

ADA

THE AMERICANS WITH DISABILITIES ACT

THE FOUR GOALS OF THE ADA

- 1 Equal Opportunity
- 2 Full Participation
- 3 Independent Living
- 4 Economic Self-Sufficiency

The ADA is also referred to as the “Emancipation Proclamation for the Disabled.”

PRESIDENT GEORGE H.W. BUSH SIGNED THE ADA INTO LAW ON JULY 26, 1990.

Yes No No Vote

HOUSE (ROLL NO. 228)

July 12, 1990



- 377 (145 Republicans, 232 Democrats)
- 28 (23 Republicans, 5 Democrats)
- 27 (8 Republicans, 19 Democrats)

SENATE (RECORD VOTE NO. 152)

July 13, 1990

- 91 (37 Republicans, 54 Democrats)
- 6 (6 Republicans)
- 3 (2 Republicans, 1 Democrat)



TITLE 1

EMPLOYMENT

Highlights the necessary accommodations that are to be made for individuals in the workplace.

No covered entity or employer shall discriminate against a qualified individual because of a disability.

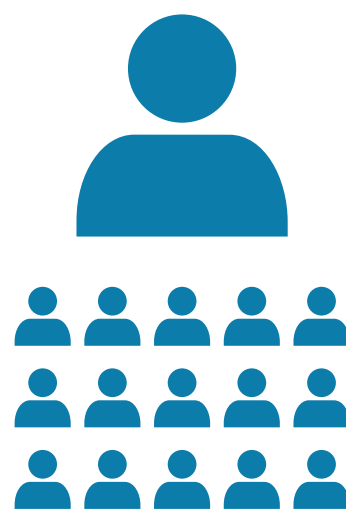
COVERED ENTITIES IN FOREIGN COUNTRIES ARE EXPECTED TO FOLLOW THE POLICIES PUT IN PLACE THROUGH THE ADA.



COVERED ENTITY:

Establishes the authority of the following:

- Employer
- Employment Agency
- Labor Organization
- Joint Labor-Management Committee



EMPLOYER:

an individual with 15 or more employees. Exceptions include the United States, a corporation wholly owned by the United States, an Indian Tribe, or a tax exempt private membership club

QUALIFIED PERSON:

an individual with a disability who can perform the essential functions of the employment position that the individual is seeking

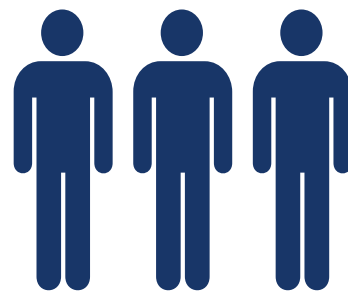


DIRECT THREAT:

a significant risk to the health or safety of an employee that cannot be eliminated with reasonable accommodations. Can be grounds for refusal to hire.

EXECUTORS OF TITLE 1

- Equal Employment Opportunity Commission
- Attorney General
- The Office of Federal Contract Compliance Programs



TITLE 2

PUBLIC SERVICES

Addresses the availability of public services to individuals with disabilities.

Under this section, it is considered discrimination for a public entity to purchase a new bus or vehicle that is not equally accessible to all individuals.

PUBLIC ENTITY:

state or local government, department, agency, special purpose district, and National Railroad Passenger Corporation



PARATRANSIT:

wheelchair and door-to-door accessible transportation provided at request by public entities for those needing special accommodations



Public entities that operate on a fixed route system must provide paratransit services.

CATEGORIES OF TRANSPORTATION

*Mode of transit may fit into more than one



Demand responsive system (anything providing public transit not on a fixed route)



Designated public transportation (transportation by bus, rail, or any other conveyance)



Fixed route system (anything providing public transit on a fixed route and schedule)



Public school transportation



Rail passenger car (single and bi-level cars on intercity rail transportation)

PARATRANSIT SERVICES MUST BE PROVIDED TO

1

Any individual with disabilities, physical or mental, unable to utilize any vehicle on the system

2

Any individual with disabilities who needs the assistance of a wheelchair lift or boarding assistance device

3

Any individual with disabilities who has an impairment-related condition

THE BILL DOES NOT REQUIRE



Space to fold and store a wheelchair



A seat to transfer from a wheelchair



TITLE 3

PUBLIC ACCOMMODATIONS AND SERVICES OPERATED BY PRIVATE ENTITIES

Outlines the responsibilities of private entities for public accommodations and services.

No person should be discriminated against based on a disability in the full use and equal enjoyment of goods and services at any place of public accommodation.

PRIVATE ENTITY:

any entity that is not, by definition, a public entity (See Title 2)

COMMERCIAL FACILITIES:

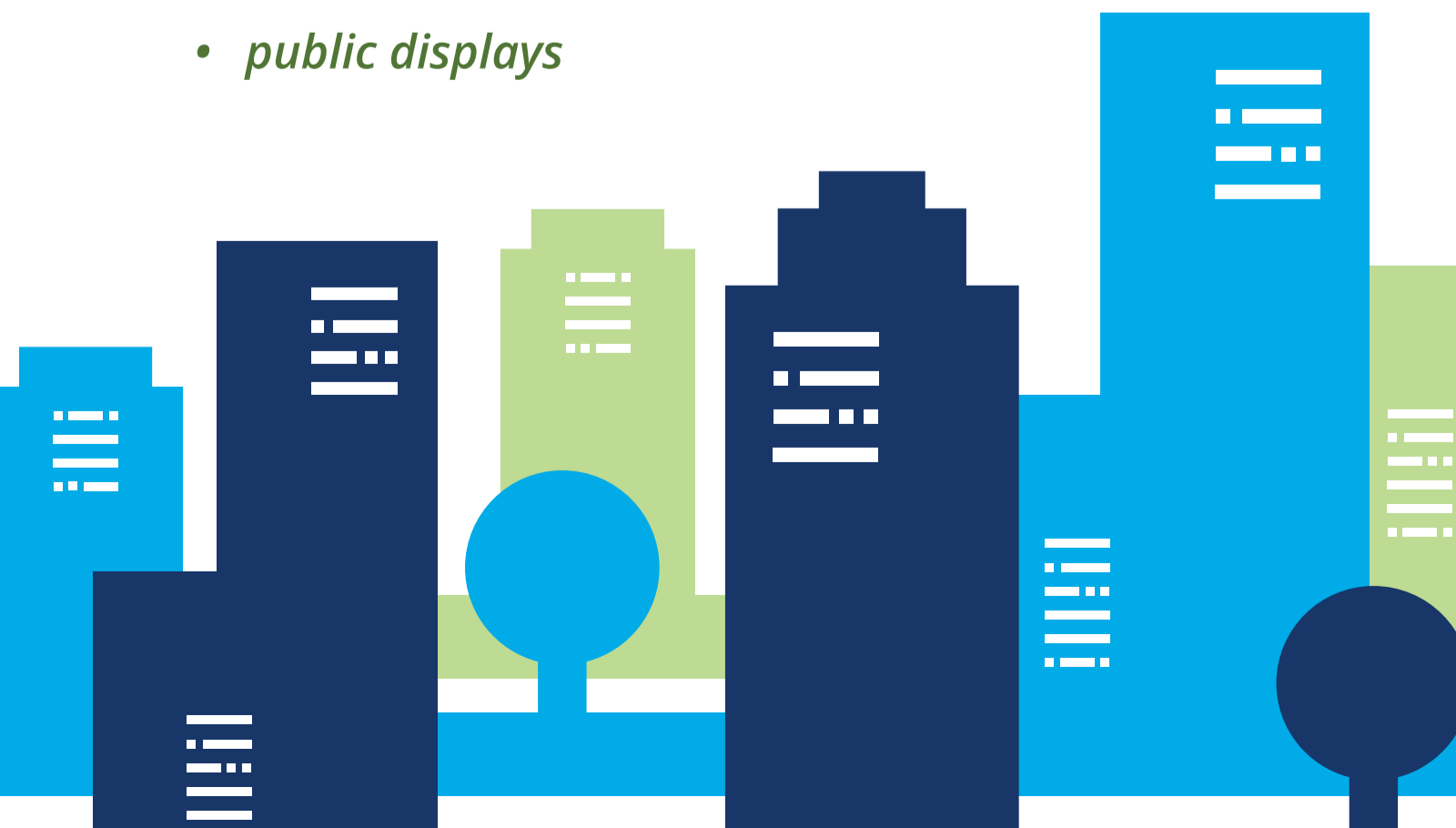
structures or buildings not intended for residential use or with operations that will affect commerce and must include public accommodations.



PUBLIC ACCOMMODATION

May include one of the following:

- *places of lodging*
- *food establishments*
- *places of entertainment*
- *sales establishments*
- *public displays*
- *social service centers*
- *places of exercise*
- *other such locations*



TITLE 4

TELECOMMUNICATIONS

Addresses changes to telecommunications made to accommodate various disabilities.

TELECOMMUNICATION DEVICE FOR THE DEAF (TDD):

a communication system machine that uses images to express messages



RELAYED
CONVERSATIONS
CANNOT BE
COMMUNICATED
IN A WAY OTHER
THAN ORIGINALLY
INTENDED.

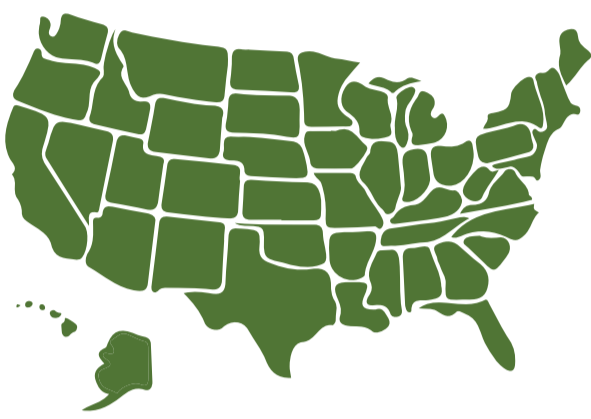
All public service announcements that are produced or funded by the Federal Government must have closed captioning of all verbal content in the announcement.

The Equal Employment Opportunity Commission established regulations that set forth minimum standards and created rules for positions such as relay operators who are part of telecommunications systems.

TITLE 5

MISCELLANEOUS

Works to establish regulations related to individuals with disabilities that are not discussed in other titles of the ADA.



STATES CAN BE FOUND IN VIOLATION OF THE ADA.

The Attorney General, in consultation with experts, formed a plan to assist entities covered by the ADA.

Discrimination because of a person's opposition to the ADA is not allowed.



WHEELCHAIR:

a device to be used by a mobility-impaired person for movement

“DISABILITY” IS DEFINED DIFFERENTLY IN EVERY SECTION OF THE ADA BUT DOES NOT INCLUDE:



KLEPTOMANIA



COMPULSIVE GAMBLING



AN INDIVIDUAL ENGAGING IN THE ILLEGAL USE OF DRUGS



AMONG OTHERS

