



The following excerpt has been taken from the Christopher & Dana Reeve Foundation Paralysis Resource Center website.

http://www.christopherreeve.org/site/c.mtKZKgMWKwG/b.4467341/k.9A6B/Basics_of_the_ADA.htm

ADA Basics

The Americans with Disabilities Act (ADA) became law in July 1990. The law guarantees full participation in American society for all people with disabilities, just as the Civil Rights Act of 1964 guaranteed the rights of all people regardless of race, sex, national origin, or religion.

The ADA covers every person with an impairment that substantially limits one or more major life activities.

Title I of the ADA prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions and privileges of employment. An individual with a disability is a person who:

Has a physical or mental impairment that substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment.

A qualified employee or applicant with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question. Reasonable accommodation may include, but is not limited to:

Making existing facilities used by employees readily accessible to and usable by persons with disabilities; job restructuring, modifying work schedules, reassignment to a vacant position; acquiring or modifying equipment or devices, adjusting modifying examinations, training materials, or policies, and providing qualified readers or interpreters.

An employer is required to make an accommodation to the known disability of a qualified applicant or employee if it would not impose an "undue hardship" on the operation of the employer's business. Undue hardship is defined as an action requiring significant difficulty or expense when considered in light of factors such as an employer's size, financial resources and the nature and structure of its operation.

An employer is not required to lower quality or production standards to make an accommodation, nor is an employer obligated to provide personal use items such as glasses or hearing aids.

Employers may not ask job applicants about the existence, nature or severity of a disability. Applicants may be asked about their ability to perform specific job functions. A job offer may be conditioned on the results of a medical examination, but only if the examination is required for all entering employees in similar jobs. Medical examinations of employees must be job related and consistent with the employer's business needs.

Employees and applicants currently engaging in the illegal use of drugs are not covered by the ADA, when an employer acts on the basis of such use. Tests for illegal drugs are not subject to the ADA's restrictions on medical examinations. Employers may hold illegal drug users and alcoholics to the same performance standards as other employees.

Title II of the ADA prohibits discrimination against qualified individuals with disabilities in all programs, activities, and services of public entities. It applies to all State and local governments, their departments and agencies, and any other instrumentalities or special purpose districts of State or local governments.

Title III of the ADA prohibits discrimination on the basis of disability by "private entities" operating places of "public accommodation." Businesses governed by Title III include banks, restaurants, supermarkets, hotels, shopping centers, privately-owned sports arenas, movie theaters, private day care centers, schools and colleges, accountant or insurance offices, lawyers' and doctors' offices, museums and health clubs.

Sources: The U.S. Equal Employment Opportunity Commission, The U.S. Department of Justice

<http://www.fcc.gov/cgb/dro/>

Federal Communications Commission (FCC): Disability Rights Office

The Federal Communications Commission offers technical assistance on ADA telephone relay service requirements.

<http://www.adata.org/>

National Institute on Disability and Rehabilitation

The National Institute on Disability and Rehabilitation provides information regarding technical assistance programs.

<http://www.access-board.gov/adaag/about/>

Access Board

The U.S. Access Board (or Architectural and Transportation Barriers Compliance Board) offers technical assistance on the ADA Accessibility Guidelines.

www.usdoj.gov/crt/ada/adahom1.htm

U.S. Department of Justice

The U.S. Department of Justice enforces the laws, including the ADA.

<http://www.ada.gov/pccatoolkit/toolkitmain.htm>

Dept. of Justice: ADA Best Practices Toolkit for State and Local Governments

The following books and videos are available for free loan from the PRC library. For more information, please see www.paralysis.org and click the Lending Library tab.

Books

Ackerstein, Joan. **The Americans with Disabilities Act: What Supervisors Need to Know**. Burr Ridge, IL: Business One Irwin/Mirror Press, 1994.

ADA Quiz Book. Colorado Springs, CO: Meeting the Challenge, 2002. 3rd ed.

The Americans with Disabilities Act: Your Personal Guide to the Law. Washington, DC: Paralyzed Veterans of America. 4th edition. This booklet is available from PVA in PDF format as a free download. See

<http://www.pva.org/site/DocServer/ADA.pdf?docID=567>

Colker, Ruth. **The Disability Pendulum: The First Decade of the Americans with Disabilities Act**. New York: New York University Press, 2005.

Goren, William D. **Understanding the Americans with Disabilities Act**. Chicago, Ill.: American Bar Association Publishing, 2006. 2nd ed.

Implementing the Americans with Disabilities Act. Jane West ed. Cambridge, Mass.: Blackwell Publishers, 1996.

Jones, Nancy. **The Americans with Disabilities Act: Overview, Regulations and Interpretations**. New York: Novinka Books, 2003.

A Look Back: The Birth of the Americans with Disabilities Act. New York: Haworth Press, 1996.

Mezey, Susan Gluck. **Disabling Interpretations: The Americans with Disabilities Act in Federal Court**. Pittsburgh: University of Pittsburgh Press, 2005.

Perry, Greg. **Disabling America: The Unintended Consequences of the Government's Protection of the Handicapped**. Nashville: WND Books, 2003.

Spechler, Jay W. **Reasonable Accommodation: Profitable Compliance with the Americans with Disabilities Act.** Delray Beach, Fla.: St. Lucie Press, 1996.

Videos

The ADA Revisited. Quality Media Resources, 2006. (24 min.) Kit includes DVD, various facilitator and leaders' guides, booklets.

The Americans with Disabilities Act: Is It Working? Princeton, NJ: Films for the Humanities & Sciences, 2001. 12 minutes. VHS and DVD

My Country: Chronicling the Civil Rights Movement that Created the Americans with Disabilities Act. Aquarius, 1997. DVD 60 minutes. Distributed by Program Development Associates www.disabilitytraining.com

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