

ADA Overview

DBTAC Rocky Mountain ADA Center

Serving CO, MT, ND, SD, UT, & WY

800/949-4232 (V, TTY) www.adainformation.org



1

Disclaimer

- Information, materials, and/or technical assistance are intended solely as informal guidance, and are neither a determination of your legal rights or responsibilities under the ADA, nor binding on any agency with enforcement responsibility under the ADA.
- DBTAC authorized by NIDRR to provide information, materials, and technical assistance to individuals and entities that are covered by the ADA.



2

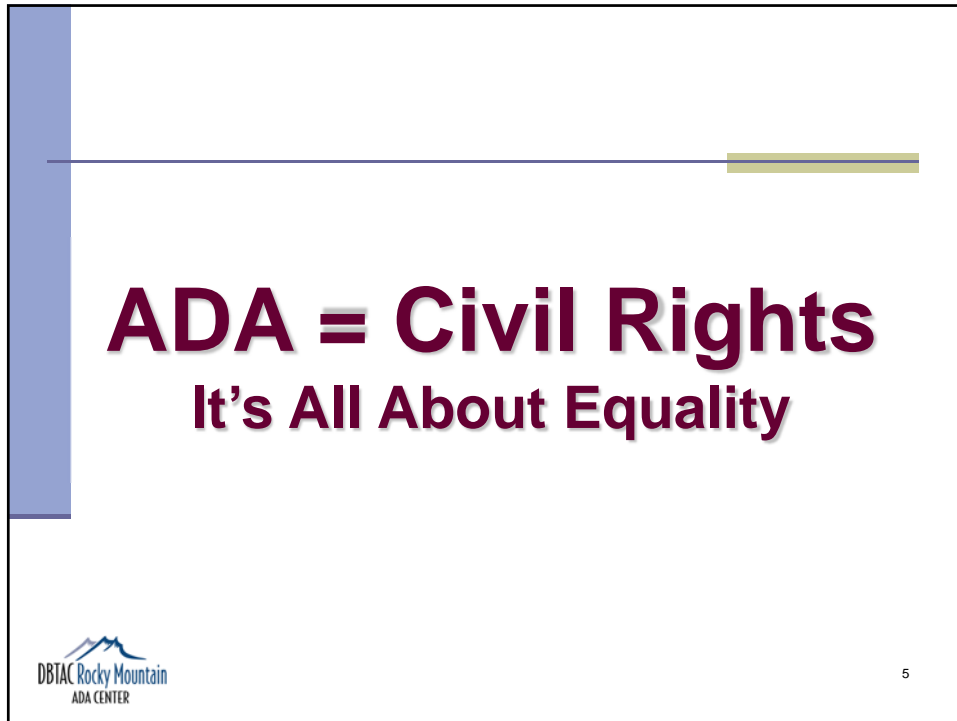
Why the ADA is important

- Non-exclusive – people with disabilities largest “minority” group
- **Aging population**
- New source of employees and **customers**
- Compliance is often cheap and easy
- **It’s the Law!**

5 Words to Remember


Common Sense

Good Faith Effort



ADA = Civil Rights

It's All About Equality



5



A Long Legacy

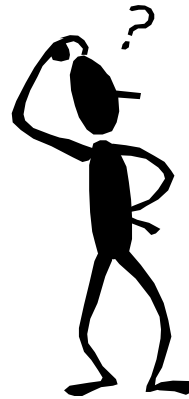
- Civil Rights Act of 1964
- Civil Rights Act of 1968 (Fair Housing)
- Architectural Barriers Act of 1968
- Rehabilitation Act of 1973
- Air Carrier Access Act of 1986
- Fair Housing Amendments Act of 1988
- Civil Rights Act of 1991



6

But first...

How does the
ADA define a
person with a
disability?



Definition of Disability

- Mental or physical condition that **substantially limits** one or more of life's major functions
- Record of impairment which substantially limits...
- Regarded by others as having...

Note: Diagnosis of an impairment does NOT necessarily mean a "disability"

Specific Exclusions

- Current illegal drug use
- Certain sexual disorders and sexual preferences
- Compulsive gambling, kleptomania, and pyromania

Main Categories

- Employment
- Barrier Removal- Includes physical, programmatic, and communication barriers

Title I: Employment

- In private sector (Title III entities), number of employees (15+) determines ADA employment coverage
- In public sector (Title II entities), employment provision applies regardless of number of employees

General Employment Rule

Unlawful to discriminate against a qualified person with a disability regarding:

- | | |
|---------------------------|------------------------------|
| ■ Job application process | ■ Compensation |
| ■ Hiring | ■ Benefits |
| ■ Promotion | ■ Training |
| ■ Discharge | ■ All aspects of employment! |

It's All About Equality!

Hire, fire, and
promote the most
qualified, deserving
individual!

Essential Functions

- Fundamental job duties of the employment position
- Does not include marginal or peripheral functions
- Job Descriptions not required, but good management!
- Specifies what needs to be done, not how

Reasonable Accommodations

- Modifications or adjustments to a job, employment practice, or work environment that makes it possible for an individual with a disability to enjoy an equal employment opportunity
- Undue hardship will not be imposed on the employer

Reasonable Accommodation Info

- Must be initiated by the employee with a disability
- Large responsibility placed on individual with a disability
- Personal services are not accommodations
- Team effort that includes supervisors, personnel reps, and employee

Employment Resources

- Cornell Series
- EEOC Guidances
- Title II Action Guide Employment Supplement
- Rights & Responsibilities
- Websites

Title II

- Covers State & local governments
- Must provide program access and effective communication
- Includes public transportation
- Enforced by Department of Justice & designated federal agencies

Achieving Program Access

- Acquire or redesign of equipment
- Relocate to alternate, accessible location
- Assign aides
- Make structural, architectural changes
- Program access evaluated when “viewed in its entirety”

Title II Resources

- Title II Action Guide
- DOJ Guide for Small Towns
- Practical Guide for Small Towns and Rural Counties
- School Series
- Websites

Title III: Public Accommodations

- Applies to removal of both communication and physical barriers
- In existing facilities: remove the readily achievable physical barriers
- For new facilities: meet the minimum standards in ADAAG
- Provide effective communication
- Undue Burden

Title III Info

- Covers public accommodations, commercial facilities, some examinations/courses, and transportation
- 12 categories of public accommodations
- Nonprofits are included
- Enforced by the Department of Justice

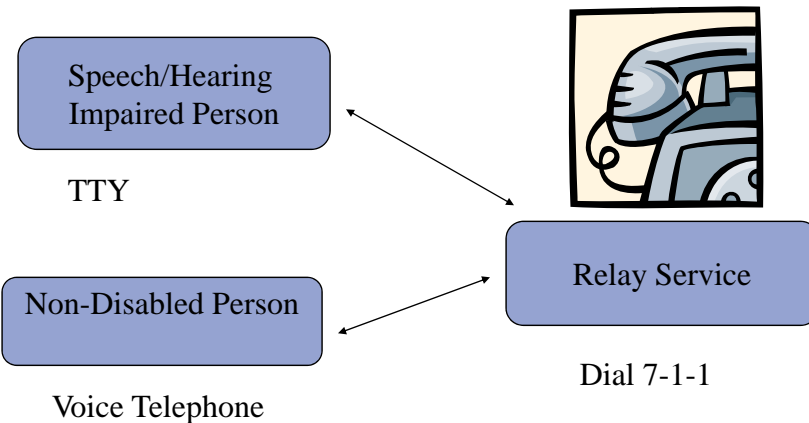
Available Tax Incentives

- **50% TAX CREDIT** for Small Business (\$1 million gross income OR less than 30 employees)
- Tax Deductions for Larger Businesses
- Capital Improvements Need Not Be Depreciated

Practical Title III Tips

- Conduct self-assessment/evaluation
- Develop accessibility plan-prioritize
- Demonstrate “good faith effort”
- Identify readily achievable changes
- Take advantage of available tax incentives
- Advertise positive steps taken

Title IV: Telephone Relay



Disability Etiquette

- Extend common courtesies & basic respect
- Use "People First" language
- Don't make assumptions- everyone is different
- Origin of the word handicapped
- Relax!

Resources

- Rocky Mt. ADA Center 800/949-4232 (V, TTY) www.adainformation.org
- Dept. of Justice 800/514-0301 www.ada.gov
- EEOC 800/669-4000 www.eeoc.gov
- Access Board 800/872-2253 www.access-board.gov
- New Freedom Initiative www.disabilityinfo.gov



27

Time for your questions!



28