



# The Americans with Disabilities Act of 1990

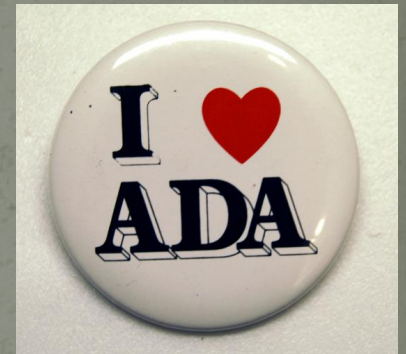
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Human Relations Commission Meeting  
April 7, 2020



# Americans with Disabilities Act of 1990

- What is the Americans with Disabilities Act (ADA) of 1990?
- Why do we need the ADA?
- What areas does the ADA regulate?
  - Employment
  - State and Local Governments
  - Public Accommodations
  - Telecommunications
  - Miscellaneous Provisions
- Who enforces the regulations in the ADA?
- What is the City's role with the ADA?
- How does someone file a complaint under the ADA?





# What is the Americans with Disabilities Act of 1990?

- ADA is a wide-ranging civil rights law that prohibits, under certain circumstances, discrimination based on disability.
- It affords similar protections against discrimination to Americans with disabilities as the Civil Rights Act of 1964, which made discrimination based on race, religion, sex, national origin, and other characteristics illegal.



# What is the Americans with Disabilities Act of 1990?

- What is a “disability” under the ADA?
  - A person with a "disability" is someone who has an impairment that causes a substantial limitation in a major life activity such as breathing, walking, reading, thinking , hearing, seeing or working.
  - The ADA also applies to people who have a record of having a substantial impairment or are regarded as having such an impairment.



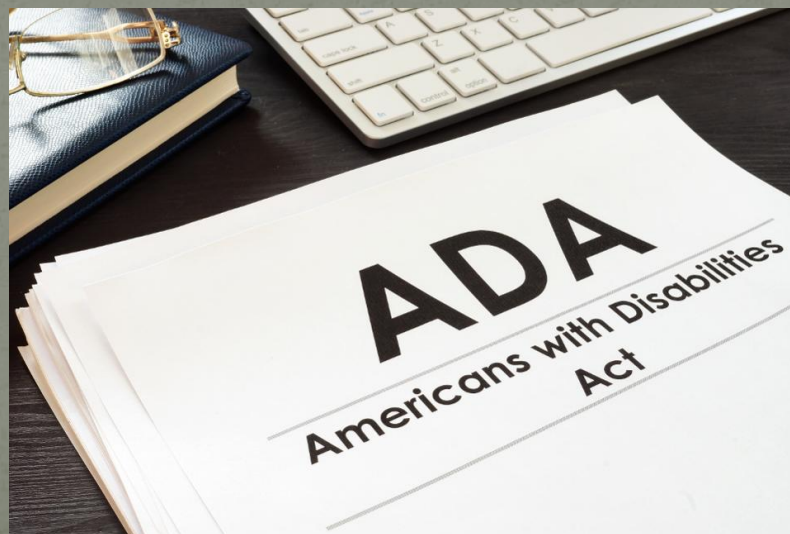


# Why do we need the ADA?

- Many people with physical or mental disabilities have been precluded from fully participating in all aspects of society because of discrimination; others who have a record of a disability or are regarded as having a disability also have been subjected to discrimination.
- The ADA works to make sure that each and every one of the millions of Americans with disabilities has equal opportunities in all aspects of life, employment, public accommodations, state and local government, transportation and telecommunications.

# What areas does the ADA regulate?

- Employment
- State and Local Government
- Public Accommodations
- Telecommunications





# Employment Provisions

- The ADA 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 privileges of employment.



# Employment Provisions

- Employers with 15 or more employees must provide "**reasonable accommodations**" for qualified employees with disabilities to allow them equal opportunity to participate in the job application process, perform the essential functions of the job, or enjoy the benefits and privileges of employment. These could include making existing facilities accessible, altering a work schedule, purchasing assistive technology products, or job reassignment or restructuring.
- Other covered entities must make **reasonable changes to policies and programs** to accommodate persons with disabilities, as well as **provide auxiliary aids and services**, such as sign language interpreters, to ensure effective communication with people with disabilities.



# Employment Provisions



- “Reasonable accommodations”:
  - A modification or adjustment to a job, the work environment, or the way things usually are done that enables a qualified individual with a disability to enjoy an equal employment opportunity; or
  - Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position.

# State and Local Government Provisions

- Activities of State and Local Government
  - These provisions are intended to protect qualified individuals with disabilities from discrimination on the basis of disability in the **services, programs, or activities of all state and local governments.**
  - Extends the prohibition of discrimination on the basis of disability established by Section 504 of the Rehabilitation Act of 1973, as amended, to all activities of state and local governments, including those that do not receive Federal financial assistance.





# State and Local Government Provisions

- Public Transportation Provisions
  - Intended to clarify the requirements of Section 504 for **public transportation entities** that receive Federal financial assistance.
  - Extends coverage to all public entities that provide public transportation, whether or not they receive Federal financial assistance.
  - Establishes detailed and complex standards for the operation of public transit systems, including commuter and intercity rail (AMTRAK).
  - U.S. Department of Transportation is responsible for the implementation of these provisions/regulations.





# Public Accommodation Provisions

- Require all newly constructed public buildings be readily accessible and barriers in existing facilities be removed if possible. Public Accommodations include retail stores, hotels, grocery stores, museums, and even privately owned transportation systems.
- Cover public accommodations, commercial facilities, and examinations and courses related to licensing or certification.
- Cover transportation provided to the public by private entities.
- Public accommodations are private entities that own, operate, or lease to places that provide goods and services to the public. Places of public accommodation include, but are not limited to, restaurants, hotels, theaters, convention centers, retail stores, shopping centers, dry cleaners, laundromats, pharmacies, doctors' offices, hospitals, museums, libraries, parks, zoos, amusement parks, private schools, day care centers, health spas, and bowling alleys.





# Telecommunications Provisions

- Address the accommodation requirements for telecommunications companies offering telephone service to the general public. These companies must have telephone relay service. This service is for use by persons requiring TTYs or similar communication devices.
- A TTY is a special device that lets people who are deaf, hard of hearing, or speech-impaired use the telephone to communicate, by allowing them to type text messages. A TTY is required at both ends of the conversation in order to communicate. It can be used with both land lines and cell phones.



# Telecommunication Provisions

- Address telephone and television access for people with hearing and speech disabilities.
- Enforced by the Federal Communications Commission (FCC).
- Specifically required under these provisions are:
- Closed captioning of federally funded public service announcements (PSAs).
- As of July 26, 1993, the establishment by telephone companies of in-state and state-to-state telecommunications relay services (TRS) 24 hours a day, 7 days a week.



# Miscellaneous Provisions

- Contain 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, prohibition against retaliation and coercion, illegal use of drugs and attorney fees.
- Provide a list of certain conditions that are not to be considered as disabilities.
- Cover other requirements and definitions that are not addressed in other provisions.
- Include language regarding a prohibition against retaliation and coercion.
- Do not preclude or require restrictions on smoking.
- Does not change the status of insurance underwriting.
- Requires several federal agencies to develop technical assistance plans to assist covered entities to understand their ADA responsibilities.
- Encourages the use of alternative dispute resolution (ADR).



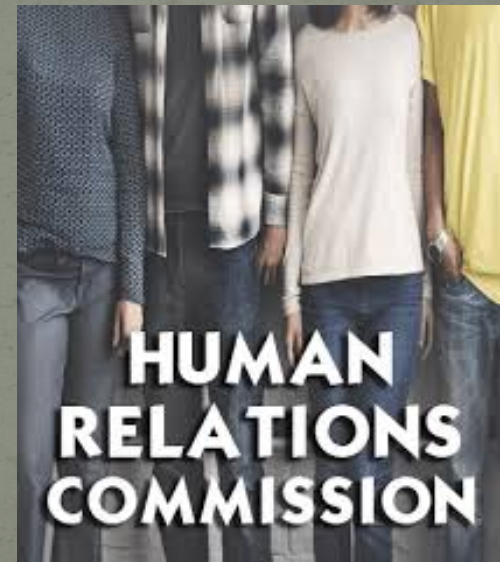
# Who enforces the regulations in the ADA?

- Department of Justice
  - Federal agency that has the authority to enforce all provisions of the ADA, but focuses primarily on public services by State and local government and public accommodations.
- Equal Employment Opportunity Commission
  - Federal agency primarily responsible for enforcement of the employment discrimination regulations of the ADA.
- Department of Transportation
- Federal Communication Commission



# What is the City's role with the ADA?

- City ADA Coordinator
- Oberlin Human Relations Commission





# What is the City's role with the ADA?

- City ADA Coordinator (Code Administrator)
  - Plays an advisory role in an ADA dispute.
  - Can evaluate an ADA concern.
  - Can consult the most recent ADA laws to determine if a case falls under the ADA guidelines.
  - Can consult the City of Oberlin's Codified Ordinances to determine if an issue can be handled through existing City ordinances.
  - Can direct a complainant to the proper channels to seek action on an ADA complaint.



# What is the City's role with the ADA?

- Human Relations Commission
  - 149.03 ADA GRIEVANCE PROCEDURE.
  - The Human Relations Commission is hereby designated as the ADA Grievance Committee for the purpose of dealing with any grievances filed in accordance with that procedure.
  - The Human Relations Commission plays an advisory role in issues concerning ADA violations. They provide a platform for a complainant to:
    - Voice their issue.
    - Have their issue documented.
    - Receive clarification on what constitutes a complaint to be deemed as an ADA violation.
    - Receive information on what Federal entity to report a valid ADA violation.



# How does someone file a complaint under the ADA?

- **You can access a complaint form at [ADA.GOV](http://ADA.GOV). Complaints should include:**
  - Name, address, the telephone numbers, and the name of the party discriminated against (if known);
  - Name and address of the business, organization, institution, or person that you believe has committed the discrimination;
  - A brief description of the acts of discrimination, the dates they occurred, and the names of individuals involved;
  - Other information you believe necessary to support your complaint;
  - Information about how to communicate with you effectively.
- You may use the on-line complaint form for any ADA complaint, **but you are not required to do so.**



# How does someone file a complaint under the ADA?

- Send ADA complaints by mail to:
  - US Department of Justice  
950 Pennsylvania Avenue, NW  
Civil Rights Division  
Disability Rights Section – 1425 NYAV  
Washington, D.C. 20530

