

## The Americans with Disabilities Act of 1990

Sara uses a power wheelchair and wants to attend a county fair livestock event. However, a fair employee said she would not enjoy it because the arena had poor viewing areas for wheelchair users and that there might not be adequate protection in her seating area from horses and other livestock.

Emilio lives with cerebral palsy and has difficulty walking up stairs. He wonders why he must walk up a steep staircase to attend weekly staff meetings at his workplace when his boss has adequate space to hold the meetings downstairs.

Please see page 4 to learn how Sara and Emilio used their knowledge of the ADA to resolve these access issues.

### What is the Americans with Disabilities Act?

The Americans with Disabilities Act (ADA) is a major civil rights law that protects people with disabilities from discrimination, or unfairness, in many areas of public life. Its purpose is to “level the playing field” so that people with disabilities can participate equally in American society.

There are five different titles, or sections, of the ADA that provide protection from discrimination. The five titles, which are used with a corresponding Roman numeral (I – V), are:

1. Title I – Employment
2. Title II – Public Services: State and Local Government
3. Title III – Public Accommodations and Services Operated by Private Entities
4. Title IV – Telecommunications
5. Title V – Miscellaneous Provisions

Each of these is briefly discussed below.

- **Title I** states that a *qualified person* with a disability must have **access to the same job opportunities and benefits in the workplace**, and is entitled to *reasonable accommodations*.
  - A *qualified person with a disability* is one who satisfies the skill, experience, education and other job-related requirements of the position and who, with or without reasonable accommodation, can perform the essential functions of the position.
  - A *reasonable accommodation* is a modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to participate in the application

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process or perform essential job functions. For example, a person who cannot stand for long periods of time might be given the accommodation of sitting on a stool while working as a checkout clerk. He or she could perform the essential functions of the job, which are interacting with customers and checking out items. Standing to perform these functions would not be considered essential to the job.

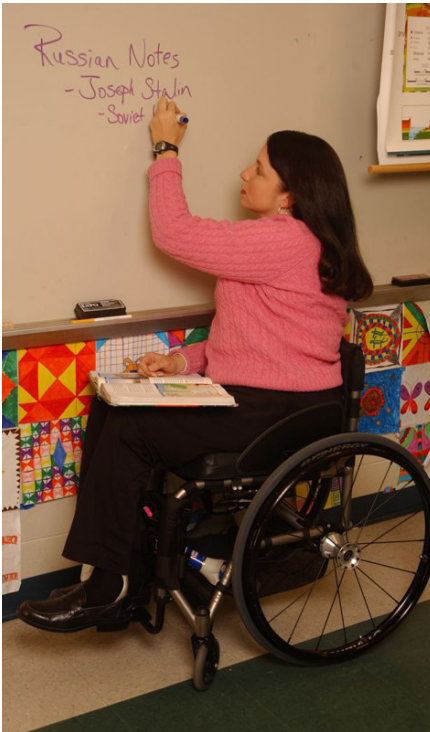


Photo: Florida Office on Disability and Health

- **Title II** protects people with disabilities from discrimination in **state and local government programs, activities, and services**. For example, city commission meetings must be held in a wheelchair accessible setting so that all citizens can participate, and public transportation systems must be accessible.
- **Title III** ensures the right of people with disabilities to use **privately-owned (versus government-owned) places of public accommodation and commercial facilities**, such as restaurants, hotels, theaters, lecture halls, retail stores, train stations, doctor's offices, museums, parks, recreations centers and day care centers.
  - This means that public places must follow the minimum standards, called the 2010 ADA Standards for Accessible Design (2010 Standards), to ensure the spaces are accessible to people with disabilities. (Please see our fact sheet on the 2010 Standards.) These Standards apply to newly constructed facilities as well as alterations to facilities that existed prior to the ADA. According to the 2010 Standards, removal of barriers that are *readily achievable* must be implemented to improve the accessibility of public buildings.
  - *Readily achievable* means that the change is easily accomplished and can be made without much difficulty or expense. This depends on the type of barrier needing removal or alteration, the size of the business, and their available resources. For example, adding a ramp to a business entrance would typically be judged as *readily achievable*; however, installing an elevator in a building would not.
- **Title IV** requires that **telecommunications be accessible to people with disabilities**. Telephone relay services and closed captioning services on public announcements are required and telecommunication services must be available 24 hours a day, 7 days a week. This title also includes rules that protect the privacy of those using the relay services and requires that 911 emergency services be available by direct access (not requiring the use of a relay service) to those using teletypewriters or computer modems for telephone communication.
  - *Telecommunications* refers to systems used in transmitting messages over a distance electronically (for examples, phones and computers).

- **Title Five** protects people with disabilities **who file complaints under the ADA from retaliation** (that is, they cannot be punished or treated poorly because they have made a complaint). This title also encourages the use of alternative means of dispute resolution, such as mediation and arbitration, to resolve disputes under the ADA. In the court system, these methods can be less costly and faster for enforcement, than suing.

### Why is the ADA important to me?

People with disabilities experience many types of discrimination. This limits their opportunities to be full citizens and to participate in their communities.

The ADA makes discrimination in many situations illegal and aims to level the playing field so that the rights of citizens with disabilities are respected.

### How can I use the ADA to make my life better?

There are several ways that you can use the ADA to make your life as a person with a disability better.

Working with disability rights advocates, such as Center for Independent Living (CIL) staff, can help you to understand how the ADA applies to various situations and settings, and to ensure that your rights are respected.

Here are some ways to use this civil rights law:

- **Educate** - Learn about your rights under the ADA and educate others about their obligations under this law.
- **Advocate** - Work with and learn from other people with disabilities and advocacy groups to promote enforcement of the ADA in your community.
- **Act for Change** - File complaints with federal agencies and send copies of the written complaint to those who have discriminated against you. Explore filing complaints with local officials, such as city ADA coordinators, or human rights agencies that may offer ways to address your complaint. See the resources section for information on how to make an ADA complaint.
- **Become a Community Resource** - Continue your education on the ADA by participating in trainings through the ADA National Network (see link in the resources section). After you've become familiar with the ADA, you can be a better advocate, mentor, and local resource for governments and businesses in your community.



Photo: Bob Fisher, <https://www.flickr.com/photos/guyfisher>

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**The ADA aims to level the playing field so that the rights of citizens with disabilities are respected.**

## Resolutions to Sara's and Emilio's Stories

Sara looked for resources to learn about Title II of the ADA and found that Title II covers county government activities and facilities, and that failing to have accessible and protected seating in the arena was a violation of the civil rights of citizens with disabilities.

She called the County Administrator to explain the situation and complimented the staff on running a nice clean facility. She informed them that she would enjoy attending the county fair as other citizens do, but accessible and safe seating is unavailable to her.

After checking into the situation, the County Administrator called her back and said they would designate a temporary accessible seating area in time for the fair.

The staff would also consult with the local independent living center staff to devise a more permanent plan for seating that would meet ADA requirements in the future.

Sara's knowledge of the ADA and her rights under it helped her to resolve this problem for herself and for others with mobility limitations who want to attend the county fair.

After reading about his rights under Title I of the ADA, Emilio asked his boss about moving the staff meetings downstairs, explaining that he risked falling when climbing the stairs each week. His boss was sympathetic but explained that he did not have the authority to move the staff meetings. He recommended that Emilio contact the Human Resources office at their company.

Emilio contacted the Human Resources department and was told how to make a formal request for an accommodation under the ADA. He noted in the request that moving the meeting downstairs would not cost the company any money, and that responding to his request would create a more safe and accessible workplace environment for him and others with mobility impairments.

Two weeks later, Emilio received a letter from the Director of Human Resources noting that his accommodation had been granted and that starting that week, staff meetings would be held in a meeting room on the same floor as his work area. Emilio called the Director to thank him and then discussed the matter with his boss. His boss congratulated him on being persistent and creating a workplace that is accessible.

### A note on acting for change

Due to limited funds at the Civil Rights Division of the U.S. Department of Justice, which handles many ADA complaints, and the high number of complaints filed each year, many of the ADA complaints filed will not be investigated by the federal government.

Even if they are not addressed, you can use the ADA to make others aware of the rights of people with disabilities and to organize with others in your community to advocate for accessibility and inclusion under the law. Your local Center for Independent Living or other disability organization is a good place to find others who are interested in using the ADA to promote the rights of people with disabilities.

Educating community members, such as business owners, about their obligations under the law is a good first step in promoting compliance with the ADA. Connecting with your local Civil Rights Office may be another way to seek support in acting for change in your community. See the resources section to find your regional ADA center and your state's Civil Rights Office.

## Resources to learn more about the Americans with Disabilities Act and how to use it:

**The ADA National Network** is a great site that provides many helpful resources on the ADA. Specific pages are highlighted below.

<https://adata.org/>

### **What is the Americans with Disabilities Act (ADA)?**

Contains a detailed but readable overview of key components of the ADA. Includes links to a glossary of terms and frequently asked questions about the ADA.

<https://adata.org/learn-about-ada>

**ADA Frequently Asked Questions Knowledge Base:** Offers a searchable database of frequently asked questions about the ADA and provides quick explanations, definitions, and descriptions. Topics include state and local government, transportation, telecommunication, facility access, employment and so on.

<https://adata.org/faq-page>

**ADA Training:** Connects you with training opportunities such as web courses, workshops, and conferences.

<https://adata.org/ada-training>

**Contact your Regional ADA Center:** Identify your regional ADA Center to assist you in advocacy efforts, provide support in gathering information, and learn more about the ADA.

<https://adata.org/find-your-region>

### **Americans with Disabilities Act (ADA) Myths and Facts:**

Dispels myths about the ADA.

<http://www.pva.org/research-resources/legislation/ada-myths-and-facts>

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**NOTE:** While the ADA applies to all types of disabilities, the RTC/PICL focuses mainly on the community participation and barriers of people who have mobility-related disabilities.

This fact sheet offers general information, not legal advice. The application of the law to individual circumstances can vary. For legal advice, you should consult an attorney.

The RTC/PICL is a partnership of The University of Kansas Research and Training Center on Independent Living and The University of Montana Research and Training Center on Disability in Rural Communities.



### **Americans with Disabilities Act of 1990, As Amended:**

Links to the text of the ADA, as published in the United States Code.

<https://www.ada.gov/pubs/adastatute08.htm>

### **How to File an ADA Complaint with the U.S. Department of Justice:**

Provides information on how to file an ADA complaint online or through the mail and answers common questions about filing a complaint.

[https://www.ada.gov/filing\\_complaint.htm](https://www.ada.gov/filing_complaint.htm)

**State Civil Rights Offices:** Locate your state's Civil Rights Office to assist you in ensuring your rights are protected.

<http://civilrights.findlaw.com/enforcing-your-civil-rights/state-civil-rights-offices.html>

### **ADA Basics Building Blocks Course, Course Overview and Login:**

Connects to a free web course on the basic principles of the ADA. You will need to create a login and password for this online course, but it is free for all to complete.

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

**ILRU Directory of Centers for Independent Living and Associations – 2017 (Vol. 39):** Provides a national directory of Centers for Independent Living in the United States and its territories.

<http://www.ilru.org/projects/cil-net/cil-center-and-association-directory>

The contents of this publication were developed under a grant from the National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR grant number 90RT5043). NIDILRR is a Center within the Administration for Community Living (ACL), Department of Health and Human Services (HHS). These contents do not necessarily represent the policy of NIDILRR, ACL, HHS, and you should not assume endorsement by the Federal Government

### **For more information**

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