

Chapter 1 : What is the Americans with Disabilities Act (ADA)? | ADA National Network

The Americans with Disabilities Act (ADA) prohibits discrimination against people with disabilities in several areas, including employment, transportation, public accommodations, communications and access to state and local government' programs and services.

Employment[edit] The ADA has been criticized on the grounds that it decreases the employment rate for people with disabilities [45] and raises the cost of doing business for employers, in large part due to the additional legal risks, which employers avoid by quietly avoiding hiring people with disabilities. Some researchers believe that the law has been ineffectual. Unless a state law, such as the California Unruh Civil Rights Act , [52] provides for monetary damages to private plaintiffs, persons with disabilities do not obtain direct financial benefits from suing businesses that violate the ADA. Moreover, there may be a benefit to these "private attorneys general" who identify and compel the correction of illegal conditions: Moreover, the inclusion of penalties and damages is the driving force that facilitates voluntary compliance with the ADA. As a result, most ADA suits are brought by a small number of private plaintiffs who view themselves as champions of the disabled. For the ADA to yield its promise of equal access for the disabled, it may indeed be necessary and desirable for committed individuals to bring serial litigation advancing the time when public accommodations will be compliant with the ADA. At least one of these plaintiffs in California has been barred by courts from filing lawsuits unless he receives prior court permission. For example, two major hotel room marketers Expedia. National Federation of the Blind v. Target Corporation[edit] National Federation of the Blind v. Target Corporation [56] was a case where a major retailer, Target Corp. Garrett[edit] Board of Trustees of the University of Alabama v. It decided that Title I of the Americans with Disabilities Act was unconstitutional insofar as it allowed private citizens to sue states for money damages. The City of Sacramento[edit] Barden v. The City of Sacramento, filed in March , claimed that the City of Sacramento failed to comply with the ADA when, while making public street improvements, it did not bring its sidewalks into compliance with the ADA. Certain issues were resolved in Federal Court. One issue, whether sidewalks were covered by the ADA, was appealed to the 9th Circuit Court of Appeals , which ruled that sidewalks were a "program" under ADA and must be made accessible to persons with disabilities. The ruling was later appealed to the U. Supreme Court, which refused to hear the case, letting stand the ruling of the 9th Circuit Court. UPS[edit] Bates v. Key findings included UPS failed to address communication barriers and to ensure equal conditions and opportunities for deaf employees; Deaf employees were routinely excluded from workplace information, denied opportunities for promotion, and exposed to unsafe conditions due to lack of accommodations by UPS; UPS also lacked a system to alert these employees as to emergencies, such as fires or chemical spills, to ensure that they would safely evacuate their facility; and UPS had no policy to ensure that deaf applicants and employees actually received effective communication in the workplace. Norwegian Cruise Line Ltd. The defendant argued that as a vessel flying the flag of a foreign nation it was exempt from the requirements of the ADA. This argument was accepted by a federal court in Florida and, subsequently, the Fifth Circuit Court of Appeals. Supreme Court reversed the ruling of the lower courts on the basis that Norwegian Cruise Lines was a business headquartered in the United States whose clients were predominantly Americans and, more importantly, operated out of port facilities throughout the United States. United States , U. The two plaintiffs L. Clinical assessments by the state determined that the plaintiffs could be appropriately treated in a community setting rather than the state institution. The Supreme Court decided under Title II of the ADA that mental illness is a form of disability and therefore covered under the ADA, and that unjustified institutional isolation of a person with a disability is a form of discrimination because it " Additionally, the distribution of the accessible seating was at issue, with nearly all the seats being provided in the end-zone areas. This case was significant because it set a precedent for the uniform distribution of accessible seating and gave the DOJ the opportunity to clarify previously unclear rules. Previous to this case, which was filed only five years after the ADA was passed, the DOJ was unable or unwilling to provide clarification on the distribution requirements for accessible wheelchair locations in large assembly spaces. This case and another

related case established precedent on seat distribution and sight lines issues for ADA enforcement that continues to present day. *Toyota Motor Manufacturing, Kentucky, Inc. Williams*, [65] was a case in which the Supreme Court interpreted the meaning of the phrase "substantially impairs" as used in the Americans with Disabilities Act. It reversed a Sixth Court of Appeals decision to grant a partial summary judgment in favor of the respondent, Ella Williams, that qualified her inability to perform manual job-related tasks as a disability. The Court held that the "major life activity" definition in evaluating the performance of manual tasks focuses the inquiry on whether Williams was unable to perform a range of tasks central to most people in carrying out the activities of daily living. The issue is not whether Williams was unable to perform her specific job tasks. Therefore, the determination of whether an impairment rises to the level of a disability is not limited to activities in the workplace solely, but rather to manual tasks in life in general. When the Supreme Court applied this standard, it found that the Court of Appeals had incorrectly determined the presence of a disability because it relied solely on her inability to perform specific manual work tasks, which was insufficient in proving the presence of a disability. The Court of Appeals should have taken into account the evidence presented that Williams retained the ability to do personal tasks and household chores, such activities being the nature of tasks most people do in their daily lives, and placed too much emphasis on her job disability. Since the evidence showed that Williams was performing normal daily tasks, it ruled that the Court of Appeals erred when it found that Williams was disabled. In fact, Congress explicitly cited *Toyota v. Barnett*[edit] Decided by the US Supreme Court in , this case [67] held that even requests for accommodation that might seem reasonable on their face, e. While the court held that, in general, a violation of a seniority system renders an otherwise reasonable accommodation unreasonable, a plaintiff can present evidence that, despite the seniority system, the accommodation is reasonable in the specific case at hand, e. Importantly, the court held that the defendant need not provide proof that this particular application of the seniority system should prevail, and that, once the defendant showed that the accommodation violated the seniority system, it fell to Barnett to show it was nevertheless reasonable. In this case, Barnett was a US Airways employee who injured his back, rendering him physically unable to perform his cargo-handling job. Invoking seniority, he transferred to a less-demanding mailroom job, but this position later became open to seniority-based bidding and was bid on by more senior employees. Barnett requested the accommodation of being allowed to stay on in the less-demanding mailroom job. US Airways denied his request, and he lost his job. *Southwest Airlines*[edit] *Access Now v. Southwest Airlines* was a case where the District Court decided that the website of Southwest Airlines was not in violation of the Americans with Disabilities Act, because the ADA is concerned with things with a physical existence and thus cannot be applied to cyberspace. Seitz found that the "virtual ticket counter" of the website was a virtual construct, and hence not a "public place of accommodation. *HathiTrust*[edit] *Authors Guild v. HathiTrust* was a case in which the District Court decided that the HathiTrust digital library was a transformative, fair use of copyrighted works, making a large number of written text available to those with print disability. *HealthTexas Medical Group* [69] begun in was the first time this act was used against HMOs when a novel lawsuit [70] was filed by Texas attorney Robert Provan against five HMOs for their practice of revoking the contracts of doctors treating disabled patients. *General Dynamics Government Systems Corp.*

Chapter 2 : National Association of the Deaf - NAD

Facts About the Americans with Disabilities Act. Title I of the Americans with Disabilities Act of prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and.

Title I Employment Equal Employment Opportunity for Individuals with Disabilities This title is designed to help people with disabilities access the same employment opportunities and benefits available to people without disabilities. Employers must provide reasonable accommodations to qualified applicants or employees. A reasonable accommodation is any modification or adjustment to a job or the work environment that will enable an applicant or employee with a disability to participate in the application process or to perform essential job functions. This portion of the law is regulated and enforced by the U. Equal Employment Opportunity Commission. Employers with 15 or more employees must comply with this law. It applies to all state and local governments, their departments and agencies, and any other instrumentalities or special purpose districts of state or local governments. It clarifies the requirements of section of the Rehabilitation Act of , as amended, for public transportation systems that receive federal financial assistance, and extends coverage to all public entities that provide public transportation, whether or not they receive federal financial assistance. It establishes detailed standards for the operation of public transit systems, including commuter and intercity rail e. 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. This title is regulated and enforced by the U. **Title III Public Accommodations Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities** This title prohibits private places of public accommodation from discriminating against individuals with disabilities. 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 allows individuals with hearing and speech disabilities to communicate over the telephone. This title also requires closed captioning of federally funded public service announcements. This title is regulated by the Federal Communication Commission. This title also provides a list of certain conditions that are not to be considered as disabilities.

Chapter 3 : Just the Facts: Americans with Disabilities Act | United States Courts

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 changes in the definition of disability in the ADAAA apply to all titles of the ADA, including title I employment practices of private employers with 15 or more employees, state and local governments, employment agencies, labor unions, agents of the employer and joint management labor committees ; title II programs and activities of state and local government entities ; and title III private entities that are considered places of public accommodation. Other federal agencies, such as the U. Department of Justice, the U. Department of Transportation and the U. Department of Labor, will need to amend their regulations to reflect the changes in the definition of disability required by the ADAAA. Which employers are covered by title I of the ADA? The title I employment provisions apply to private employers with 15 or more employees, state and local governments, employment agencies, labor unions, agents of the employer and joint management labor committees. What practices and activities are covered by the employment nondiscrimination requirements? The ADA prohibits discrimination in all employment practices, including job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions, and privileges of employment. It applies to recruitment, advertising, tenure, layoff, leave, fringe benefits, and all other employment-related activities. Who is protected from employment discrimination? Employment discrimination against individuals with disabilities is prohibited. This includes applicants for employment and employees. Persons discriminated against because they have a known association or relationship with an individual with a disability also are protected. The first part of the definition makes clear that the ADA applies to persons who have impairments and that these must substantially limit major life activities. There are two non-exhaustive lists of examples of major life activities: Major life activities also include the operation of major bodily functions, including: Examples of specific impairments that should easily be concluded to be disabilities include: The second part of the definition protecting individuals with a record of a disability would cover, for example, a person who has recovered from cancer or mental illness. Under the third part of the definition, a covered entity has regarded an individual as having a disability if it takes an action prohibited by the ADA e. Does the ADA require that an applicant or employee with a disability be qualified for the position? Requiring the ability to perform "essential" functions assures that an individual with a disability will not be considered unqualified simply because of inability to perform marginal or incidental job functions. If the individual is qualified to perform essential job functions except for limitations caused by a disability, the employer must consider whether the individual could perform these functions with a reasonable accommodation. If a written job description has been prepared in advance of advertising or interviewing applicants for a job, this will be considered as evidence, although not conclusive evidence, of the essential functions of the job. Does an employer have to give preference to an applicant with a disability over other applicants? An employer is free to select the most qualified applicant available and to make decisions based on reasons unrelated to a disability. For example, suppose two persons apply for a job as a typist and an essential function of the job is to type 75 words per minute accurately. One applicant, an individual with a disability, who is provided with a reasonable accommodation for a typing test, types 50 words per minute; the other applicant who has no disability accurately types 75 words per minute. The employer can hire the applicant with the higher typing speed, if typing speed is needed for successful performance of the job. What limitations does the ADA impose on medical examinations and inquiries about disability? An employer may not ask or require a job applicant to take a medical examination before making a job offer. It cannot make any pre-offer inquiry about a disability or the nature or severity of a disability. An employer may condition a job offer on the satisfactory result of a post-offer medical examination or medical inquiry if this is required of all entering employees in the same job category. A post-offer examination or inquiry does not have to be job-related and consistent with business necessity. However, if an individual is not hired because a post-offer medical examination or inquiry reveals a

disability, the reasons for not hiring must be job-related and consistent with business necessity. The employer also must show that no reasonable accommodation was available that would enable the individual to perform the essential job functions, or that accommodation would impose an undue hardship. A post-offer medical examination may disqualify an individual if the employer can demonstrate that the individual would pose a "direct threat" in the workplace. Such a disqualification is job-related and consistent with business necessity. A post-offer medical examination may not disqualify an individual with a disability who is currently able to perform essential job functions because of speculation that the disability may cause a risk of future injury. After a person starts work, a medical examination or inquiry of an employee must be job-related and consistent with business necessity. Employers may conduct employee medical examinations where there is evidence of a job performance or safety problem that they reasonably believe is caused by a medical condition, examinations required by other federal laws, return-to-work examinations when they reasonably believe that an employee will be unable to do his job or may pose a direct threat because of a medical condition, and voluntary examinations that are part of employee health programs. Information from all medical examinations and inquiries must be kept apart from general personnel files as a separate, confidential medical record, available only under limited conditions. Tests for illegal use of drugs are not medical examinations under the ADA and are not subject to the restrictions of such examinations. When can an employer ask an applicant to "self-identify" as having a disability? A pre-employment inquiry about a disability is allowed if required by another federal law or regulation such as those applicable to veterans with disabilities and veterans of the Vietnam era. Pre-employment inquiries about disabilities may be necessary under such laws to identify applicants or clients with disabilities in order to provide them with required special services. An employer also may ask an applicant to self-identify as an individual with a disability when the employer is voluntarily using this information to benefit individuals with a disability. Federal contractors and subcontractors who are covered by the affirmative action requirements of section of the Rehabilitation Act of may invite individuals with disabilities to identify themselves on a job application form or by other pre-employment inquiry, to satisfy the section affirmative action requirements. Employers who request such information must observe section requirements regarding the manner in which such information is requested and used and the procedures for maintaining such information as a separate, confidential record, apart from regular personnel records. Does the ADA require employers to develop written job descriptions? The ADA does not require employers to develop or maintain job descriptions. However, a written job description that is prepared before advertising or interviewing applicants for a job will be considered as evidence along with other relevant factors. If an employer uses job descriptions, they should be reviewed to make sure they accurately reflect the actual functions of a job. A job description will be most helpful if it focuses on the results or outcome of a job function, not solely on the way it customarily is performed. A reasonable accommodation may enable a person with a disability to accomplish a job function in a manner that is different from the way an employee who does not have a disability may accomplish the same function. Reasonable accommodation is any modification or adjustment to a job or the work environment that will enable an applicant or employee with a disability to participate in the application process or to perform essential job functions. Reasonable accommodation also includes adjustments to assure that an individual with a disability has rights and privileges in employment equal to those of employees without disabilities. What are some of the accommodations applicants and employees may need? Examples of reasonable accommodation include making existing facilities used by employees readily accessible to and usable by an individual with a disability; restructuring a job; modifying work schedules; acquiring or modifying equipment; providing qualified readers or interpreters; or appropriately modifying examinations, training, or other programs. Reasonable accommodation also may include reassigning a current employee to a vacant position for which the individual is qualified, if the person is unable to do the original job because of a disability even with an accommodation. However, there is no obligation to find a position for an applicant who is not qualified for the position sought. Employers are not required to lower quality or production standards as an accommodation; nor are they obligated to provide personal use items such as wheelchairs, glasses or hearing aids. The decision as to the appropriate accommodation must be based on the particular facts of each case. In selecting the

particular type of reasonable accommodation to provide, the principal test is that of effectiveness, i. However, the accommodation does not have to ensure equal results or provide exactly the same benefits. When is an employer required to make a reasonable accommodation? An employer is only required to accommodate a "known" disability of a qualified applicant or employee. The requirement generally will be triggered by a request from an individual with a disability, who frequently will be able to suggest an appropriate accommodation. Accommodations must be made on an individual basis, because the nature and extent of a disabling condition and the requirements of a job will vary in each case. If a person with a disability requests, but cannot suggest, an appropriate accommodation, the employer and the individual should work together to identify one. There are also many public and private resources that can provide assistance without cost. What are the limitations on the obligation to make a reasonable accommodation? The individual with a disability requiring the accommodation must be otherwise qualified, and the disability must be known to the employer. Undue hardship is determined on a case-by-case basis. Where the facility making the accommodation is part of a larger entity, the structure and overall resources of the larger organization would be considered, as well as the financial and administrative relationship of the facility to the larger organization. In general, a larger employer with greater resources would be expected to make accommodations requiring greater effort or expense than would be required of a smaller employer with fewer resources. If a particular accommodation would be an undue hardship, the employer must try to identify another accommodation that will not pose such a hardship. Also, if the cost of an accommodation would impose an undue hardship on the employer, the individual with a disability should be given the option of paying that portion of the cost which would constitute an undue hardship or providing the accommodation. Must an employer modify existing facilities to make them accessible? For example, if an employee lounge is located in a place inaccessible to an employee using a wheelchair, the lounge might be modified or relocated, or comparable facilities might be provided in a location that would enable the individual to take a break with co-workers. The employer must provide such access unless it would cause an undue hardship. However, employers should consider initiating changes that will provide general accessibility, particularly for job applicants, since it is likely that people with disabilities will be applying for jobs. The employer does not have to make changes to provide access in places or facilities that will not be used by that individual for employment-related activities or benefits. Can an employer be required to reallocate an essential function of a job to another employee as a reasonable accommodation? An employer is not required to reallocate essential functions of a job as a reasonable accommodation. Can an employer be required to modify, adjust, or make other reasonable accommodations in the way a test is given to an applicant or employee with a disability? Accommodations may be needed to assure that tests or examinations measure the actual ability of an individual to perform job functions rather than reflect limitations caused by the disability. Tests should be given to people who have sensory, speaking, or manual impairments in a format that does not require the use of the impaired skill, unless it is a job-related skill that the test is designed to measure. Can an employer establish specific attendance and leave policies? An employer can establish attendance and leave policies that are uniformly applied to all employees, regardless of disability, but may not refuse leave needed by an employee with a disability if other employees get such leave. An employer also may be required to make adjustments in leave policy as a reasonable accommodation. The employer is not obligated to provide additional paid leave, but accommodations may include leave flexibility and unpaid leave. However, if an individual with a disability requests a modification of such a policy as a reasonable accommodation, an employer may be required to provide it, unless it would impose an undue hardship. Can an employer consider health and safety when deciding whether to hire an applicant or retain an employee with a disability? The ADA permits employers to establish qualification standards that will exclude individuals who pose a direct threat "i. However, an employer may not simply assume that a threat exists; the employer must establish through objective, medically supportable methods that there is significant risk that substantial harm could occur in the workplace. By requiring employers to make individualized judgments based on reliable medical or other objective evidence rather than on generalizations, ignorance, fear, patronizing attitudes, or stereotypes, the ADA recognizes the need to balance the interests of people with disabilities against the legitimate interests of employers in maintaining a safe workplace. Are applicants or employees

who are currently illegally using drugs covered by the ADA? Individuals who currently engage in the illegal use of drugs are specifically excluded from the definition of an individual with a disability protected by the ADA when the employer takes action on the basis of their drug use.

Chapter 4 : The Americans with Disabilities Act Questions and Answers | ADA National Network

The ADA Home Page provides access to Americans with Disabilities Act (ADA) regulations for businesses and State and local governments, technical assistance materials, ADA Standards for Accessible Design, links to Federal agencies with ADA responsibilities and information, updates on new ADA requirements, streaming video, information about Department of Justice ADA settlement agreements.

Lay off All other employment-related activities, terms, conditions, and privileges An employer cannot take action against you because you ask for your rights under the ADA. The Act also protects you if you are discriminated against because of your family, business, social, or other type of relationship or association with a person who has a disability. For instance, this means an employer cannot discriminate against you because your spouse or child has cancer. Still, the ADA does not completely protect your job just because you have a disability and are qualified for the job. The employer can still fire or lay off terminate an employee with a disability for legitimate business reasons. For instance, a disabled worker would not be protected during downsizing. What does the ADA consider essential job functions? If you have a disability, you must be qualified to perform the essential functions of a job in order to be protected from job discrimination by the ADA. Essential functions are the fundamental duties required by the job itself. An employer cannot refuse to hire you because your disability prevents you from performing duties that are not essential to the job. Employers are not required to lower their job standards to accommodate someone with a disability. Nor do they have to provide personal-use items such as glasses or hearing aids. You also must be able to perform the essential functions of the job either on your own or with reasonable accommodation see definition of accommodation in the next section. What does the ADA consider reasonable accommodation? Reasonable accommodation is how an employer makes adjustments to a job that allow an employee with a disability to perform the essential functions of that job. But reasonable accommodation can start even before hiring. For example, it may be a change in procedure that allows a qualified disabled person to apply for a job. For those already working, reasonable accommodation can be a change that allows disabled people to have the same benefits and privileges of employment as employees without disabilities. Examples of reasonable accommodations may include: In general, a larger employer would be expected to make accommodations requiring greater effort or expense than would be required of a smaller employer. The facts of your case will help determine whether an accommodation will make it possible for you to do the job and, if so, what kind of accommodation is needed. Employers do not have to know about every kind of disability to know whether or how to make a reasonable accommodation. They are required to accommodate only those disabilities they know about and that do not cause too much hardship for the employer. The requirement is usually triggered by a request from a person with a disability, who often can suggest a workable accommodation. Accommodations must be made on a case-by-case basis because the type and extent of a disability and the requirements of the job will vary in each case. If you ask for an accommodation, but cannot suggest one that will work for you, you and the employer should work together to identify one. There are also many public and private resources that can provide help without cost. What are employers allowed to ask job applicants with disabilities under ADA? Employers may not ask you if you have or have ever had cancer. But they can ask you about your ability to perform certain job tasks. An employer can ask you to describe or show them how, with or without reasonable accommodation, you will perform the duties of the job. If all new employees in similar jobs are required to have a medical exam, you may be offered a job conditionally, pending the results of a medical exam. The results of all medical exams must be kept confidential. Medical files must be kept separate from work or personnel files. Should I tell my employer I have a disability? Employers are only required to provide reasonable accommodation if they know about the disability. Generally, the employee is the person who must tell the employer that an accommodation is needed. But you are not required to offer information about having cancer or another disability when you apply for a job. Does my employer have to provide any accommodation I request? There is some flexibility built into the reasonable accommodation requirement under the ADA. Employers do not have to provide accommodations that pose an undue hardship for them. Employers do not

have to provide personal-use items that are needed for daily activities both on and off the job. Employers do not have to remove essential functions, create new jobs, or lower production standards to accommodate a disabled employee. Under ADA, does the employer have to hire a qualified applicant with a disability over other qualified applicants? The ADA does not require an employer to hire a person with a disability over other applicants because the person has a disability. The ADA only prohibits discrimination on the basis of disability. It makes it unlawful to refuse to hire a qualified applicant with a disability just because he or she is disabled. If the cost of providing the needed accommodation would be too much, you must be given the choice of: Providing the accommodation yourself, or Paying for the portion of the accommodation that causes the undue hardship. An employer cannot make up the cost of providing a reasonable accommodation by lowering your salary or paying you less than other employees in similar jobs. In rare cases, yes. The ADA does not affect pre-existing condition clauses in health insurance policies. New health care plans are not allowed to exclude pre-existing health conditions. If the health insurance offered by my employer does not cover all medical expenses related to my disability, does the company have to get extra coverage for me under ADA? The ADA only requires an employer to provide employees with disabilities equal access to whatever health insurance coverage is offered to other employees. The same is true for employees with cancer or for employees who have family members with cancer or a history of cancer. Under ADA, does an employer have to make non-work areas used by employees, such as cafeterias, lounges, or employer-provided transportation, accessible to people with disabilities? Yes, unless making these changes would pose an undue hardship on the employer. Employers must accommodate the disabled person for all services, programs, and non-work facilities they provide, if the changes are reasonable. If making an existing facility accessible would be an undue hardship, the employer can provide a comparable facility that will let a person with a disability enjoy the same benefits and privileges of employment as those enjoyed by other employees, unless doing so also would be an undue hardship. What agency enforces ADA job protections? You have a limited time to act, although the time limit varies by employer and the state in which you work. If you think you have been discriminated against at work because of a disability, you can file a complaint with an Equal Employment Opportunity Commission EEOC field office located in certain cities throughout the United States. If you work for a state or local government, the process is the same as for a private employer. A discrimination charge generally must be filed with the EEOC within days of the action that you think is discriminatory. You can contact the EEOC at If the EEOC decides that you have been discriminated against, you are entitled to a remedy that will place you in the position you would have been in if the discrimination had never occurred. You may be entitled to hiring, promotion, reinstatement, back pay, or reasonable accommodation, including reassignment. You also may be entitled to have your legal fees paid. After you get this notice of right to sue, you have 90 days to file the suit. If you sue, you might want to hire a private attorney to represent you. How the ADA can help in settings other than work This section deals only with discrimination in settings other than work. Private clubs and religious organizations are not considered places of public accommodation. This means that it must be fairly easy to do without much trouble or expense. What are the different sections of the ADA? Programs, services, and activities of state and local government, including public transportation Title III: Public accommodations and commercial facilities private businesses and non-profit service providers. Where can I find information about discrimination in areas other than employment? ADA specialists are available Monday through Friday from 9: Eastern Time except on Thursdays, when the hours are A Spanish language service is also available. This toll-free number permits businesses, state and local government officials, or others to call and ask questions about general or specific ADA requirements, including questions about the ADA Standards for Accessible Design.

Chapter 5 : Americans With Disabilities Act: Information for People Facing Cancer

Americans with Disabilities Act (ADA) The ADA prohibits discrimination on the basis of disability in employment, State and local government, public accommodations, commercial facilities, transportation, and telecommunications.

Americans with Disabilities Act Published on July 12, While overall civil rights cases have declined, cases brought under the Americans with Disabilities Act ADA have increased three-fold in recent years. Filings in three states – California, Florida, and New York – account for a significant number of the civil rights cases filed under the ADA. Courts AO that illuminates the work of the federal Judiciary through data. Comments, questions, and suggestions can be sent to the data team. The ADA prohibits discrimination against people with disabilities in areas of public life, including employment, transportation, public accommodation, communications, and governmental activities. Bush on July 26, In , the Administrative Office of the U. Courts began publishing statistics on civil cases filed under the ADA in the U. ADA cases constitute a subcategory of civil rights cases on the civil docket. Most of the other ADA claims involve public accommodation matters. Complaints asserting a violation of the ADA are often filed in federal district courts, although state courts also have jurisdiction to hear such cases. The decision of any district court can be appealed to a circuit court of appeals, and a decision by the circuit court can be appealed to the Supreme Court of the United States. This report examines ADA cases in the district courts. In the month period ending Dec. ADA cases accounted for 10, filings, which amounted to 4 percent of the total civil docket and 27 percent of civil rights cases. From to , filings of civil rights cases excluding ADA cases decreased 12 percent. In contrast, during that period, filings of ADA cases increased percent see Figure 1. From to , filings of ADA cases raising employment discrimination claims rose percent to 2, Filings of cases raising other ADA claims grew more rapidly, increasing percent to 8, cases. In , more than half of ADA cases were filed in three states see Table 1. The map below shows the numeric difference between ADA cases filed in and those filed in across U. Map 2 shows the numeric changes in ADA filings between and

Chapter 6 : The History of Americans with Disabilities Act

1 The Americans with Disabilities Act and You: Frequently Asked Questions on Taxicab Service Presented by Easter Seals Project ACTION and the Taxicab, Limousine & Paratransit Association.

It did not begin when the first ADA was introduced in Congress. The ADA story began a long time ago in cities and towns throughout the United States when people with disabilities began to challenge societal barriers that excluded them from their communities, and when parents of children with disabilities began to fight against the exclusion and segregation of their children. It began with the establishment of local groups to advocate for the rights of people with disabilities. It began with the establishment of the independent living movement which challenged the notion that people with disabilities needed to be institutionalized, and which fought for and provided services for people with disabilities to live in the community. The ADA owes its birthright not to any one person, or any few, but to the many thousands of people who make up the disability rights movement – people who have worked for years organizing and attending protests, licking envelopes, sending out alerts, drafting legislation, speaking, testifying, negotiating, lobbying, filing lawsuits, being arrested – doing whatever they could for a cause they believed in. There are far too many people whose commitment and hard work contributed to the passage of this historic piece of disability civil rights legislation to be able to give appropriate credit by name. Without the work of so many – without the disability rights movement – there would be no ADA. The disability rights movement, over the last couple of decades, has made the injustices faced by people with disabilities visible to the American public and to politicians. The disability rights movement adopted many of the strategies of the civil rights movements before it. Like the African-Americans who sat in at segregated lunch counters and refused to move to the back of the bus, people with disabilities sat in federal buildings, obstructed the movement of inaccessible buses, and marched through the streets to protest injustice. And like the civil rights movements before it, the disability rights movement sought justice in the courts and in the halls of Congress. From a legal perspective, a profound and historic shift in disability public policy occurred in with the passage of Section of the Rehabilitation Act. Section , which banned discrimination on the basis of disability by recipients of federal funds, was modelled after previous laws which banned race, ethnic origin and sex based discrimination by federal fund recipients. For the first time, the exclusion and segregation of people with disabilities was viewed as discrimination. Previously, it had been assumed that the problems faced by people with disabilities, such as unemployment and lack of education, were inevitable consequences of the physical or mental limitations imposed by the disability itself. As with racial minorities and women, Congress recognized that legislation was necessary to eradicate discriminatory policies and practices. Section was also historic because for the first time people with disabilities were viewed as a class – a minority group. Previously, public policy had been characterized by addressing the needs of particular disabilities by category based on diagnosis. Each disability group was seen as separate, with differing needs. Section recognized that while there are major physical and mental variations in different disabilities, people with disabilities as a group faced similar discrimination in employment, education and access to society. People with disabilities were seen as a legitimate minority, subject to discrimination and deserving of basic civil rights protections. The coalition of people with disabilities has been constantly put to the test by attempts to remove protections for particular groups. After Section established the fundamental civil right of non-discrimination in , the next step was to define what non-discrimination meant in the context of disability. How was it the same or different from race and sex discrimination? The Department of Health, Education and Welfare HEW had been given the task of promulgating regulations to implement Section , which would serve as guidelines for all other federal agencies. These regulations became the focus of attention for the disability rights movement for the next four years. During this time the movement grew in sophistication, skill and visibility. The first task was to assure that the regulations provided meaningful anti-discrimination protections. It was not enough to remove policy barriers – it was imperative that the regulations mandated affirmative conduct to remove architectural and communication barriers and provide accommodations. The second step was to force a recalcitrant agency to get the regulations out. All over the

country people with disabilities sat-in at HEW buildings. The longest sit-in was in San Francisco, lasting 28 days. A lawsuit was filed, hearings before Congress were organized, testimony was delivered to Congressional committees, negotiations were held, letters were written. The disability community mobilized a successful campaign using a variety of strategies, and on May 4, the Section regulations were issued. It is these regulations which form the basis of the ADA. For two years, representatives from the disability community met with Administration officials to explain why all of the various de-regulation proposals must not be adopted. These high level meetings would not have continued or been successful without the constant bombardment of letters to the White House from people with disabilities and parents of children with disabilities around the country protesting any attempt to de-regulate Section . After a remarkable show of force and commitment by the disability community, the Administration announced a halt to all attempts to de-regulate Section . This was a tremendous victory for the disability movement. Those two years proved to be invaluable in setting the stage for the ADA. Not only were the Section regulations, which form the basis of the ADA, preserved, but it was at this time that high officials of what later became the Bush administration received an education on the importance of the concepts of non-discrimination contained in the Section regulations in the lives of people with disabilities. The CRRA sought to overturn *Grove City College v Bell*, a Supreme Court decision that had significantly restricted the reach of all the statutes prohibiting race, ethnic origin, sex or disability discrimination by recipients of federal fund. Because the court decision affected all of these constituencies, the effort to overturn the decision required a coalition effort. Working in coalition again, in , the civil rights community amended the Fair Housing Act FHA to improve enforcement mechanisms, and for the first time disability anti-discrimination provisions were included in a traditional civil rights statute banning race discrimination. Because of its commitment to disability civil rights, the Leadership Conference on Civil Rights played an important leadership role in securing passage of the ADA. In that case, a hearing impaired woman was seeking admission to the nursing program of Southeastern Community College. The court found that Ms. Davis, but included within the decision several very broad negative interpretations of Section . Contrary to established Court doctrine, the Section regulations that had been issued by the Department of Health, Education and Welfare HEW were given little deference by the Court. Ironically the Court attributed this lack of deference to the fact that HEW had been recalcitrant in issuing the regulations. After the Davis decision it was clear that the Supreme Court needed to be educated on the issue of disability based discrimination and the role that it plays in people lives. Moreover, it was clear to the disability community that the focus of its efforts in any future Supreme Court litigation must be to reinforce the validity of the HEW regulations. The issue in *Consolidated Rail Corporations* was whether employment discrimination was covered by the anti-discrimination provisions of Section . In order to educate the court on the pervasive role of discrimination in the un-employment and under-employment of persons with disabilities, the Disability Rights Education and Defense Fund filed an amicus brief on behalf of 63 national, state and local organizations dedicated to securing the civil rights of persons with disabilities. This amicus brief served not only to educate the courts on discriminatory employment policies and practices, but also to demonstrate to the Court that these issues concern the millions of Americans who were affiliated with the organizations who filed the brief. DREDF also worked very closely with the lawyer representing the disabled person in the lawsuit in order to present to the court the very best legal arguments on the validity of the HEW regulations which had found that employment discrimination was covered by provision of Section . The decision in *Consolidated Rail Corporation v. Darrone* marked a significant victory for the disability rights community. The court found that employment discrimination was in fact prohibited by Section , but equally importantly the Court found that the regulations issued in by HEW were entitled to great deference by the courts. In , the Court was presented with the issue of whether people with contagious diseases are covered by Section . The disability rights community worked closely with the lawyers representing the woman with tuberculosis as well as filing numerous amicus briefs in the Supreme Court. Working on the Arline case also provided a critical opportunity for lawyers in the disability rights community and lawyers in the AIDS community to work closely together and form alliances that would carry through and prove to be critical in the battle to secure passage of the ADA. These legislative victories further advanced the reputation of the disability community and its advocates in

Congress. The respect for the legal, organizing, and negotiations skills gained during these legislative efforts formed the basis of the working relationships with members of Congress and officials of the Administration, that proved indispensable in passing the ADA. Whether by friend or foe, the disability community was taken seriously – it had become a political force to be contended with in Congress, in the voting booth, and in the media. The ADA, as we know it today, went through numerous drafts, revisions, negotiations, and amendments since the first version was introduced in 1988. Spurred by a draft bill prepared by the National Council on Disability, an independent federal agency whose members were appointed by President Reagan, Senator Weicker and Representative Coelho introduced the first version of the ADA in April in the 101st Congress. The disability community began to educate people with disabilities about the ADA and to gather evidence to support the need for broad anti-discrimination protections. The diaries served not only as testimonials of discrimination, but also to raise consciousness about the barriers to daily living which were simply tolerated as a part of life. Justin Dart, Chair of the Congressional Task Force on the Rights and Empowerment of People with Disabilities, traversed the country holding public hearings which were attended by thousands of people with disabilities, friends, and families documenting the injustice of discrimination in the lives of people with disabilities. A room which seated over 100 people overflowed with persons with disabilities, parents and advocates. At the same time, both presidential candidates, Vice President Bush and Governor Dukakis, endorsed broad civil rights protections for people with disabilities. The disability community was determined to assure that President Bush would make good on his campaign promise, and reinvoked it repeatedly during the legislative process. From that moment, the disability community mobilized, organizing a multi-layered strategy for passage. A team of lawyers and advocates worked on drafting and on the various and complex legal issues that were continually arising; top level negotiators and policy analysts strategized with members of Congress and their staffs; disability organizations informed and rallied their members; a lobbying system was developed using members of the disability community from around the country; witnesses came in from all over the country to testify before Congressional committees; lawyers and others prepared written answers to the hundreds of questions posed by members of Congress and by businesses; task forces were formed; networks were established to evoke responses from the community by telephone or mail; protests were planned – the disability rights movement coalesced around this goal: This commitment was constantly put to the test. The disability community as a whole resisted any proposals made by various members of Congress to exclude people with AIDS or mental illness or to otherwise narrow the class of people covered. Even at the eleventh hour, after two years of endless work and a Senate and House vote in favor of the Act, the disability community held fast with the AIDS community to eliminate an amendment which would have excluded food-handlers with AIDS, running the risk of indefinitely postponing the passage or even losing the bill. Likewise, all of the groups, whether it was an issue particularly affecting their constituencies or not, held fast against amendments to water down the transportation provisions. The underlying principle of the ADA was to extend the basic civil rights protections extended to minorities and women to people with disabilities. The Civil Rights Act prohibited employment discrimination by the private sector against women and racial and ethnic minorities, and banned discrimination against minorities in public accommodations. Before the ADA, no federal law prohibited private sector discrimination against people with disabilities, absent a federal grant or contract. The job of the disability rights movement during the ADA legislative process was to demonstrate to Congress and the American people the need for comprehensive civil rights protections to eradicate fundamental injustice -to demonstrate not only how this injustice harms the individual subjected to it, but also how it harms our society. The first hearing in the 101st Senate on the new ADA was an historic event and set the tone for future hearings and lobbying efforts. It was kicked off by the primary sponsors talking about their personal experiences with disability. Senator Harkin spoke of his brother who is deaf, Senator Kennedy of his son, who has a leg amputation, and Representative Coelho, who has epilepsy spoke about how the discrimination he faced almost destroyed him. The witnesses spoke of their own experiences with discrimination. A young woman who has cerebral palsy, told the Senators about a local movie theater that would not let her attend because of her disability. The President of Galludet College, gave compelling testimony about what life is like for someone who is deaf, faced with pervasive communication barriers. The

audience was filled with Galludet students who waved their hands in approval. The committee also received boxes loaded with thousands of letters and pieces of testimony that had been gathered in hearings across the country the summer before from people whose lives had been damaged or destroyed by discrimination. A woman testified that when she lost her breast to cancer, she also lost her job and could not find another one as a person with a history of cancer. At this Senate hearing and in all the many hearings in the House, members of Congress heard from witnesses who told their stories of discrimination. With each story, the level of consciousness was raised and the level of tolerance to this kind of injustice was lowered. The stories did not end in the hearing room. People with disabilities came from around the country to talk to members of Congress, to advocate for the Bill, to explain why each provision was necessary, to address a very real barrier or form of discrimination. Individuals came in at their own expense, slept on floors by night and visited Congressional offices by day. And it was a long haul. After the spectacular Senate vote of 76 to 8 on September 7,, the Bill went to the House where it was considered by an unprecedented four Committees.

Chapter 7 : Your Right to a Reasonable Accommodation Under the Americans with Disabilities Act (ADA) |

State Legislator Battles 'Serial Filers' Who Exploit Disability Act Infractions - Duration: KPIX CBS SF Bay Area 3, views.

Chapter 8 : Americans with Disabilities Act of - Wikipedia

The Americans with Disabilities Act Amendments Act (ADAAA) of The Americans with Disabilities Act Amendments Act (ADAAA) of was signed into law on September 25, , and became effective on January 1,

Chapter 9 : The Americans with Disabilities Act (ADA): What Title II Means for You

The Americans with Disabilities Act of (42 U.S.C. Â§) is a civil rights law that prohibits discrimination based on www.nxgvision.com affords similar protections against discrimination to Americans with disabilities as the Civil Rights Act of , which made discrimination based on race, religion, sex, national origin, and other characteristics illegal.