

Americans with Disabilities Act (ADA) Basics



Figure 1: Photo Credit: Gil Garcetti

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.

For instructions on how to file an ADA-related complaint, please see: http://www.ada.gov/filing_complaint.htm

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

Web Sites

ADA National Network

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

Phone: 800-949-4232 (Toll-free, voice and TTY)

The ADA National Network provides information, guidance and training on the Americans with Disabilities Act (ADA), tailored to meet the needs of business, government and individuals at local, regional and national levels. There is a network of 10 Regional ADA Centers. The public is encouraged to contact the regional center for their respective state.

New England ADA Center (Region 1)

www.newenglandada.org

Phone: 617-695-0085; 800-949-4232

Email: adainfo@newenglandada.org

Covers Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont

North East ADA Center (Region 2)

www.northeastada.org

Phone: 607-255-6686; 800-949-4232

Email: northeastada@cornell.edu

Covers New Jersey, New York, Puerto Rico and U.S. Virgin Islands

Mid-Atlantic ADA Center (Region 3)

www.adainfo.org

Phone: 301-217-0124

Email: adainfo@transcen.org

Covers Delaware, District of Columbia, Maryland, Pennsylvania, Virginia and West Virginia

Southeast ADA Center (Region 4)

www.adasoutheast.org

Phone: 404-541-9001

Email: adasoutheast@law.syr.edu

Covers Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee

Great Lakes ADA Center (Region 5)

www.adagreatlakes.org

Phone: 312-413-1407

Email: adata@adagreatlakes.org

Covers Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin

Southwest ADA Center (Region 6)

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

Phone: 713-520-0232; 586-573-5951

Email: swdbtac@ilru.org

Covers Arkansas, Louisiana, New Mexico, Oklahoma and Texas

Great Plains ADA Center (Region 7)

www.gpadacenter.org

Phone: 573-882-3600

Email: adainfo@missouri.edu

Covers Iowa, Kansas, Missouri and Nebraska

Rocky Mountain ADA Center (Region 8)

<https://www.rockymountainada.org/>

Phone: 800-949-4232

Covers Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming

Pacific ADA Center (Region 9)

www.adapacific.org

Phone: 510-285-5600

Email: adatech@adapacific.org

Covers Arizona, California, Hawaii, Nevada and the Pacific Basin

Northwest ADA Center (Region 10)

www.nwadacenter.org

Phone: 800-949-4232

Email: nwadactr@u.washington.edu

Covers Alaska, Idaho, Oregon and Washington

Federal Communications Commission (FCC): Disability Rights Office

<https://www.fcc.gov/accessibility#:~:text=The%20Disability%20Rights%20Office%20provides,Office%20initiates%20rulemaking%20where%20appropriate.>

Phone: 202-418-2517

E-mail: dro@fcc.gov

The FCC offers technical assistance on ADA telephone relay service requirements.

United States Access Board

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

1331 F St. NW, Suite 1000

Washington, DC 20004-1111

Phone: 800-872-2253 (Toll-free, voice), 800-993-2822 (Toll-free, TTY)

E-mail: ta@access-board.gov

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

U.S. Department of Justice: ADA Home Page

<http://www.ada.gov/>

Phone: 800-514-0301 (Toll-free, voice), 800-514-0383 (Toll-free, TTY)

This site provides information and technical assistance with the ADA.

U.S. Department of Justice: Information and Technical Assistance with the ADA

http://www.ada.gov/filing_complaint.htm

Instructions on how to file an ADA complaint are included here.

U.S. Department of Justice: ADA Briefs

http://www.ada.gov/enforce_current.htm

This page has PDF and Word versions of briefs filed by the U.S. Department of Justice on ADA enforcement.

U.S. Department of Justice: ADA Best Practices Toolkit for State and Local Governments

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

The Tool Kit was issued by the Civil Rights Division of the U.S. Department of Justice between December 2006 and July 2007. It is designed to teach state and local government officials how to identify and fix problems that prevent people with disabilities from gaining equal access to state and local government programs, services, and activities. It will also teach state and local officials how to conduct accessibility surveys of their buildings and facilities to identify and remove architectural barriers to access.

U.S. Department of Justice: Amendment of ADA Title II and III Regulations

http://www.ada.gov/nprm_adaaa/nprm_adaaa.htm

Notice of Proposed Rulemaking, dated 1/22/14

The Department of Justice has recently announced that it will be revising its regulations regarding Title II and Title III of the Americans with Disabilities Act. The revisions are intended to bring the DOJ's ADA regulations in line with the requirements of the ADA Amendments Act of 2008. Some of the proposed revisions include changes to the

definition of "disability" as a well as the definition of "major life activities" within Title II and Title III of the DOJ regulations.

Northwest Regional Spinal Cord Injury System at University of Washington video "The ADA: What You Need to Know" is a 50 minute video.

<http://sci.washington.edu/ada/>

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