

# Americans with Disabilities Act: Title I-V Overview

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Presented by:





# Laws or Statutes

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- Civil Rights Act of 1964
  - Restoration Act of 1988
- Rehabilitation Act of 1973
  - Section 503 & 504
- Individuals with Disabilities Education Act (IDEA) of 1975
- Air Carriers Access Act of 1986
- Fair Housing Amendment Act of 1988
- Americans with Disabilities Act of 1990
- ADA Amendments Act of 2009

# ADA Overview

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- **Title I** - Employment
- **Title II** - State & Local Government
- **Title III** - Public Accommodations
- **Title IV** - Telecommunications
- **Title V** - Miscellaneous

# Purpose of ADA

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- **Eliminate discrimination**
  - **Employment**
  - **Public Services**
  - **Transportation**
  - **Public Accommodations**
  - ..... **and more**
- **Expand integration**

# The ADA does not cover:

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- Religious entities
- Housing
- Federal Government
- Indian tribal properties
- Private clubs

# **Americans with Disabilities Act**

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**Prohibits discrimination on the basis of disability against qualified individuals with disabilities.**



# Definition of a Disability

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- **A physical or mental impairment that substantially limits one or more major life activities;**
- **A record of such an impairment; or**
- **Regarded as having such an impairment.**
- **Association with a person with a disability**



# Title I - Employment

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- **Private employers**
- **State & local governments**
- **Employment agencies**
- **Labor Unions**



# Title I - Employment

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- **Application**
- **Hiring**
- **Evaluation**
- **Training**
- **Promotion**
- **Layoff/Recall**
- **Compensation**
- **Disciplinary Action**
- **Medical Exams**
- **Leave**
- **Benefits**
- **Termination**

# Qualified Individual with a Disability

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An individual with a disability who satisfies the requisite skill, experience and education requirements of the position the person holds or desires and who, with or without reasonable accommodation, can perform the essential functions of such position.



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**Can the person perform  
essential job functions...?**

**.....with or without  
Reasonable Accommodation?**

# **A Reasonable Accommodation Is:**

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- **A modification or adjustment to allow for equal access to the job application and interview process;**
- **A modification or adjustment to the work environment or the way things are customarily done;**
- **A modification or adjustment that enables employee to enjoy equal benefits and privileges of employment.**

# Forms of Reasonable Accommodation

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- Making existing facilities accessible
- Job restructuring
- Part-time or modified work schedules
- Acquiring or modifying equipment
- Changing tests, training materials or policies
- Providing qualified readers or interpreters
- Reassignment to a vacant position

# Reasonable accommodations

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## **Actions that are not required:**

- Removing an essential function or hiring someone else to perform the function
- Lowering production standards
- Reassign to a different supervisor
- Promotion to a higher position
- Provision of “light duty” items
- Excusing misconduct
- Providing “personal use items”, such as eyeglasses, wheelchairs, prosthetic limbs

# Principles of Reasonable Accommodations

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- **Must be effective**
- **Only applies to disability-related barriers**
- **Doesn't have to be the best**
- **Not primarily for personal use**
- **Employer can go beyond ADA requirement**

# Requesting Reasonable Accommodations

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- Responsibility to request rests with the individual
- Request can be in plain language, do not need to know legal terms
- Request can be made on the behalf of an individual by a third party
- Recommend requests be made in writing (verbal OK but back up in writing)



# **Title II-Public Services**

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- **Departments, agencies of state or local governments**
- **Activities, services or programs of public entities**
  - **Motor vehicle licensing**
  - **Local public bus service**
  - **Town meetings**
  - **Public schools**
  - **State parks**
  - **Court buildings**
  - **State legislature**



# Title II-Program Access

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- **Integration is fundamental to ADA**
- **Most integrated setting**
- **Reasonable modification to policies, practices and procedures**



# Title II-Communication

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- **Effective communication**
- **Auxiliary aids at no extra cost**
  - Interpreters
  - Readers
  - Assistive listening devices
  - Captioning
  - TTY
  - 711 Relay Service
  - Audio cassette
  - Braille, large print

# Title II-Facilities

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- **New construction**
  - **Free of architectural barriers that restrict access or use**
- **Alterations**
  - **Altered portions of existing buildings need to be accessible.**



# Title II - Transportation

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- **Fixed route bus service (new buses after Aug. 26, 1990)**
- **Para-transit**
- **Rapid or light rail**
- **Commuter rail**
- **Facilities-key stations**

# Title II – Administrative Requirements

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- **Self evaluation (Completed by Jan. 26, 1993)**
  - Develop grievance procedure
  - Designate individual to oversee compliance
  - Notice to public
- **Transition plan (Completed by July 26, 1992)**
  - Identify architectural barriers and timeline for removal
  - Structural modifications completed by January 26, 1995

# Title III - Public Accommodations

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- No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation
- Effective January 26, 1992



# Title III - Public Accommodations

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- Places of lodging
- Establishments serving food & drink
- Places of exhibition or entertainment
- Places of public gathering
- Sales or rental establishments
- Service establishments
- Public transportation terminals
- Places of public display or collection
- Places of recreation
- Places of education
- Social service center
- Places of exercise or recreation



# Title III - Exempt

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## Private clubs

- Members exercise high degree of control over club operations
- Membership selection is highly selective
- Substantial membership fees
- Non-profit
- Not founded specifically to avoid civil rights laws

## ■ Religious entities

# **Title III-Public Accommodations**

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- **Full & equal benefits**
- **Opportunity to participate**
- **Integrated setting**
- **Eligibility criteria**
- **Auxiliary aids & services**
- **Modification to policy, practice or procedure**

# Title III - New Construction

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- **2010 ADA Standards**
- **State & local codes**
- **All new facilities must be accessible**

# Title III - Alterations/renovations

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- **Changes that affect usability**
- **Accessible to maximum extent feasible**
- **Path of travel**
  - Access routes & amenities
  - Costs are disproportionate if they exceed 20% of the original alteration

# Title III - Existing Facilities

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- **Readily achievable barrier removal**
- **Easily accomplished without much difficulty or expense**

# **Title IV - Telecommunications**

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- **Communication for people with hearing & speech impairments**
- **Relay service**
- **TTY**
- **711 Relay Service**
- **Closed captioning**
- **FCC enforcement**

# **Title V - Miscellaneous**

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- **Congressional coverage**
- **Insurance & employee benefits**
- **Protection against retaliation & coercion**
- **Attorney's fees**
- **Technical assistance**

# Resources

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- **U.S. Department of Justice**
  - [www.ada.gov](http://www.ada.gov)
  - (800) 514-0301
- **Equal Employment Opportunity Commission**
  - [www.eeoc.gov](http://www.eeoc.gov)
  - (800) 669-4000
- **U.S. Access Board**
  - [www.access-board.gov](http://www.access-board.gov)
  - (800) 872-2253
- **Great Lakes ADA Center**
  - [www.adagreatlakes.org](http://www.adagreatlakes.org)
  - (800) 949-4232 (v/tty)
- **ADA Minnesota**
  - [www.adaminnesota.org](http://www.adaminnesota.org)
  - 651-603-2015
  - TTY – 651-603-2001