

Americans with Disabilities Act (ADA)

OVERVIEW

The Americans with Disabilities Act (ADA) prohibits discrimination against individuals with disabilities in employment, transportation, public accommodation, communications, and governmental activities. The ADA also establishes requirements for telecommunications relay services.

AT LAW SPOTLIGHT



The ADA was signed into law in 1990 with the intent of ensuring that individuals with disabilities have fair and equal access to employment opportunities, to purchase goods and services, and to participate in state and local government programs and services. The ADA is a civil rights law, just like other laws which prevent discrimination based on race, gender, national origin, and religion. On January 1, 2009, the Americans with Disabilities Act Amendments Act (ADAAA) of 2008 went into effect, making some major changes to the way the definition of disability and eligible individuals has been interpreted in the past. As a result of how the judicial courts interpreted the definition of “disability” so narrowly, it made it difficult for most individuals to be covered under the original ADA.

ADA Sections

The ADA is divided into five main sections, called “Titles.”

Title I: Employment

Title I of the ADA states that employers with 15 or more employees may not discriminate against qualified individuals with disabilities during the course of hiring, promotion, compensation, or other facets of employment. A qualified individual is anyone with a disability who can perform the essential functions of the job, with or without reasonable accommodations. Any tests for preparedness for the job must be applied to all applicants, meaning that applicants with disabilities cannot be singled out.

Title II: State and Local Government

State and local government entities may not discriminate against qualified individuals with

disabilities. Programs and services provided by such entities must be accessible to people with disabilities. Reasonable changes to programs or services must be made in order to avoid discrimination against people with disabilities. Public transportation, such as buses, commuter lines, subways, and rail systems are also addressed.

Title III: Places of Public Accommodation

Places of public accommodation may not discriminate against people with disabilities. Places of public accommodation include restaurants, hotels, theaters, doctors’ offices, pharmacies, retail stores, museums, libraries, parks, private schools, day care centers, and recreation facilities. Reasonable changes to policies, practices, or procedures must be made so as to avoid discrimination. Readily achievable barriers to access must be removed.

Title IV: Telecommunications

Telephone companies must provide telecommunication relay services that allow people with hearing or speech disabilities to communicate using TTY or other non-voice devices.

Title V: Miscellaneous

This section contains regulations that are not otherwise covered in the ADA. A few of the provisions stated are:

- States are prohibited from claiming immunity under ADA-related legal action.
- People with disabilities that successfully sue an organization are protected from retaliation in the form of threats, intimidation, coercion, or harassment of anyone involved in the lawsuit.



- The definition of disability is clarified.
- People with disabilities may have their attorney fees awarded as part of a lawsuit settlement.
- The U.S. Congress is governed by the ADA.
- The ADA does not override any other federal, state, or local laws that provide the same or stronger protections or remedies for people with disabilities.

ADA Technical Assistance

Southwest ADA Center

2323 S. Shepherd, Suite 1000
Houston, TX 77019
713.520.0232 or 800.949.4232 (V/TTY)
<http://www.southwestada.org>

The Southwest ADA Center's mission is to promote voluntary compliance with the ADA by providing three core services: technical assistance, training, and materials dissemination.

U.S. Department of Education

Office for Civil Rights
Lyndon Baines Johnson Dept. of Education Bldg.
400 Maryland Avenue, SW
Washington, DC 20202-1100
800.421.3481
www2.ed.gov/about/offices/list/ocr

The U.S. Department of Education's (ED) Office for Civil Rights (OCR) enforces Title II of the ADA and Section 504 of the Rehabilitation Act of 1973. OCR has the responsibility for enforcing Title II with respect to all programs, services, and regulatory activities relating to the operation of public elementary and secondary education systems and public institutions of higher education, vocational education (other than schools of medicine, dentistry, nursing, and other health-related schools) and public libraries. ED's Section 504 regulation applies to preschool, elementary, secondary, post-secondary, vocational, and adult education programs and activities as well as other programs and activities which receive or benefit from federal financial assistance.

Online complaints may be filed with OCR using the electronic complaint form found online at: www.ed.gov/about/offices/list/ocr/complaintintro.html. For those without current e-mail accounts, Internet access may be freely available from your local public library, and free e-mail accounts are available through several large providers.

U.S. Department of Justice

950 Pennsylvania Avenue, NW
Civil Rights Division
Disability Rights Section - NYA
Washington, D.C. 20530
800.514.0301 (V) or 800.514.0383 (TTY)
<http://www.ada.gov>

The Department of Justice's (DOJ) ADA Technical Assistance Program provides free information and technical assistance directly to businesses, non-profit service providers, state and local governments, people with disabilities, and the general public. Individuals receive up-to-date information about the ADA and how to comply with its requirements. The DOJ also undertakes broad and targeted outreach initiatives to increase awareness and understanding of the ADA to reach specific audiences at the local level, including hotels and motels, restaurants, small businesses, builders, mayors and town officials, law enforcement, people with disabilities, and others.

U.S. Equal Employment Opportunity Commission

131 M Street, NE
Washington, DC 20507
202.663.4900
800.669.4000 or 800.669.6820 (V/TTY)
www.eeoc.gov

The U.S. Equal Employment Opportunity Commission (EEOC)

enforces Title I provisions prohibiting discrimination in employment against qualified individuals with disabilities. The EEOC investigates complaints filed by job applicants or employees who believe they have been discriminated against in employment on the basis of a disability. The EEOC provides information, speakers, technical assistance, training, and referral to employers and people with disabilities. Publications available from the EEOC include the Title I regulation, *"A Technical Assistance Manual on the Employment Provisions (Title I) of the Americans with Disabilities Act,"* as well as booklets and fact sheets that explain employer responsibilities and rights of individuals with disabilities. Call 800.669.3362 to order publications.

To file a charge of employment discrimination at the EEOC regional office, contact:

EEOC, Oklahoma City Area Office

215 Dean A McGee Avenue, 5th Floor
Oklahoma City, OK 73102
800.669.4000 (V) or 800.669.6820 (TTY)



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