



Americans with Disabilities Act



Figure 1 Photo Credit: Gil Garcetti

The Americans with Disabilities Act prohibits discrimination against people living with disabilities and guarantees their right to fully participate in all aspects of society.

Q: What is the Americans with Disabilities Act (ADA)?

The ADA is a groundbreaking federal law passed by Congress in 1990 that prohibits discrimination against people with disabilities in everyday activities.

There are five parts of the ADA, known as 'titles.' The requirements established under each title cover different aspects of life, including employment, education, and

transportation, and apply to many public and private venues that are open to the public. The goal of the ADA is to remove barriers and allow everyone an equal chance to achieve success.

Q: Who is protected under the ADA?

The ADA covers every person with physical or mental impairments that substantially limit one or more major life activities. Examples of major life activities include sleeping, speaking, walking and working.

Q: Who is bound by the ADA?

Private businesses with more than 15 employees, state and local government agencies, businesses that are open to the public, commercial facilities, transportation providers, and telecommunication companies all must follow the requirements of the ADA.

Q: What is Title I of the ADA?

Title I of the ADA prohibits employers from discriminating against qualified applicants with disabilities when making hiring decisions. Its requirements not only cover the application and hiring process, but ban discriminatory practices in the workplace, too; employees with disabilities must have access to the same benefits of work as other employees, from transportation and training materials to use of the staff restroom.

If hired, a person with a disability cannot be harassed, fired or paid less because of their disability.

Title I also requires that reasonable accommodations be made for employees who need them. Accommodations might include making on-site common spaces like breakrooms and restrooms accessible to all employees; providing assistive technology or modifying equipment like desks or telephones; and adjusting work schedules or restructuring jobs to accommodate individual disabilities.

Q: What is the ADA definition of a qualified employee or applicant?

A qualified employee or applicant with a disability is defined as an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question.

Q: Do I need to discuss accommodations during a job interview?

Some applicants may need to request accommodations for the hiring process itself; for

example, if the interview is scheduled in a conference room on an upper-level floor of a building without an elevator, a wheelchair user can request that it take place in a ground floor office instead.

But, if an accommodation is not needed, applicants with disabilities are under no obligation to discuss their disability or future requests during a job interview. Employers may not ask about disability during an interview but can ask how applicants will perform the specifics of a job, with or without accommodations. A job offer may be conditioned upon the results of a medical examination, but only if the examination is required for all potential employees in similar jobs.

If hired, employees do not have to disclose their disability to coworkers but must tell someone in management or HR if they wish to request accommodations. Accommodations may be requested at the beginning of a new job, or anytime thereafter; there is no time limit for requests to be made and, as disabilities evolve or people age, needs may change.

Q: When can an employer refuse to provide an accommodation?

An employer is not required to make an accommodation if it imposes an "undue hardship," on the operation of the business, or lowers quality or production standards.

An undue hardship is defined under the ADA as something that is too difficult or expensive to provide based on employer's size, financial resources, and the needs of the business. However, an employer cannot refuse an accommodation just because some cost is required. When an accommodation is deemed an undue hardship, the employer must try to find another solution. If there are different accommodations that will meet the employee's needs, the employer may choose which to provide.

Q: Does the ADA affect my workplace insurance?

The ADA does not require companies to cover pre-existing conditions, or all medical expenses related to a disability. The law mandates only that employees with disabilities receive equal access to the same insurance coverage offered to other employees.

Q: What is Title II of the ADA?

Title II of the ADA requires that local and state governments provide people with disabilities an equal opportunity to benefit from programs, services, and activities.

This might mean allowing service dogs entry into buildings where pets are prohibited, installing ramps or wheelchair lifts in spaces that host public meetings, or providing a

note taker to a person with limited dexterity who is serving on jury duty. A public school or university must move a class from an inaccessible classroom to an accessible location to accommodate a student who uses a wheelchair. Local elections must occur in accessible buildings. Public transit, including buses, rapid and light rail, commuter rail, and intercity rail such as Amtrak, must offer accommodations that might include ramps, lifts, changes in stop locations, and designated seating areas for riders with disabilities.

Q: What is Title III of the ADA?

Title III of the ADA prohibits businesses that are open to the public, including banks, restaurants, supermarkets, hotels, shopping centers, privately-owned sport arenas, movie theaters, private day care centers, schools and colleges, accountant or insurance offices, lawyers' and doctors' offices, museums and health clubs, from discriminating against people living with disabilities

These businesses must provide equal opportunity and access to the goods or services that they offer. For example, a department store must modify its one-person-in-the-dressing-room policy if a shopper with paralysis requires a caregiver's help to try on clothes. Entrance ramps might be installed at a local gym and aisles might be made wide enough for wheelchair use at a restaurant. Service animals must be allowed entry in these business despite any no pets policies.

Q: What is Title IV of the ADA?

Title IV of the ADA requires telecommunications companies to provide equivalent services for customers with disabilities, particularly those who are deaf or hard of hearing. These services include teletypewriter (TTY) machines, telecommunications relay service (TRS), and other accessible telecommunications.

Q: What is Title V of the ADA?

Title V of the ADA covers miscellaneous and technical provisions that apply to all titles, including anti-retaliation provisions that protect individuals who exercise their rights under the ADA.

Q: What should I do if I believe my rights under the ADA have been violated?

If you believe you have been discriminated against because of your disability, you can file a complaint with either the U.S. Equal Employment Opportunity Commission (EEOC) or the U.S. Department of Justice (DOJ).

For complaints related to Title I (discrimination in the workplace), contact the EEOC or the "Fair Employment Practices Agency" (FEPA) in your area. (For a list of FEPA offices by state,

please visit the EEOC website at <https://www.eeoc.gov/field-office>. A complaint form is also available on the EEOC website at <https://www.eeoc.gov/federal-sector/filing-formal-complaint>. It is illegal for employees to be punished or retaliated against for reporting violations.

For Title II or III complaints (against a state or local government entity or business open to the public such as a restaurant, doctor's office, retail store, hotel, etc.) contact the DOJ online, by mail, or fax. Visit the DOJ website at <https://civilrights.justice.gov/#crt-landing-reporting> for more information and links for filing a complaint.

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

Q: Where else can I get information about the ADA?

Contact the ADA Information Line(<https://www.ada.gov/infoline/>) at the Department of Justice Civil Rights Division by calling 1-800-514-0301 or 1-833-610-1264 (TTY). Representatives are available Monday, Tuesday, Wednesday and Friday from 9:30 am – 12pm, and on Thursday from 3 pm – 5:30 pm. You may also send questions to the ADA Community Outreach Coordinator at Disability.Outreach@usdoj.gov.

In addition, the ADA National Network, funded by the National Institute on Disability, Independent Living, and Rehabilitation Research, provides information, guidance and training on the ADA through 10 regional ADA centers throughout the U.S. Visit its website at <https://adata.org/national-network> for free webinars, videos, fact sheets and links to regional centers and other resources.

Sources: U.S Department of Justice Civil Rights Division, The U.S. Equal Employment Opportunity Commission, ADA National Network.

Need to talk to someone?

Our Information Specialists are available to answer your questions.

Call toll-free 1-800-539-7309 Mon-Fri, 7 am-8 pm EST.

Or schedule a call or ask a question online at

<https://www.ChristopherReeve.org/Ask>.

Resources for the ADA:

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 ADA for businesses, government agencies and individuals. The public is encouraged to contact their closest regional center (listed below).

New England ADA Center (Region 1)

www.newenglandada.org

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

Email: ADAinfo@IHCDesign.org

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

Northeast 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: 713-797-7171, 800-949-4232

Email: marisa.demaya@memorialhermann.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: 719-444-0268, 800-949-4232

Video call for deaf/hard of hearing: 719-358-2460

Email: email@rockymountainada.org

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

Pacific ADA Center (Region 9)

www.adapacific.org

Phone: 510-831-6714

Email: adatech@adapacific.org

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

Northwest ADA Center (Region 10)

<https://nwadacenter.org/>

Phone: 800-949-4232

Email: info@aapacific.org

Covers Alaska, Idaho, Oregon and Washington

Equal Employment Opportunity Commission: Disability-Related Resources

<https://www.eeoc.gov/eeoc-disability-related-resources>

This page provides links to EEOC resources related to workplace discrimination, factsheets, and current information about disability laws.

Federal Communications Commission (FCC): Disability Rights Office

<https://www.fcc.gov/accessibility>

Phone: 1-888-225-5322

Email: dro@fcc.gov

The FCC offers technical assistance for 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: 202-272-0080

Email: 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), 833-610-1264 (Toll-free, TTY)

This DOJ website provides comprehensive information about the ADA.

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

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

This page provides instructions on how to file an ADA complaint.

U.S. Department of Justice: ADA Briefs

<https://www.justice.gov/crt/disability-rights-cases>

This page provides information about ADA violations.

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.

Northwest Regional Spinal Cord Injury System at University of Washington: “The ADA: What You Need to Know”

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

This 50-minute video provides an overview of the ADA.

The information contained in this message is presented for the purpose of educating and informing you about paralysis and its effects. Nothing contained in this message should be construed nor is intended to be used for medical diagnosis or treatment. It should not be used in place of the advice of your physician or other qualified health care provider. Should you have any health care related questions, please call or see your physician or other qualified health care provider promptly. Always consult with your physician or other qualified health care provider before embarking on a new treatment, diet or fitness program. You should never disregard medical advice or delay in seeking it because of something you have read in this message.

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