

What is the Americans with Disabilities Act (ADA)?

A Brief Overview



The Americans with Disabilities Act (ADA) became law in 1990. The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public. The purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else. The

ADA is divided into five titles (or sections) that relate to different areas of public life. In 2008, the ADA Amendments Act (ADAAA) was passed. Its purpose is to broaden the definition of disability, which had been narrowed by U.S. Supreme Court decisions.

The ADA's protection applies primarily, but not exclusively, to individuals who meet the ADA's definition of disability. An individual has a disability if:

1. He or she has a physical or mental impairment that substantially limits one or more of his/her major life activities;
2. He or she has a record of such an impairment; or
3. He or she is regarded as having such an impairment.

Title I (Employment)

This title is designed to help people with disabilities access equal employment opportunities and benefits available to people without disabilities. Employers must provide reasonable accommodations to qualified applicants or employees. A "reasonable accommodation" is a change that accommodates employees with disability without causing the employer "undue hardship" (too much difficulty or expense).

Reasonable accommodation includes, for example, restructuring jobs, making work-sites and workstations accessible, modifying schedules, providing services such as interpreters, and modifying equipment and policies. Title I also regulates medical examinations and inquires.

Title II (State and Local Government)

This title prohibits discrimination on the basis of disability by "public entities," which are programs, services and activities operated by state and local governments. This includes the National Railroad Passenger Corporation, and other commuter authorities. The public entity must make sure its programs, services and activities are accessible and it cannot deny services to people with disabilities or deny participation in programs or activities that are available to people without disabilities. In addition, public transportation systems, such as public transit buses, must be accessible to individuals with disabilities.

This title outlines the administrative processes to be followed, including requirements for self-evaluation and planning; requirements for making reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination; architectural barriers to be identified; and the need for effective communication with people with hearing, vision and speech disabilities.

Title III (Public Accommodations)

This title prohibits private places of public accommodation from discriminating against individuals with disabilities. Examples of public accommodations include privately-owned, leased or operated facilities like hotels, restaurants, retail merchants, medical entities, private schools, entertainment and recreation facilities, privately owned transportation systems, etc. This title sets the minimum standards for accessibility for alterations and new construction of facilities. It also requires public accommodations to remove barriers in existing buildings where it is easy to do so without much difficulty or expense. This title directs businesses to make "reasonable modifications" to their usual ways of doing things when serving people with disabilities. It also requires that they take steps necessary to communicate effectively with customers with vision, hearing, and speech disabilities.

Title IV (Telecommunications)

This title requires telephone and Internet companies to provide a nationwide system of interstate and intrastate telecommunications relay services that allow individuals with hearing and speech disabilities to communicate over the telephone (TTY's or similar services). This title also requires closed captioning of federally funded public service announcements.

Title V (Miscellaneous Provisions)

The final title contains a variety of provisions relating to the ADA as a whole, including its relationship to other laws, state immunity, its impact on insurance providers and benefits, illegal use of drugs, and attorney's fees. This title also provides a list of certain conditions that are not to be considered as disabilities. This title includes a provision prohibiting either (a) coercing or threatening or (b) retaliating against individuals with disabilities or those attempting to aid people with disabilities in asserting their rights under the ADA.

Resources for More Information:

Equal Employment Opportunity Commission – www.eeoc.gov

Office on Disability and Employment Policy – www.dol.gov/ODEP

Job Accommodation Network – www.askjan.org

U.S. Access Board – www.access-board.gov

U.S. Department of Justice – www.ada.gov

U.S. Department of Transportation - www.fta.dot.gov/civilrights/12325.html

Federal Communications Commission - www.fcc.gov/cgb/dro/ada.html

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