

The American with Disabilities Act Public Law 101-336

Purpose

The Americans with Disabilities Act prohibits discrimination against people with disabilities in employment, transportation, public accommodation, communications, and activities of state and local government. Telecommunications relay services are established.

Effective Dates

The Americans with Disabilities Act was signed into law on July 26, 1990. Provisions of the law become effective at various times ranging from 30 days to 30 years. Here is a summary:

Employers with 25 or more workers, July 26, 1992.

Employers with 15 or more workers, July 26, 1994.

State and local Government activities, January 26, 1992.

In general, **Public Accommodations** must be in compliance on January 26, 1992.

Transportation phase-ins for accessibility range from 30 days to 30 years. (See details under transportation.)

Telecommunication relay services become effective three years after the effective date of the law.

Employment Requirements

Employers, employment agencies, labor organizations and joint labor-management committees must:

Have non-discriminatory application procedures, qualification standards, and selection criteria and in all other terms and conditions of employment.

Make reasonable accommodation to the known limitations of a qualified applicant or employee unless to do so would cause an undue hardship.

Exceptions

The bill makes exceptions regarding the employment of a person with a contagious disease, a person who illegally uses drugs or alcohol, employment of someone by a religious entity, and private membership clubs.

Transportation (Publicly and Privately Owned)

All purchase or lease orders for new buses and rail cars must be for accessible vehicles.

Paratransit services must be accessible to, and usable by, people with disabilities. The system must provide a level of service equivalent to that provided non-disabled persons. The providing entity must ensure that all persons with disabilities who need the service can use it. The plan must be submitted by January 26, 1992.

All demand-response service provided to the general public, and privately-funded fixed route service, must purchase accessible vehicles only, unless it can be shown that the service is accessible when viewed in its entirety. However, all new vehicles which carry more than 16 passengers purchased by a privately-funded fixed route service must be accessible.

Newly-purchased over-the-road coaches purchased after July 26, 1996 must be accessible. In the case of small companies, the effective date is July 26, 1997. The President can extend this for one year further. The bill commissions a three-year study to determine the best way to provide access to over-the-road coaches.

New bus and rail terminals must be accessible. In altered facilities, the area remodeled must be accessible to the maximum extent feasible. In major structural alterations, a path of travel to the altered area, including restrooms and other services located in the area, must be accessible.

Key rail stations must be accessible within three years with extensions available up to 20 years (30 years for some rapid or light rail stations). Amtrak stations must be accessible in 20 years.

Within five years, one rail car per train must be accessible.

Public Accommodations

Included is any entity licensed to do business with, or serve, the public such as hotels, theaters, restaurants, shopping malls, stores, office buildings and private social service agencies. They must:

Assure that criteria for eligibility of services do not discriminate. Auxiliary aids and services are required unless they result in an undue burden or fundamentally alter the nature of the goods or services.

Remove barriers from existing facilities when such removal is readily achievable. If not, alternative methods of making goods and services available must be provided.

Make altered facilities accessible to the maximum extent feasible. In major structural renovations, a path of travel to the altered area, including restrooms and other services, must be accessible.

New facilities must be accessible. Generally, other than health-care facilities and multilevel shopping malls, elevators need not be provided in buildings with less than three floors, or less than 3,000 square feet per floor.

State and Local Government

State or local governments may not discriminate against qualified individuals with disabilities. All government facilities, services, and communications must be accessible consistent with the requirements of section 504 of the Rehabilitation Act of 1973.

Telecommunications Relay Services

Within three years after the effective date of the law, phone companies serving the public (interstate and intrastate) must provide TTY relay services for persons with hearing impairments on a 24-hour basis and at no extra charge.

Enforcement

The Equal Employment Opportunity Commission enforces regulations covering employment. For information call 1-800-669-4000 Voice, 1-800-669-6820 TTY.

The Architectural and Transportation Barriers Compliance Board has the responsibility to issue minimum guidelines to ensure that buildings, facilities, and transit vehicles are accessible and usable by people with disabilities. For information call 202-872-2253 Voice, 1-800-993-2822 TTY

The Department of Transportation enforces regulations governing transit. For information call 1-888-446-4511 Voice; use relay service for TTY.

The Federal Communications Commission enforces regulations covering telecommunication services. For information call 1-888-225-5322 Voice/TTY.

The Department of Justice enforces regulations governing public accommodations and State and local government services. For information call 1-800-514-0301 Voice, 1-800-514-0383 TTY.

Penalties

Administrative remedies and the right to sue in Federal Court are available. Attorney's fees for prevailing parties are available. The U.S. Attorney General can file suits and seek penalties. States can be sued.

About Accommodations

Generally, they are not expensive. Many work-station adaptations to accommodate a worker with a disability cost little or nothing. From evaluation of data, the Job Accommodation Network, an international information network and consulting resource for accommodating persons with disabilities in the work place, found that 19% of the accommodations suggested cost nothing, and 69% cost under \$500.

When making an accommodation, consult the individual with disability. Also, the Job Accommodation Network can provide FREE technical assistance. Phone JAN at 1-800-526-7234 or 1-800-232-9675 Voice/TTY.

Disability Defined

Anyone with a physical or mental impairment substantially limiting one or more major life activities; has a record of such impairment; or is regarded as having such an impairment, is considered a person with a disability.

In terms of employment, the law defines a "qualified individual with a disability" as a person with a disability who can perform the essential functions of the job with or without reasonable accommodation

Information taken from: www.dol.gov/odep