paper on automatic door solutions for elder care facilities. You can download it [here](#). An estimated 1.5 million people live in U.S. nursing homes and these facilities have dynamic needs for access control. From general safety to staff convenience to wander management for memory care residents, automatic doors can vastly improve the elder care experience.

The white paper acts as an introduction for this audience to all that automatic doors can do for their residents and staff. It provides an overview of available technology, decisions that need to be made prior to and during the construction or retrofit

process, and tips to get the most out of their access control systems.

Our hope is that members will find the paper to be a useful tool for reaching out to this audience. It will be permanently housed on the AAADM website. We're promoting its publication with a media release and accompanying blog and social media posts.



LEGAL NEWS

By Nathan J. Breen, Esq., AAADM Legal Counsel

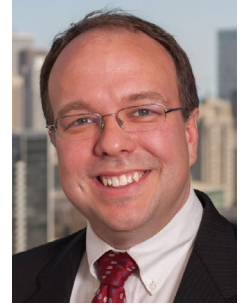
Business Necessity Required For Employer Covid Testing Mandate

The U.S. Equal Employment Opportunity Commission (“EEOC”) has updated its Technical Assistance Questions and Answers regarding COVID-19, stating that, under the Americans with Disabilities Act (“ADA”), an employer may mandate COVID-19 medical testing of employees and applicants as a condition to enter the workplace only if it is “job-related and consistent with business necessity.” This is a change from the EEOC’s prior position that COVID testing was presumptively considered job-related and consistent with business necessity because of the circumstances of the pandemic. In determining whether the “business necessity” standard for testing employees is met, employers should consider the following factors:

- Level of COVID-19 transmission in the community
- Vaccination status of employees
- Accuracy and speed of processing for different types of COVID-19 viral tests
- Degree to which breakthrough infections are possible for employees who are “up to date” on vaccinations
- Ease of transmissibility of the current variant(s)
- Possible severity of illness from the current variant(s)
- Types of contacts employees may have with others in the workplace or elsewhere that they are required to work (e.g., working with medically vulnerable individuals)
- Potential impact on operations if an employee enters the workplace with COVID-19

The EEOC’s guidance directs that employers should check the latest Centers for Disease Control and Prevention (“CDC”) guidance and any other relevant sources to determine whether testing is appropriate for employees in making the above assessments.

As government regulations loosen in reaction to the improved circumstances regarding the pandemic, employers need to ensure that their policies are compliant with applicable law. Failing to do so may result in costly and avoidable lawsuits.



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Website Accessibility Litigation: A Growing Trend

Title III of the Americans with Disabilities Act (“ADA”) generally prohibits discrimination on the basis of an individual’s disability in a place of “public accommodation.” Until recently, lawsuits typically related to physical changes that businesses were required to make to brick-and-mortar locations to ensure that such facilities provided necessary accommodations for individuals with disabilities. There is now a growing litigation trend where plaintiffs are asserting Title III claims premised on the inability of those with visual or hearing impairments to access websites. Most courts addressing the issue have found that a Title III claim premised on failure to provide accommodations for website usage to those who are visually or hearing impaired is actionable under the ADA. A 2019 industry report found that 70 percent of websites in e-commerce, news and information, and government categories had certain “critical blockers” that rendered them inaccessible to visually impaired users.

Most recently, the U.S. District Court for the Western District of Pennsylvania certified a class action involving a plaintiff’s claim that an apparel merchant’s website was not accessible to those who are blind or visually impaired, finding that such website violated the equal access requirements of Title III. The court noted that there are approximately 7.3 million adults who have difficulty seeing and 1.8 million adults who are blind and can be expected to use the internet.

For purposes of the court-approved settlement, the defendant agreed to (1) modify its digital properties “to remove barriers they allegedly present to

access by blind and visually impaired visitors and users” of the merchant’s website, and (2) revise its policies and procedures concerning such access. To accomplish these agreed-upon actions, the parties agreed to the appointment of an “Accessibility Consultant” who was tasked with undertaking certain assessments concerning the merchant’s to-be-revised website.

The U.S. Department of Justice recently released a publication titled “Guidance on Web Accessibility and the ADA” which confirmed the agency’s position that the ADA’s requirements apply to all the goods, services, privileges, or activities offered by public accommodations, including those offered on the web. The agency stated that the following website characteristics were often the cause of website inaccessibility:

- Poor color to contrast
- Reliance on color to provide information
- Lack of text alternatives, or alt text, on images
- No captions on videos
- Inaccessible online forms
- Mouse-only navigation rather than keyboard navigation

ADA claims can result in an award of attorneys’ fees, making them appealing for plaintiffs and lawyers alike. Businesses should closely examine their websites to ensure they meet the necessary accessibility requirements.

These articles are provided solely for informational purposes and do not constitute legal advice. If you have specific questions or concerns about a legal issue, consult your company’s legal counsel for guidance.