

### Jordan B. Schwartz

Partner, Labor • Employment Practice Group

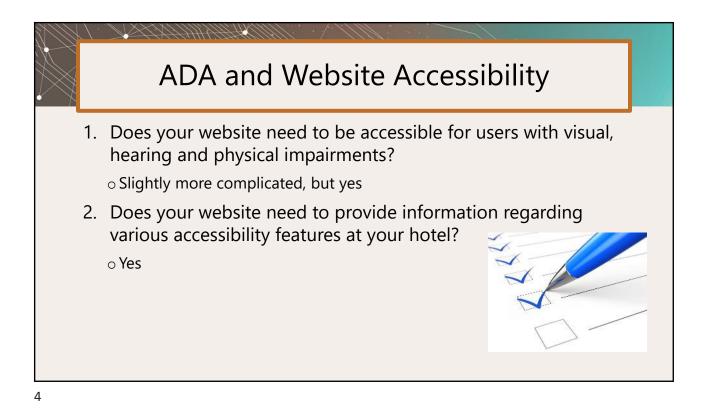
- Defends employers in litigation at both the federal and state levels.
- Counsels employers on compliance with federal and state law.
- Advises unionized and nonunionized workplaces regarding the employer's rights under the National Labor Relations Act.



### Title III Obligations

- Applies to hotels, resorts, spas, restaurants, etc.
- Prohibits hotels from denying services and accommodations to individuals with disabilities.
- Must modify policies, practices, and procedures unless doing so fundamentally alters goods and services
- Must remove barriers to access





## Must my website be accessible for those hard of hearing and seeing? Most Likely, Yes! Tension exists in courts and DOJ whether Title III applies to websites Courts have ruled on both sides of the issue No universally recognized standard for achieving website accessibility

- Trend is for courts to find that websites are places of public accommodation
- This, even in the absence of guidelines for private companies' websites, the trend is to comply with the gold standard -- WCAG 2.1.



### Robles v. Domino's Pizza

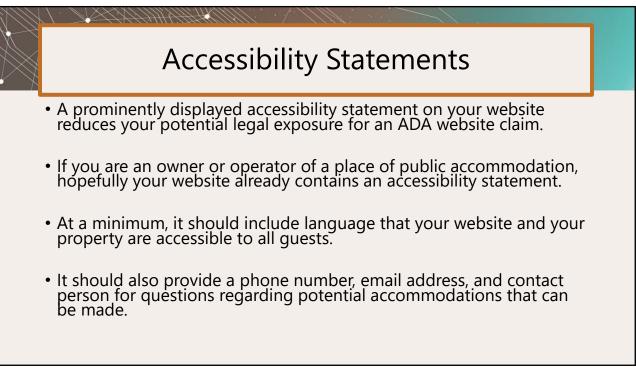
- Case centered on the inability of individuals who had limited vision to use Domino's website to order pizzas online with the use of screen-reading software.
- In March 2017, a California district court dismissed the lawsuit, holding that while Title III applied to the internet, allowing the case to proceed in the absence of clear web accessibility regulations from the DOJ would violate Domino's due process rights.
- The Ninth Circuit reversed. It held that Title III applies to websites and that the lack of official web accessibility regulations does not raise due process concerns. It also suggested that lower courts could reference WCAG 2.0 guidelines when structuring remedies.
- Domino's petitioned the Supreme Court to hear this case, where it could prove to be a landmark battle over the rights of disabled people on the internet.
- On Oct. 7, 2019, the Supreme Court denied Cert.



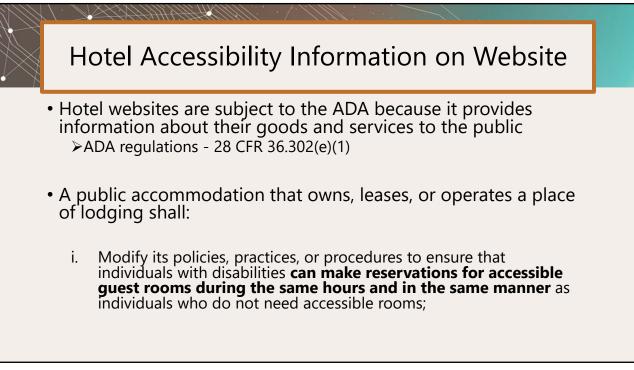
### Common Website Accessibility Issues

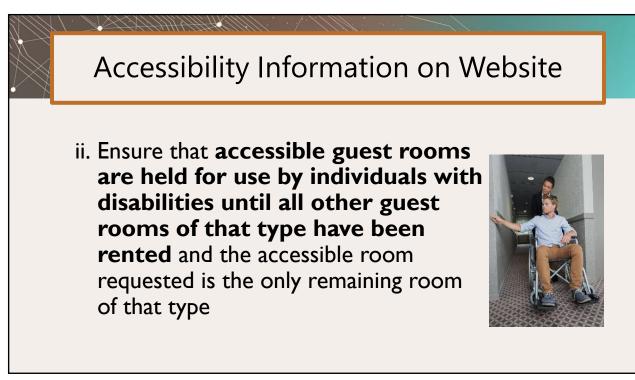
# Users with visual impairments: Menus in PDF Format Pictures, symbols, maps, diagrams, etc. with no written descriptions "Click here" links Text as an image file (as opposed to html) Users with hearing impairments: Video and audio files with no captioning Users with physical impairments: Navigating website without a mouse or a keyboard











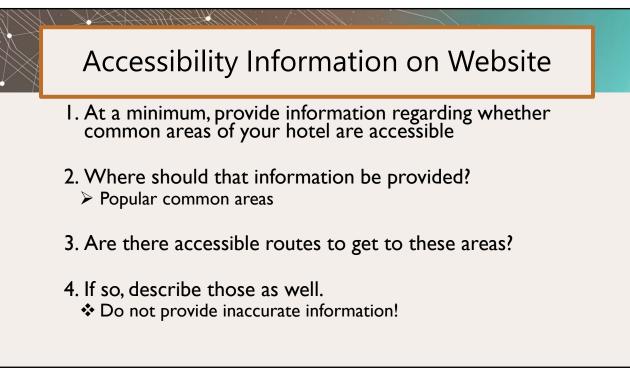


### Accessibility Information on Website

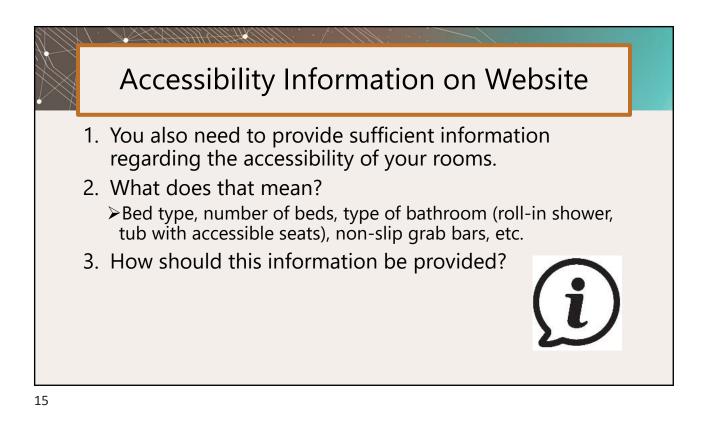
v. Identify and describe accessible features in the hotels and guest rooms offered through its reservations service in enough detail to reasonably permit individuals with disabilities to assess independently whether a given



hotel or guest room meets his or her accessibility needs.









## Questions?

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