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Presented by Larry Neilson, CEO Neilson Marketing Services & Programbusiness.com

WEBSITE COMPLIANCE

ADA

Is your agency's website accessible to the blind?

disabilities. This is not surprising, since nearly 20 percent of the population in the U.S. has a disability—that's nearly one in five people. Still, when the topic of website accessibility for the visually impaired was brought to my attention, I thought it was a joke. Turns out it's no joking matter as there are more than 7.3 million people in the U.S. who have varying degrees of blindness.

Making your website accessible to the impaired and disabled costs money, but refusing to do so is leading to increased litigation from advocacy groups that want access under the Americans with Disabilities Act, Title III. Website accessibility lawsuits and threatened claims have become big business for the plaintiffs' bar.[1] The number of lawsuits filed in federal court since the beginning of 2015 has surged to at least 244 as of Oct. 20, 2016.[2] Retailers have been the most popular targets, followed by restaurants and hospitality companies. Ninety-five percent of the lawsuits have been filed in Florida, Pennsylvania, New York and California federal courts.

Assistive technologies and adaptive strategies enable those with disabilities to participate in the online community and in e-commerce. Some examples of assistive technologies include:

- screen readers that read webpages aloud;
- screen magnifiers to make text and graphics larger and easier to see;
- voice-recognition software to assist with typing and commands; and
- scanning and switches systems that scan pages and allow the user to make a selection by hitting

WE RESEARCHED IT

- ADA compliance includes updating meta-tagging, alternative image text, and video transcripts.
  - ***Complete Code Audit***
  - ***Alt Description***
  - ***Font Type & Font Size***
  - ***PDF-to-HTML Conversion***

WE RESEARCHED IT

- Page by page conversion could take 60 minutes per page
- Pages include blogs
- 50 pages Xs 1 hour = 50 hours
- 50 hours x $100.00 = $5,000.00

ADA

IS SIGNED INTO LAW

1990 President George H.W. Bush signed the Americans with Disabilities Act

ADA

W3C WCAG 1.0

WCAG 1.0 1999
WCAG 2.0 2008
WCAG 2.1 2018

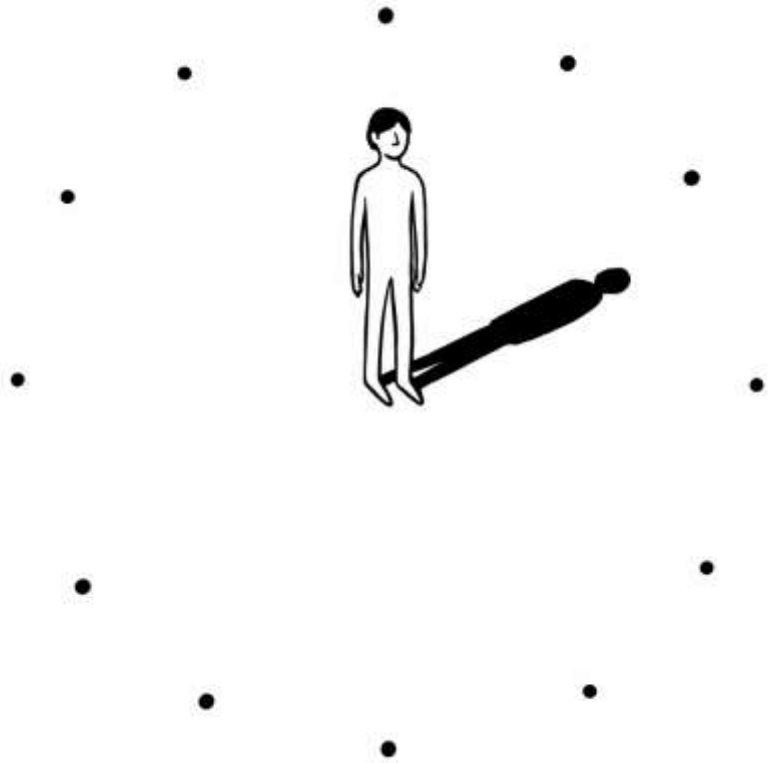
ADA

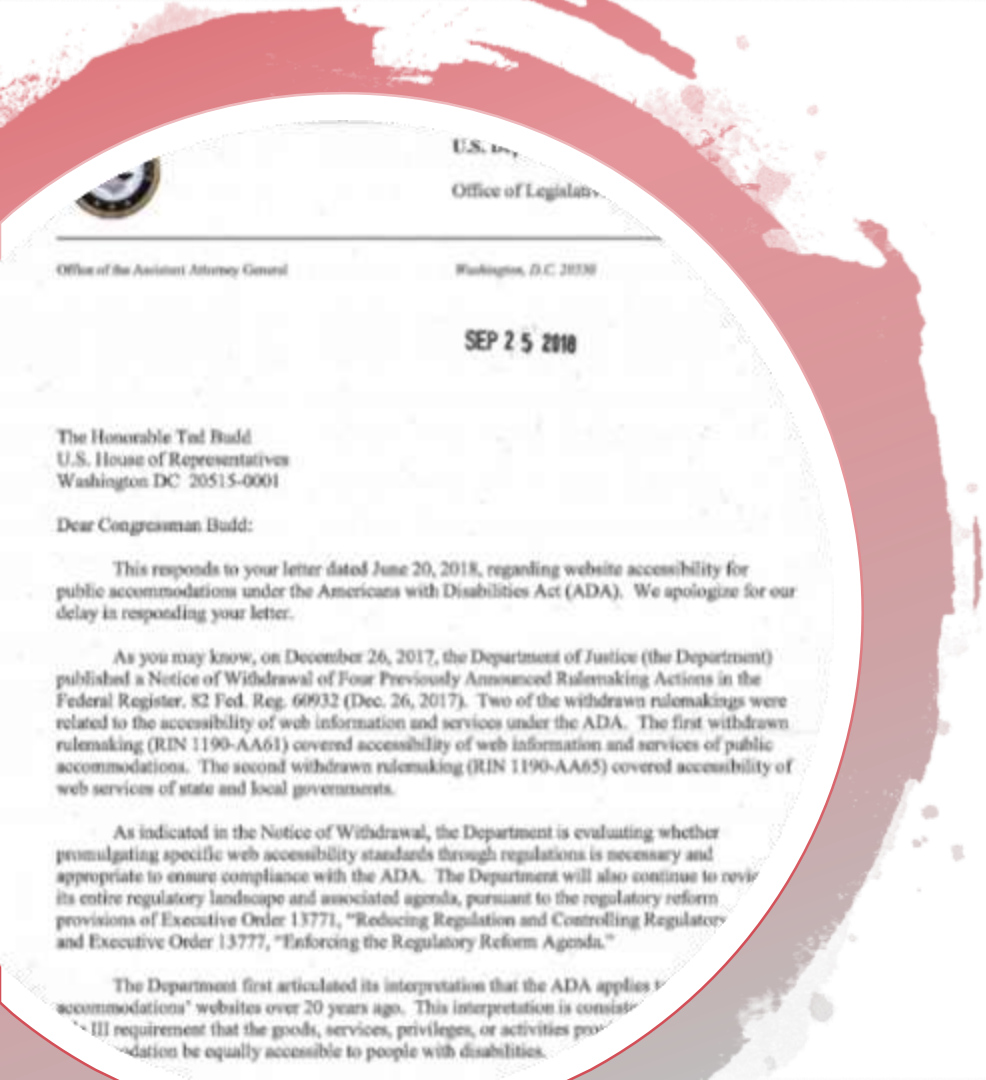
There are Three Levels of Conformance

A: Color
AA: Contrast 4.5:1
AAA: Enhanced Contrast 7:1

FAST FORWARD

June 20, 2018 when 103 Congress members of both parties sent a letter to AG Jeff Sessions to ask the DOJ to provide “guidance and clarity with regard to website accessibility” under the ADA.





U.S. D[illegible]

Office of Legislat[illegible]

Office of the Assistant Attorney General — Washington, D.C. 20530

SEP 2 5 2018

The Honorable Ted Budd
U.S. House of Representatives
Washington DC 20515-0001

Dear Congressman Budd:

This responds to your letter dated June 20, 2018, regarding website accessibility for public accommodations under the Americans with Disabilities Act (ADA). We apologize for our delay in responding your letter.

As you may know, on December 26, 2017, the Department of Justice (the Department) published a Notice of Withdrawal of Four Previously Announced Rulemaking Actions in the Federal Register. 82 Fed. Reg. 60932 (Dec. 26, 2017). Two of the withdrawn rulemakings were related to the accessibility of web information and services under the ADA. The first withdrawn rulemaking (RIN 1190-AA61) covered accessibility of web information and services of public accommodations. The second withdrawn rulemaking (RIN 1190-AA65) covered accessibility of web services of state and local governments.

As indicated in the Notice of Withdrawal, the Department is evaluating whether promulgating specific web accessibility standards through regulations is necessary and appropriate to ensure compliance with the ADA. The Department will also continue to revie its entire regulatory landscape and associated agenda, pursuant to the regulatory reform provisions of Executive Order 13771, "Reducing Regulation and Controlling Regulatory and Executive Order 13777, "Enforcing the Regulatory Reform Agenda."

The Department first articulated its interpretation that the ADA applies t accommodations' websites over 20 years ago. This interpretation is consist[illegible] III requirement that the goods, services, privileges, or activities pro[illegible]odation be equally accessible to people with disabilities.

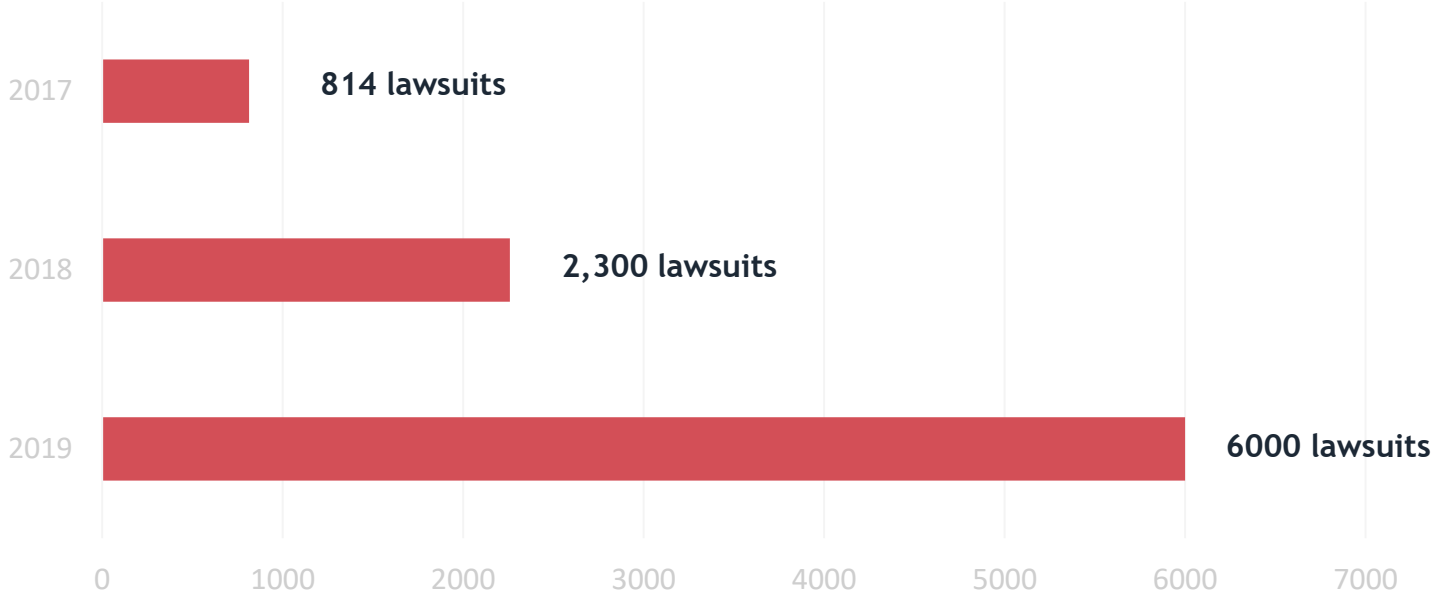
Are Regulations Necessary?

This is a Job for Congress!

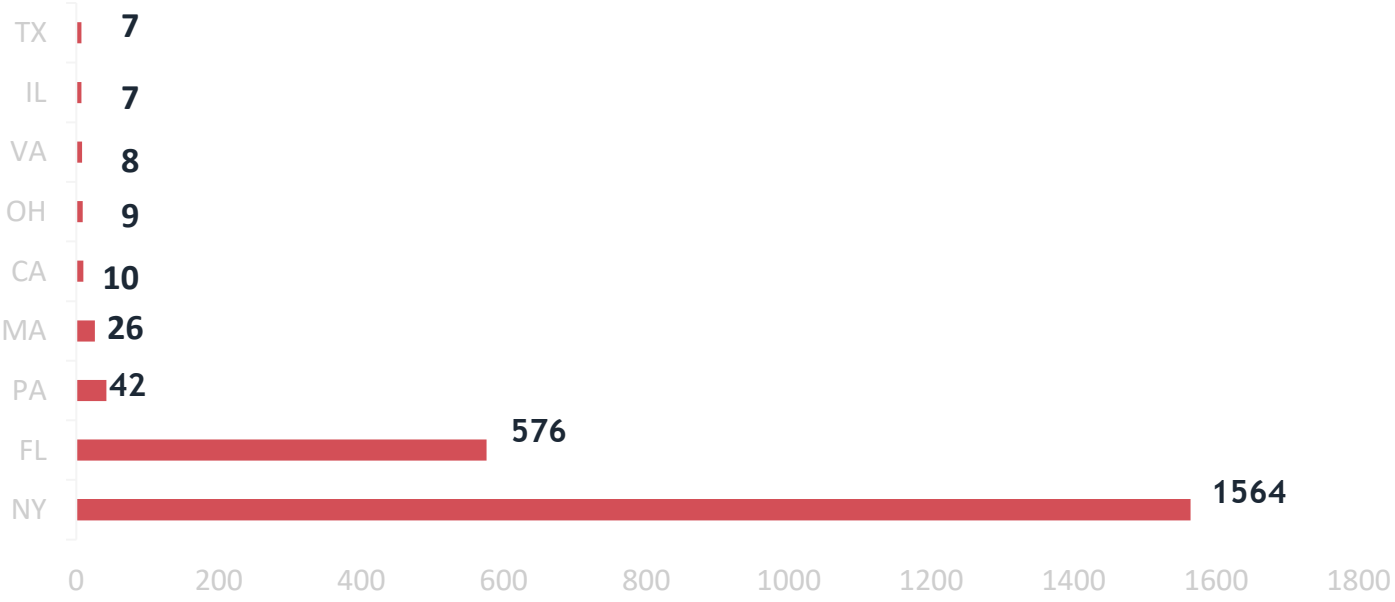
Noncompliance with a voluntary technical standard for website accessibility does not necessarily indicate noncompliance with the ADA.“

The DOJ RESPONDS

LAWSUITS


2017
814 lawsuits
2018
2,300 lawsuits
2019
6000 lawsuits
0
1000
2000
3000
4000
5000
6000
7000

2018 LAWSUITS by State

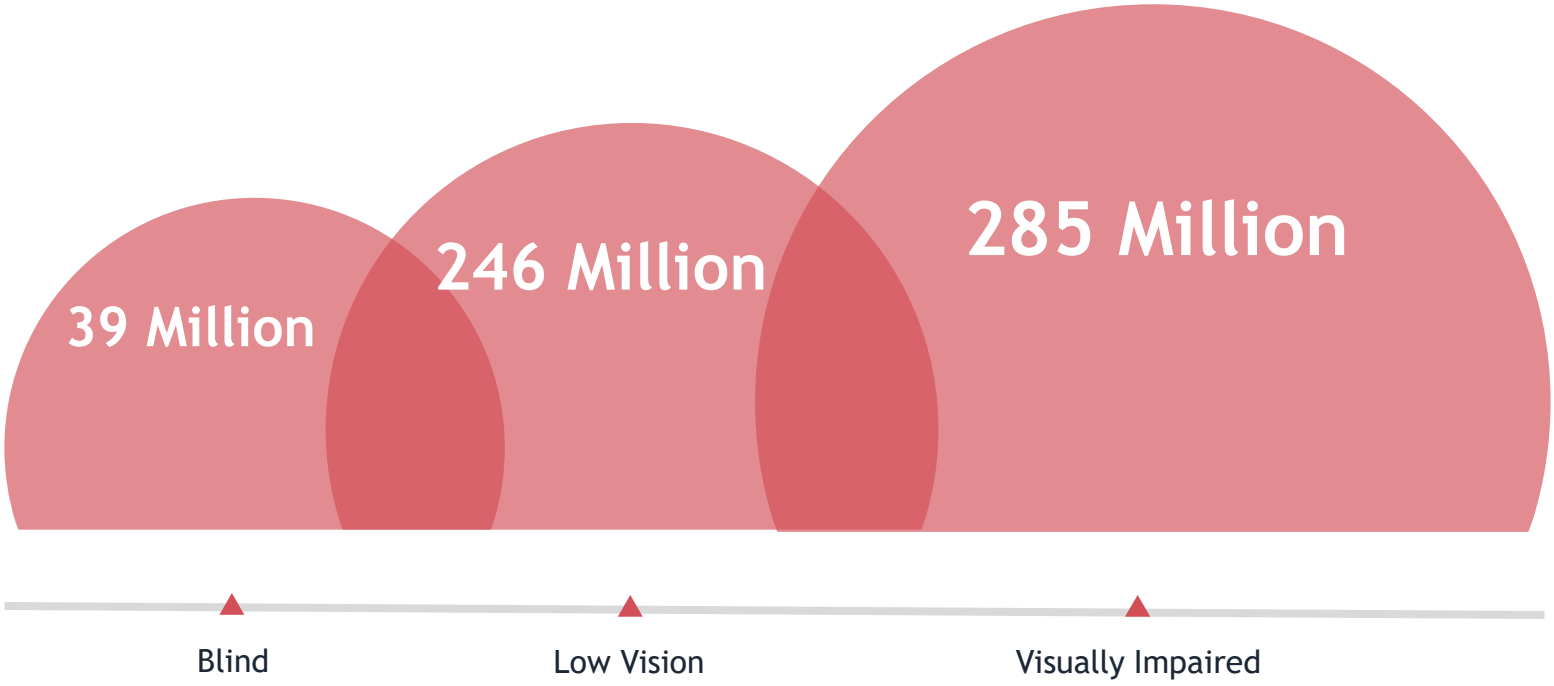


LAWSUIT EXAMPLES

- Winn-Dixie
- Dominos
- Hooters
- Harvard & MIT
- Hulu
- 1000’s of other smaller companies

Fight or Fix

MARKET VALIDATION



The number of non-institutionalized persons aged twenty-one to sixty-four years with a visual disability in the United States

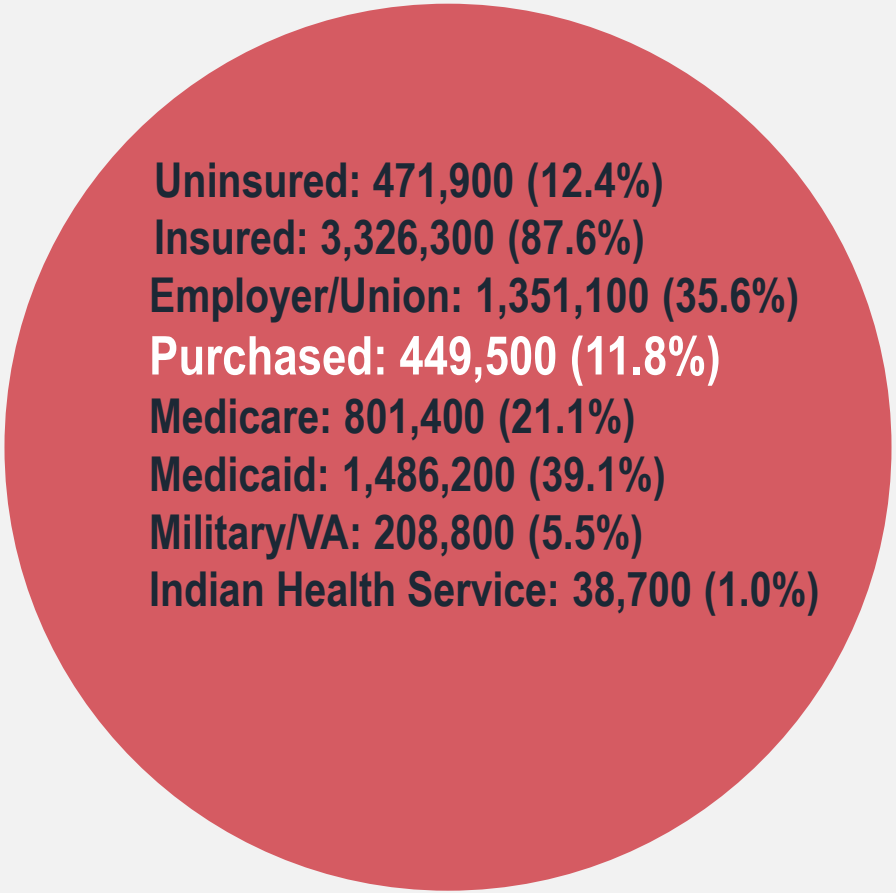
1,120,700

OR 29.5%
FULL TIME EMPLOYEES
IN 2016

The annual **earnings** and poverty status of non-institutionalized persons aged twenty-one to sixty-four years with a visual disability in the United States in 2016.

- **Median Annual Earnings: $38,500**
- **Median Annual Hshld Income: $41,300**

Health Insurance Status.



SOLUTIONS

SOLUTIONS

1. Use a Developer to Update your Code $5,000.00 + Depending Upon Scope

2. Plugins WP, SOGO, Enable

- Work well as Dashboard is you code the other 80%

- Provide About 10% of Compliance

3. Tutorial on Your Website on Accessing Outside Resources

- Could mitigate lawsuit risks

‹ Back

Meeting the needs of all our customers

View our Accessibility Commitment ›

Each customer's experience matters

Our commitment to customer accessibility is not just about providing the right products, services and facilities. It's also about the way we treat our customers. Our employees receive training on accessibility initiatives as well as training to build awareness of diverse customer needs.

Enhance your online [redacted] experience

Learn how to customize the accessibility features on your computer and mobile device to make your online [redacted] experience more comfortable.

Accessibility features are available on a number of mobile/desktop

Enhance your online [redacted] experience

Learn how to customize the accessibility features on your computer and mobile device to make your online TD experience more comfortable.

Accessibility features are available on a number of mobile/desktop browsers and operating systems, and some of the more popular features include:

- Increasing text size
- Adjusting page zoom
- Enhancing page colours
- Having page contents read out loud

For help on customizing any of these features, choose the appropriate link(s) for your operating system and/or browser below.

Operating Systems

- Windows (desktop)
- MAC (desktop)
- IOS (mobile)
- Android (mobile)

Browsers

To learn how to use the zoom magnification features or enable high-contrast text, choose the link for your browser:

- Internet Explorer
- Firefox
- Chrome
- Safari

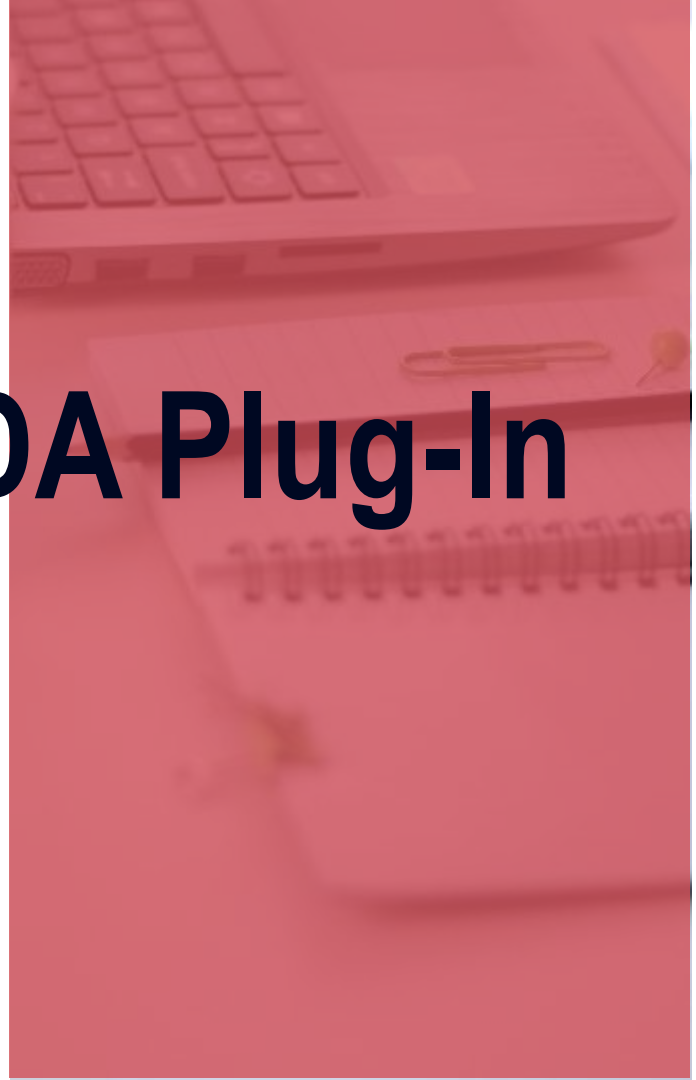
Internet and telephone services

Our Advisors are equipped to serve hearing impaired clients over the phone through the Relay Service.

We are also reviewing all of our websites to identify any inaccessible content, and we will take steps to make our websites accessible to all customers.

View our Accessibility Commitment ›

AI ADA Plug-In



1. 95% ADA AA Compliant
2. Adjustable Font
3. Readable Font
4. Readable Titles
5. Text Magnifier

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English

Adjust the Website!

Virtual Keyboard | Accessible Mode | Stop Animations

Search for phrases, initials, or slang...

Skip to Main

Content Adjustments

Adjust Font Size

0

Readable Font

Emphasize Titles

Emphasize Links

Text Magnifier

Feedback | Cancel Settings | Statement

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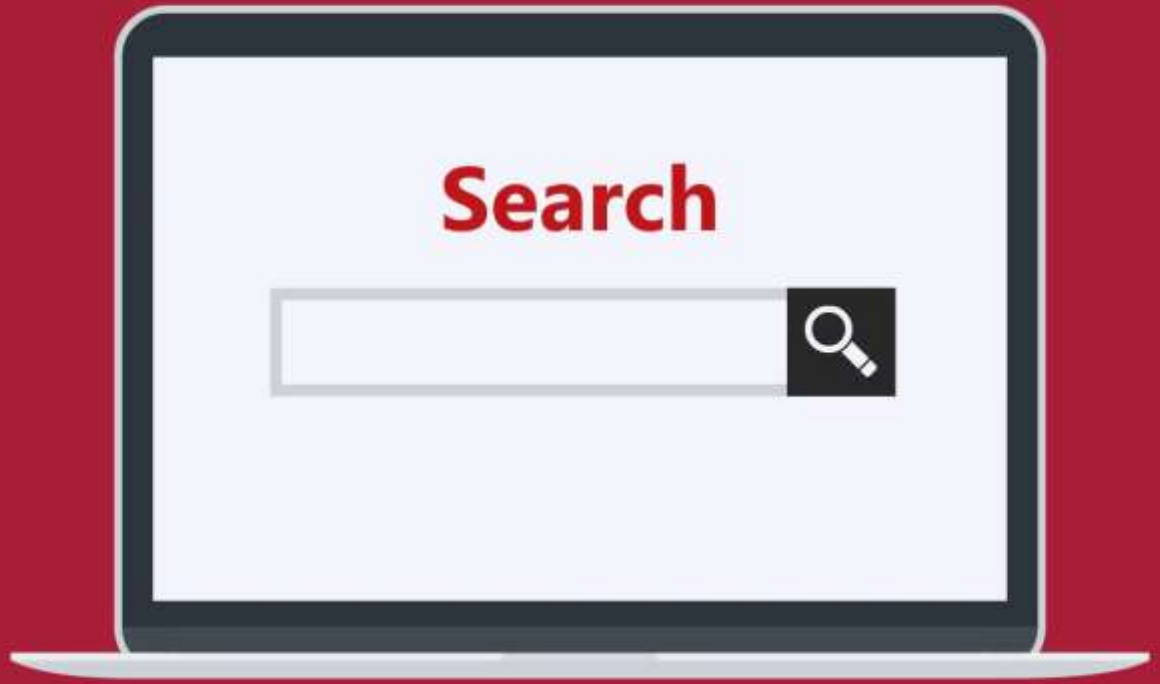
Leave a message


Search

THANK YOU!

NEILSONMARKETING.COM & PROGRAMBUSINESS.COM

A PRESENTATION BY LARRY NEILSON