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If we face disability discriminationUnfair treatment of individuals based on their disability in areas such as employment, education, an... at work, we have rights under the Americans with Disabilities Act (ADA)A U.S. law that prohibits discrimination against individuals with disabilities in all areas of publi... protecting us from unfavorable treatment. This includes rights to reasonable accommodationsModifications or adjustments in healthcare settings to support patients with disabilities., and employers can't retaliate against us for requesting them. Recognizing harassment and reporting it is essential, and we can file complaints with the EEOC for further action. Seeking support from legal services and disability rightsThe legal and human rights afforded to individuals with disabilities, often the focus of advocacy an... organizations can help us navigate these issues. There's more to explore on safeguarding our workplace rights. You have the right to request reasonable accommodations for your disability without fear of retaliation from your employer. Employers must engage in an interactive process to determine necessary accommodations for your disability. You can file a complaint with the EEOC if you experience disability discrimination at work. Documenting incidents of discrimination strengthens your case when reporting to HR or pursuing legal action. You can seek support from Employee Assistance Programs and Disability Rights Organizations for guidance and advocacyThe act of arguing in favor of, supporting, or defending the rights and interests of individuals or .... Disability discrimination in the workplace is a critical issue we must understand to create inclusive environments. We all deserve a workplace where everyone feels respected and valued, regardless of ability. Disability discrimination occurs when employees are treated unfavorably due to their disabilities. This can manifest in hiring decisions, promotions, or access to benefits. It's important for us to recognize these behaviors and the impact they've on individuals and the workplace as a whole. As we explore the key provisions of the ADA, it's essential to understand how the Act defines disability and what that means for employees. We'll examine how reasonable accommodations can guarantee a fair work environment and highlight employer obligations to maintain compliance. Together, we'll gain a clearer picture of how these provisions protect the rights of individuals with disabilities in the workplace. Maneuvering the complexities of the Americans with Disabilities Act (ADA) begins with understanding how the law defines disability. According to the ADA, a disability is a physical or mental impairmentA loss or abnormality of a body structure or function, whether physical, mental, or sensory, often a... that substantially limits one or more major life activities. It's essential we grasp that this includes conditions impacting activities like walking, talking, or even concentrating. The definition also covers those who've a history of such impairments or are perceived by others as having such an impairment, even if they don't have a disability that limits a major life activity at present. We should remember that the ADA's definition is broad, aiming to protect individuals from discrimination based on real or perceived disabilities. This understanding is foundational for asserting our rights under the ADA. Understanding how the ADA defines disability lays the groundwork for exploring the concept of reasonable accommodations, a key provision under this law. Reasonable accommodations are changes or adjustments to a job or work environment that allow individuals with disabilities to perform their job duties effectively. They're tailored to each person's needs, guaranteeing equal employment opportunities. Examples include modifying work schedules, providing assistive technology, or reassigning non-essential tasks. We must understand that these accommodations shouldn't impose undue hardshipA legal concept that refers to significant difficulty or expense imposed on an employer or service p... on employers, meaning significant difficulty or expense. Engaging in an interactive process with employers helps identify suitable accommodations. Steering the responsibilities imposed by the Americans with Disabilities Act (ADA) is vital for employers, as these obligations guarantee a fair and equitable workplace. Together, we can create an environment where everyone feels valued and respected. By understanding employer obligations, we can make certain that workplaces comply with the ADA's key provisions. Let's break it down: Provide Reasonable Accommodations: Employers must tailor workspaces and duties to accommodate employees' needs unless it causes undue hardship. Prohibit Discrimination: It's essential that employers don't discriminate in hiring, promotion, or firing processes based on disability. Guarantee AccessibilityThe design of products, devices, services, or environments to be usable by people with disabilities....: Workplaces should be accessible, including facilities and technology, enabling all employees to perform their roles effectively. While traversing the workplace, it's vital to understand our rights to reasonable accommodations under disability discrimination laws. These rights guarantee we've equal opportunities to perform our jobs effectively. Accommodations can vary widely, from modified workstations to flexible work hours, depending on individual needs. The key is that these accommodations should help us overcome barriers without causing undue hardship to our employer. It's important for us to know that employers are legally obliged to provide reasonable accommodations unless doing so would be considerably challenging. This means we shouldn't hesitate to identify and communicate our needs. When we're ready to request accommodations from our employer, how do we guarantee the process is smooth and effective? It's essential to approach this with clarity and respect, making sure our needs are clearly communicated. Here's how we can set ourselves up for success: Prepare Your Request: Thoroughly understand our specific needs and how they can be accommodated. Clearly articulate these in writing, providing relevant medical documentation if necessary. Communicate Openly: Approach the conversation with empathyThe ability to understand and share the feelings of another, particularly important in understanding..., aiming to foster a collaborative atmosphere. Be honest about how these accommodations will help us perform our best. Follow Up: After the initial request, follow up to make certain that our needs are being addressed. This helps maintain momentum and shows our commitment to the process. Together, we can create a supportive work environment. Let's look at how we can identify harassment and recognize a hostile work environment. By understanding the signs of discriminatory behavior, we can take steps to report it effectively and guarantee we're protected under the law. Together, let's empower ourselves with the knowledge to create a more inclusive and respectful workplace. How can we tell if our workplace is becoming a hostile environment? Recognizing harassment signs is essential for our well-being and professional growth. We must stay vigilant and trust our instincts. Here are some signs to watch out for: Persistent Hostility: Do we feel belittled or ridiculed regularly? Repeated negative comments or exclusion from workplace activities can signal harassment. Unequal Treatment: Are we treated differently because of a disability? Consistently receiving less desirable assignments or being overlooked for promotions can indicate discrimination. Inappropriate Jokes or Comments: Do we hear offensive jokes related to disabilities? Such comments create an uncomfortable and toxic atmosphere. While recognizing harassment and a hostile work environment is essential, reporting discriminatory behavior is the next crucial step in addressing the issue. We must document every incident, noting dates, times, and witnesses, as this detailed record strengthens our claims. It's imperative to report these incidents to our HR department or a trusted supervisor promptly. Doing so not only protects us but also helps foster a safer workplace for everyone. When we approach HR, let's be clear and concise, focusing on facts without letting emotions cloud our message. We should ask about the steps they'll take to investigate and follow up on our report. Remember, we've the right to work in an environment free from discrimination, and taking action is a powerful step toward change. Understanding our legal protection measures is essential for recognizing harassment and a hostile work environment. We must be vigilant in identifying these issues to protect ourselves and others. Harassment can be subtle or overt, and recognizing it requires attention to our rights. Let's explore the measures in place: Reasonable Accommodations: We're entitled to reasonable modifications at work, ensuring equal opportunities without facing undue hardship. It's empowering to know we can request these changes. Reporting Mechanisms: We've the right to report any form of harassment without fear of retaliation. This empowers us to stand up against injustice. Legal Recourse: If the environment remains hostile, legal avenues are available to seek justice. Knowing this can provide peace of mind and a path to resolution. Experiencing discrimination at work can be both frustrating and disheartening, but we must take decisive steps to address it. First, document every instance of discrimination. Keep detailed records, including dates, times, locations, and any witnesses present. This documentation will be invaluable if we need to escalate the issue. Next, it's important to review our company's policies on discrimination. Understanding the procedures can help us navigate the situation effectively. We should then consider discussing our concerns with a trusted colleague or supervisor. This step can sometimes lead to an informal resolution. If the issue persists, contacting Human Resources is vital. They're responsible for ensuring a fair and safe workplace. Let's remember that addressing discrimination is our right, and taking action is essential. When we decide to file a complaint with the EEOC, understanding the filing process and gathering the necessary documentation is essential. We need to guarantee we've all relevant details, including dates, names, and specific incidents of discrimination. Let's explore how to effectively prepare and submit our complaint to advocate for our rights. Filing a complaint with the Equal Employment Opportunity Commission (EEOC) can feel intimidating, yet it's important for addressing workplace discriminationUnfair treatment of employees based on disability, including hiring, promotion, job assignment, term.... We must remember that seeking justice is our right. Understanding the EEOC filing process can empower us to take action confidently. Here's how we can begin: Contact the EEOC: Reach out to your nearest EEOC office. An intake interview will help clarify if the issue falls under their jurisdiction. This step is significant for ensuring our concerns are heard. File a Charge: After the interview, if appropriate, we file a formal charge of discrimination. This step is essential for initiating an investigation. Await EEOC Response: The EEOC will notify our employer and investigate the claim. Patience is necessary as this process unfolds. Before we explore the process of filing a complaint with the EEOC, it's vital to understand the documentation required to support our case effectively. First, we must gather all relevant employment records, including job descriptions, performance reviews, and any correspondence related to the discrimination. Documenting incidents meticulously is significant—note dates, times, locations, and individuals involved. Medical records, if applicable, that outline the nature of our disability can help substantiate our claims. If there are witnesses, their statements will strengthen our case. Emails or texts showcasing discriminatory language or behavior are invaluable. Finally, maintain a timeline of events to show any patterns. Although it's intimidating to speak up about workplace discrimination, it's crucial to understand the robust legal protections that guard against retaliation for doing so. The law is on our side, ensuring we can report discrimination without fear of losing our jobs or facing other negative consequences. Here are some key protections to be aware of: Employment Security: We're protected from wrongful termination or demotion after reporting discrimination, safeguarding our livelihoods. Protection from Harassment: Any form of harassment or intimidation by our employer or colleagues as a result of our report is illegal. Right to File a Complaint: We've the right to file a complaint with the Equal Employment Opportunity Commission (EEOC) if we experience retaliation. These safeguards empower us to stand up for our rights. Understanding our rights and protections is just the first step in addressing workplace discrimination. When we experience disability discrimination, seeking legal assistance can be vital. An experienced attorney can help us navigate complex legal processes and guarantee our voices are heard. They'll guide us in gathering evidence, filing complaints, and representing our interests throughout the legal proceedings. Finding the right legal representationThe way people with disabilities are depicted in media, culture, and politics, often influencing pub... starts with researching attorneys who specialize in employment law, particularly those experienced in disability cases. We can ask for recommendations, read reviews, and schedule consultations to find someone we trust. When it comes to resources and support for employees with disabilities, knowing where to turn can make all the difference. We recognize that maneuvering through workplace discrimination can feel overwhelming. However, there are invaluable resources available to help us advocate for our rights and well-being. Here's where we can find support: Employee Assistance Programs (EAPs): Many employers offer EAPs to provide confidential guidance and support for personal or workplace issues, including discrimination. Disability Rights Organizations: Groups like the Job Accommodation Network (JAN)A U.S. service that provides free, expert, and confidential guidance on workplace accommodations and... offer expert advice and information on workplace accommodations and discrimination issues. Support Groups and Forums: Connecting with others who face similar challenges can provide emotional support and practical advice. In maneuvering workplace disability discrimination, we must remember our rights under the ADA. We're entitled to reasonable accommodations and a harassment-free environment. If we face discrimination, let's not hesitate to request accommodations or file a complaint with the EEOC. Legal protections exist against retaliation, and seeking legal assistance can be vital. We're not alone in this journey; numerous resources and support networks are ready to help us advocate for our rights and foster inclusive workplaces. vary across cities and are essential for community infrastructure. We are an experienced driven nonprofit organization offering expertise, consulting, validation, and certification based on cutting-edge research for safe and comfortable play areas for children. View the report card to see where your playground ranks. We are a nonprofit 501(c) 3 organization grounded in research, experiences, and best practices. We customize services to support at the local, state, national, and international level. Our program has a collection of 150 years of topical expertise, research, public speaking, training, and certification programs. Learn comprehensive safety guidelines, standards, regulations, and best practices for play areas for children of all age groups through training, certification, and recertification. How to Handle Disability Discrimination in the Workplace was originally published on Fairygodboss. If you have a disability, you probably face challenges on a regular basis. Disability discrimination should not be one of them. Discriminating against someone on the basis of her disability in the workplace is illegal. If it occurs, victims should address it with their employers immediately, and if the matter is not resolved according to their satisfaction, they may choose to sue. What exactly is disability discrimination — and what actions can you take if you or someone you know has been a victim of it? Here's what it means, examples of this behavior in the workplace and the steps to handle it. Disability discrimination involves treating workers differently because of their disability, disability history, perceived disability or association with someone else who has a disability. Victims of disability discrimination are treated unfavorably or placed at a disadvantage. According to the U.S. Equal Opportunity Commission, such behavior violates the Americans with Disabilities Act (ADA), which makes it illegal for employers to discriminate against job applicants and employees based on their disabilities, both mental and physical. Disability discrimination encompasses many behaviors and actions, and some people may not be aware of just what constitutes it. Here are three examples of disability discrimination in the workplace. • Failing to provide reasonable accommodations Employers must accommodate people with disabilities, provided it is financially and realistically feasible to do so. For instance, if an employee uses a wheelchair, an employer who doesn't install a wheelchair ramp and has the resources and means to do so is engaging in disability discrimination. • Harassing an employee because of her disability An employee who is mocked because of a real or imagined disability is the victim of disability discrimination. For instance, other employees might make fun of a coworker's verbal tics that are due to Tourette's Syndrome. • Firing or demoting an employee because of her disability An employer may not fire an employee because of circumstances that result from her disability. It is also illegal to demote an employee because of her disability. This is true of all employment decisions, such as hiring or asking a job applicant about disabilities during the hiring process. So, if you or someone you know has been the victim of disability discrimination in the workplace, what should you do? Here are the steps to take. The ADA prohibits discrimination against people with disabilities. Discrimination encompasses (but is not limited to): • Employment decisions such as hiring and firing (a disability must not be a factor) • Providing reasonable accommodations to employees with disabilities • Harassment and treatment of employees Review the laws concerning disability discrimination so you are aware of your entitlements and what constitutes this behavior. It's important to understand your rights as an employee with a disability so you can assert them if need be. If a violation has occurred, inform your employer (usually your manager or HR). They may not be aware of your disability, your rights, or their legal responsibility in the matter. In that case, they may be willing to work with you to resolve the issue before you file a formal complaint. If you have notified your employer of the issue and they are unwilling to address the problem, you will need to file a formal complaint internally. This is a necessary step before taking legal action against your employer, and they may want to attempt to correct the problem to avoid a formal investigation and possible lawsuit. You'll need to file a claim of disability discrimination with the EEOC or the agency that handles claims of discrimination in your state if your employer is unwilling to work with you to resolve the issue. This step enables you to ultimately sue for discrimination. You must file your claim within 300 days in states that have disability discrimination laws or 180 days in states that don't. Once you file, the agency will investigate the matter, after which it will likely issue you a "right-to-sue" letter. You can request the letter before the investigation is complete. (This may occur whether or not the agency finds that discrimination has taken place.) Receiving this letter means you will able to sue your employer. If you do choose to sue your employer, hire an attorney (if you haven't already) to represent you in court and advise you on your best course of action. She will offer an opinion on the winnability of your lawsuit. She will also handle the paperwork and ensure that you meet the legal requirements and deadlines. If disability discrimination has occurred within your workplace and you've performed all the necessary steps as outlined above, including filing an internal claim and a claim with the EEOC or your state agency, it may be time to sue your employer. This is a personal choice that you should consider carefully, weighing the pros and cons and taking into account your attorney's opinion and evaluation of your likelihood of winning a lawsuit. It's also important to inform anyone who might be affected by your decision, such as family members; just be careful about telling coworkers and other business contacts — there may be legal implications — and make sure to ask your lawyer before you do. Outcomes of disability discrimination lawsuits vary due to the nature of the dispute and what has happened. If you were fired because of your disability and win a lawsuit against your former employer, you may be entitled to monetary damages such as legal fees, back pay, punitive damages and compensation for pain and suffering. According to NOLO, the maximum award for damages in this type of case is limited to $50,000-$300,000 by federal law. (The variation depends on the size of your employer.) — This article reflects the views of the author and not necessarily those of Fairygodboss. Laura Berlinsky-Schine is an editor and writer based in Brooklyn with her demigod/lab-mix Hercules. She primarily focuses on education, technology and career development. She has worked with Penguin Random House, Fairygodboss, CollegeVine, BairesDev and many other publications and organizations. Her humor writing has appeared in the Belladonna, Weekly Humorist, Slackjaw, Little Old Lady Comedy, and Points in Case. She also writes fiction and essays, which have appeared in publications including The Memoirist and The Avalon Literary Review. View her work and get in touch at: www.lauraberlinskyschine.com. Curated by uConnect Find out how the ADA requires businesses, non-profits, and state/local governments to provide accessible parking spaces. The Americans with Disabilities Act (ADA) has established minimum requirements for public restrooms and commercial bathrooms. These requirements apply to all government, state, local, parks, recreational centers, and commercial businesses for new and altered construction sites. ADA bathroom layout guidelines are designed to protect people with disabilities and ensure that they have appropriate space in the public restrooms. Adherence to ADA guidelines is not optional. The American Disabilities Act is a civil rights law, established at the federal level, that prohibits discrimination against people with disabilities. The law has been set up so that each state and local government is to enforce this law with the appropriate building codes that require compliance with the 2010 ASA standards. Guidelines for ADA Bathroom Layouts There are many guidelines to consider when building an ADA bathroom layout. There are specific dimensions that must be followed for handicap accessible restrooms. In fact, each restroom must adhere to specific dimensions for the grab bars, mirrors, sink, toilet, tissue dispenser, towel dispenser, seat covers, and hand soap dispensers. An overview of ADA bathroom layout requirements: For single handicapped restrooms there must be a 60" diameter for a wheel chair in the room. The grab bars are located off the back wall 33"-36" from the floor and are 36" width. Another grab bar 42" length is also used at 33"-36" from the floor off the wall on the side. The mirrors must be ADA approved and are tilted to help the handicap. The bottom of the reflective mirror starts at 40" from the floor. Towel dispensers are mounted at 48" at the bottom of the dispenser from the floor. Toilet tissue dispensers are at 15"-19" from the floor. The seat cover dispensers are also at 15"–48" from where they grab the seat cover from the dispenser. The hand dryers requires a 30" x 48" clear floor space and mounted minimum 15" and no higher than 48" from the floor. Soap dispensers should be mounted no higher than 44" above the floor. An Example of a Single ADA Bathroom Layout Multiple Toilet Stall Layouts For commercial bathrooms with multiple toilet stalls and handicap the rules change a little: In a corner handicap stalls require a minimum of 60" x 60" compartment and is required with a minimum door size of 32" and the maximum size and more common is the 36" door. Ambulatory compartment stalls are 35" – 37" width and have a 32" door which is handicap prepped. These compartments require 60" depth at a minimum. Most handicap doors swing out for more room in the compartment. Having an alcove stall which is surrounded by three walls require 60" diameter on the inside of the compartment. A 36" stall door is used most often with a wheel fitting through that opening. Examples of ADA Toilet Stalls Need Help Ordering ADA Compliant Restroom Materials? ADA compliance can be overwhelming and we want to help! When ordering ADA bathroom toilet stalls please send us your plans so we can quote you. We send all quotes with drawings to make sure everyone is on the same page. Our quotes include drawings, color charts, instructions and of course the quote that includes product, all the necessary hardware and shipping cost. Visit the partition quotes information page to request pricing or get additional information. 1990 U.S. civil rights law This article needs additional citations for verification. Please help improve this article by adding citations to reliable sources. Unsourced material may be challenged and removed.Find sources: "Americans with Disabilities Act of 1990" – news · newspapers · books · scholar · JSTOR (November 2024) (Learn how and when to remove this message) Americans with Disabilities Act of 1990Long titleAn Act to establish a clear and comprehensive prohibition of discrimination on the basis of disabilityAcronyms (colloquial)ADANicknamesAmericans with Disabilities Act of 1990Enacted bythe 101st United States CongressEffectiveJuly 26, 1990CitationsPublic law101-336Statutes at Large104 Stat. 327CodificationTitles amended42 U.S.C.: Public Health and Social WelfareU.S.C. sections created42 U.S.C. ch. 126 § 12101 et seq.Legislative historyIntroduced in the Senate as S. 933 by Tom Harkin (D–IA) on May 9, 1989Committee consideration by Senate Labor and Human ResourcesPassed the Senate on September 7, 1989 (76–8)Passed the House on May 22, 1990 (unanimous voice vote)Reported by the joint conference committee on July 12, 1990; agreed to by the House on July 12, 1990 (377–28) and by the Senate on July 13, 1990 (91–6)Signed into law by President George H. W. Bush on July 26, 1990Major amendmentsADA Amendments Act of 2008United States Supreme Court casesPennsylvania Dept. of Corrections v. Yeskey, 524 U.S. 206 (1998)Bragdon v. Abbott, 524 U.S. 624 (1998)Wright v. Universal Maritime Service Corp., 525 U.S. 70 (1999)Cleveland v. Policy Management Systems Corp., 526 U.S. 795 (1999)Sutton v. United Air Lines, Inc., 527 U.S. 471 (1999)Murphy v. United Parcel Service, Inc., 527 U.S. 516 (1999)Albertson's, Inc. v. Kirkingburg, 527 U.S. 555 (1999)Olmstead v. L.C., 527 U.S. 581 (1999)Board of Trustees of the University of Alabama v. Garrett, 531 U.S. 356 (2001)PGA Tour, Inc. v. Martin, 532 U.S. 661 (2001)Toyota Motor Manufacturing, Kentucky, Inc. v. Williams, 534 U.S. 184 (2002)EEOC v. Waffle House, Inc., 534 U.S. 279 (2002)US Airways, Inc. v. Barnett, 535 U.S. 391 (2002)Chevron U.S.A. Inc. v. Echazabal, 536 U.S. 73 (2002)Barnes v. Gorman, 536 U.S. 181 (2002)Clackamas Gastroenterology Associates, P.C. v. Wells, 538 U.S. 440 (2003)Raytheon Co. v. Hernandez, 540 U.S. 44 (2003)Tennessee v. Lane, 541 U.S. 509 (2004)Spector v. Norwegian Cruise Line Ltd., 545 U.S. 119 (2005)United States v. Georgia, 546 U.S. 151 (2006)Hosanna-Tabor Evangelical Lutheran Church & School v. Equal Employment Opportunity Commission, 565 U.S. 171 (2012)City and County of San Francisco v. Sheehan, No. 13-1412, 575 U.S. ___ (2015)Acheson Hotels, LLC v. Laufer, No. 22–429, 601 U.S. ___ (2023)Stanley v. City of Sanford, No. 23-997, 604 U.S. ___ (2025) The Americans with Disabilities Act of 1990 or ADA (42 U.S.C. § 12101) is a civil rights law that prohibits discrimination based on disability. It affords similar protections against discrimination to Americans with disabilities as the Civil Rights Act of 1964,[1] which made discrimination based on race, religion, sex, national origin, and other characteristics illegal, and later sexual orientation and gender identity. In addition, unlike the Civil Rights Act, the ADA also requires covered employers to provide reasonable accommodations to employees with disabilities, and imposes accessibility requirements on public accommodations.[2] In 1986, the National Council on Disability had recommended the enactment of an Americans with Disabilities Act and drafted the first version of the bill which was introduced in the House and Senate in 1988. A broad bipartisan coalition of legislators supported the ADA, while the bill was opposed by business interests (who argued the bill imposed costs on business) and conservative evangelicals (who opposed protection for individuals with HIV).[3] The final version of the bill was signed into law on July 26, 1990, by President George H. W. Bush. It was later amended in 2008 and signed by President George W. Bush with changes effective as of January 1, 2009.[4] Americans with Disabilities Act of 1988, S. 2346, Page 1[5] Americans with Disabilities Act of 1990, Page 52[6] Americans with Disabilities Act of 1990, Page 1[6] Conditions classed as disabilities under the ADA include both mental and physical conditions. A condition does not need to be severe or permanent to be a disability.[7] Equal Employment Opportunity Commission regulations provide a list of conditions that should easily be concluded to be disabilities: amputation, attention deficit hyperactivity disorder (ADHD), autism, bipolar disorder, blindness, cancer, cerebral palsy, deafness, diabetes, epilepsy, HIV/AIDS, intellectual disability, major depressive disorder, mobility impairments requiring a wheelchair, multiple sclerosis, muscular dystrophy, obsessive–compulsive disorder (OCD), post-traumatic stress disorder (PTSD), and schizophrenia.[8] Other mental or physical health conditions also may be disabilities, depending on what the individual's symptoms would be in the absence of "mitigating measures" such as medication, therapy, assistive devices, or other means of restoring function, during an "active episode" of the condition (if the condition is episodic).[8] Certain specific conditions that are widely considered anti-social, or tend to result in illegal activity, such as kleptomania, pedophilia, exhibitionism, voyeurism, etc. are excluded under the definition of "disability" in order to prevent abuse of the statute's purpose.[9][10] Additionally, sexual orientation is no longer considered a disorder and is also excluded from the definition of "disability".[10][11] However, in 2022, the United States Court of Appeals for the Fourth Circuit stated that the ADA covers individuals with gender dysphoria, which may aid transgender people in accessing legal protections they otherwise may be unable to.[12] See also US labor law and 42 U.S.C. §§ 12111–12117. Speech cards used by President George H. W. Bush at the signing ceremony of the Americans with Disabilities Act (ADA) on July 26, 1990[13] The ADA states that a "covered entity" shall not discriminate against "a qualified individual with a disability".[14] This applies to job application procedures, hiring, advancement and discharge of employees, job training, and other terms, conditions, and privileges of employment. "Covered entities" include employers with 15 or more employees, as well as employment agencies, labor organizations, and joint labor-management committees.[15][16] There are strict limitations on when a covered entity can ask job applicants or employees disability-related questions or require them to undergo medical examination, and all medical information must be kept confidential.[17][18] Prohibited discrimination may include, among other things, firing or refusing to hire someone based on a real or perceived disability, segregation, and harassment based on a disability. Covered entities are also required to provide reasonable accommodations to job applicants and employees with disabilities.[19] A reasonable accommodation is a change in the way things are typically done that the person needs because of a disability, and can include, among other things, special equipment that allows the person to perform the job, scheduling changes, and changes to the way work assignments are chosen or communicated.[20] An employer is not required to provide an accommodation that would involve undue hardship (excessive difficulty or expense), and the individual who receives the accommodation must still perform the essential functions of the job and meet the normal performance requirements. An employee or applicant who currently engages in the illegal use of drugs is not considered qualified when a covered entity takes adverse action based on such use.[21] Part of Title I was found unconstitutional by the United States Supreme Court as it pertains to states in the case of Board of Trustees of the University of Alabama v. Garrett as violating the sovereign immunity rights of the several states as specified by the Eleventh Amendment to the United States Constitution. The Court determined that state employees cannot sue their employer for violating ADA rules. State employees can, however, file complaints at the Department of Justice or the Equal Employment Opportunity Commission, who can sue on their behalf.[22] See 42 U.S.C. §§ 12131–12165. Title II prohibits disability discrimination by all public entities at the local level, e.g., school district, municipal, city, or county, and at state level. Public entities must comply with Title II regulations by the U.S. Department of Justice. These regulations cover access to all programs and services offered by the entity. Access includes physical access described in the ADA Standards for Accessible Design and programmatic access that might be obstructed by discriminatory policies or procedures of the entity. Title II applies to public transportation provided by public entities through regulations by the U.S. Department of Transportation. It includes the National Railroad Passenger Corporation (Amtrak), along with all other commuter authorities. This section requires the provision of paratransit services by public entities that provide fixed-route services. ADA also sets minimum requirements for space layout in order to facilitate wheelchair securement on public transport.[23] Title II also applies to all state and local public housing, housing assistance, and housing referrals. The Office of Fair Housing and Equal Opportunity is charged with enforcing this provision. See 42 U.S.C. §§ 12181–12189. The ADA sets standards for construction of accessible public facilities. Shown is a sign indicating an accessible fishing platform at Drano Lake, Washington. Under Title III, no individual may be discriminated against on the basis of disability with regards to the full and equal enjoyment of the goods, services, facilities, or accommodations of any place of public accommodation by any person who owns, leases, or operates a place of public accommodation. Public accommodations include most places of lodging (such as inns and hotels), recreation, transportation, education, and dining, along with stores, care providers, and places of public displays. Under Title III of the ADA, all new construction (construction, modification or alterations) after the effective date of the ADA (approximately July 1992) must be fully compliant with the Americans With Disabilities Act Accessibility Guidelines (ADAAG)[13] found in the Code of Federal Regulations at 28 C.F.R., Part 36, Appendix A. Title III also has applications to existing facilities. One of the definitions of "discrimination" under Title III of the ADA is a "failure to remove" architectural barriers in existing facilities. See 42 U.S.C. § 12182(b)(2)(A)(iv). This means that even facilities that have not been modified or altered in any way after the ADA was passed still have obligations. The standard is whether "removing barriers" (typically defined as bringing a condition into compliance with the ADAAG) is "readily achievable", defined as "...easily accomplished without much difficulty or expense". The statutory definition of "readily achievable" calls for a balancing test between the cost of the proposed alteration and the wherewithal of the business and/or owners of the business. Thus, what might be "readily achievable" for a sophisticated and financially capable corporation might not be readily achievable for a small or local business. There are exceptions to this title; many private clubs and religious organizations may not be bound by Title III. With regard to historic properties (those properties that are listed or that are eligible for listing in the National Register of Historic Places, or properties designated as historic under state or local law), those facilities must still comply with the provisions of Title III of the ADA to the "maximum extent feasible" but if following the usual standards would "threaten to destroy the historic significance of a feature of the building" then alternative standards may be used. Under 2010 revisions of Department of Justice regulations, newly constructed or altered swimming pools, wading pools, and spas must have an accessible means of entrance and exit to pools for disabled people. However, the requirement is conditioned on whether providing access through a fixed lift is "readily achievable". Other requirements exist, based on pool size, include providing a certain number of accessible means of entry and exit, which are outlined in Section 242 of the standards. However, businesses are free to consider the differences in the application of the rules depending on whether the pool is new or altered, or whether the swimming pool was in existence before the effective date of the new rule. Full compliance may not be required for existing facilities; Section 242 and 1009 of the 2010 Standards outline such exceptions.[24] This section possibly contains original research. Please improve it by verifying the claims made and adding inline citations. Statements consisting only of original research should be removed. (November 2024) (Learn how and when to remove this message) ADA provides explicit coverage for service animals.[25][26] Guidelines protect persons with disabilities and indemnify businesses from damages related to granting access to service animals. Businesses are allowed to ask if the animal is a service animal and ask what tasks it is trained to perform, but are not allowed to ask the service animal to perform the task nor ask for an animal ID. They cannot ask what the person's disabilities are. A person with a disability cannot be removed from the premises unless one of two things happen: the animal is out of control and its owner cannot control it (e.g., a dog barking uncontrollably), or the animal is a direct threat to someone's health and safety. Allergies and fear of animals are not considered to be such a threat. Businesses that prepare or serve food must allow service animals and their owners on the premises even if state or local health laws otherwise prohibit animals. Businesses that prepare or serve food are not required to provide care, food, a relief area for service animals. Extra fees for service animals are forbidden. They cannot be discriminated against, such as by isolation from people at a restaurant. People with disabilities cannot be treated as "less than" other customers. However, if a business normally charges for damages caused by the person to property, damage caused by a service animal can also require compensation. "Auxiliary aid" redirects here. For the concept of auxiliary aid in United Kingdom law, see United Kingdom employment equality law § Disability claims. The ADA provides explicit coverage for auxiliary aids.[27] ADA says that "a public accommodation shall take those steps that may be necessary to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services, unless the public accommodation can demonstrate that taking those steps would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations being offered or would result in an undue burden, i.e., significant difficulty or expense."[27] The term "auxiliary aids and services" includes:[27] Qualified interpreters on-site or through video remote interpreting (VRI) services; notetakers; real-time computer-aided transcription services; written materials; exchange of written notes; telephone handset amplifiers; assistive listening devices; assistive listening systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning; voice, text, and video-based telecommunications products and systems, including text telephones (TTYs), videophones, and captioned telephones, or equally effective telecommunications devices; videotext displays; accessible electronic and information technology; or other effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing; Qualified readers; taped texts; audio recordings; Brailled materials and displays; screen reader software; magnification software; optical readers; secondary auditory programs (SAP); large print materials; accessible electronic and information technology; or other effective methods of making visually delivered materials available to individuals who are blind or have low vision; Acquisition or modification of equipment or devices; and Other similar services and actions. Captions are considered one type of auxiliary aid. Since the passage of the ADA, the use of captioning has expanded. Entertainment, educational, informational, and training materials are captioned for deaf and hard-of-hearing audiences at the time they are produced and distributed. The Television Decoder Circuitry Act of 1990 requires that all televisions larger than 13 inches sold in the United States after July 1993 have a special built-in decoder that enables viewers to watch closed-captioned programming. The Telecommunications Act of 1996 directs the Federal Communications Commission (FCC) to adopt rules requiring closed captioning of most television programming. The FCC's rules on closed captioning became effective January 1, 1998.[28] Title IV of the ADA amended the Communications Act of 1934 primarily by adding section 47 U.S.C. § 225. This section requires that all telecommunications companies in the U.S. take steps to ensure functionally equivalent services for consumers with disabilities, notably those who are deaf or hard of hearing and those with speech impairments. When Title IV took effect in the early 1990s, it led to the installation of public teletypewriter (TTY) machines and other TDD (telecommunications devices for the deaf). Title IV also led to the creation, in all 50 states and the District of Columbia, of what was then called dual-party relay services and now are known as Telecommunications Relay Services (TRS), such as STS relay. Today, many TRS-mediated calls are made over the Internet by consumers who use broadband connections. Some are Video Relay Service (VRS) calls, while others are text calls. In either variation, communication assistants translate between the signed or typed words of a consumer and the spoken words of others. In 2006, according to the Federal Communications Commission (FCC), VRS calls averaged two million minutes a month. See 42 U.S.C. §§ 12201–12213. Title V includes technical provisions. It discusses, for example, the fact that nothing in the ADA amends, overrides or cancels anything in Section 504.[29] Additionally, Title V includes an anti-retaliation or coercion provision. The Technical Assistance Manual for the ADA explains this provision: III-3.6000 Retaliation or coercion. Individuals who exercise their rights under the ADA, or assist others in exercising their rights, are protected from retaliation. The prohibition against retaliation or coercion applies broadly to any individual or entity that seeks to prevent an individual from exercising his or her rights or to retaliate against him or her for having exercised those rights ... Any form of retaliation or coercion, including threats, intimidation, or interference, is prohibited if it is intended to interfere. The ADA has roots in Section 504 of the Rehabilitation Act of 1973.[30] Development of George H. W. Bush Administration Disability Policy. White House Memo. April 21, 1989.[31] The law began in the Virginia House of Delegates in 1985 as the Virginians with Disabilities Act—supported by Warren G. Stambaugh—which was passed by the Virginia General Assembly. It is the first iteration of the Americans with Disabilities Act.[32] In 1986, the National Council on Disability (NCD), an independent federal agency, issued a report, Towards Independence, in which the Council examined incentives and disincentives in federal laws towards increasing the independence and full integration of people with disabilities into U.S. society. Among the disincentives to independence the Council identified was the existence of large remaining gaps in civil rights coverage for people with disabilities in the United States. A principal conclusion of the report was to recommend the adoption of comprehensive civil rights legislation, which became the ADA.[33] The idea of federal legislation enhancing and extending civil rights legislation to millions of Americans with disabilities gained bipartisan support in late 1988 and early 1989. In early 1989 both Congress and the newly inaugurated Bush White House worked separately, then jointly, to write legislation capable of expanding civil rights without imposing undue harm or costs on those already in compliance with existing rules and laws.[34] Over the years, key activists and advocates played an important role in lobbying members of the U.S. Congress to develop and pass the ADA, including Justin Whitlock Dart Jr., Patrisha Wright and others. Wright is known as "the General" for her work in coordinating the campaign to enact the ADA.[35][36] She is widely considered the main force behind the campaign lobbying for the ADA.[37] Senator Bob Dole was a supporter and advocate for the bill.[38] Conservative evangelicals opposed the ADA because the legislation protected individuals with HIV, which they associated with homosexuality.[3] The debate over the Americans with Disabilities Act led some religious groups to take opposite positions.[39] The Association of Christian Schools International opposed the ADA in its original form,[40] primarily because the ADA labeled religious institutions "public accommodations" and thus would have required churches to make costly structural changes to ensure access for all.[40] The cost argument advanced by ACSI and others prevailed in keeping religious institutions from being labeled as "public accommodations".[29] Church groups such as the National Association of Evangelicals testified against the ADA's Title I employment provisions on grounds of religious liberty. The NAE believed the regulation of the internal employment of churches was "... an improper intrusion [of] the federal government."[39] Many companies, corporations, and business groups opposed the Americans with Disabilities Act, arguing that the legislation would impose costs on businesses.[3] Testifying before Congress, Greyhound Bus Lines stated that the act had the potential to "deprive millions of people of affordable intercity public transportation and thousands of rural communities of their only link to the outside world." The US Chamber of Commerce argued that the costs of the ADA would be "enormous" and have "a disastrous impact on many small businesses struggling to survive."[41] The National Federation of Independent Business, an organization that lobbies for small businesses, called the ADA "a disaster for small business".[42] Pro-business conservative commentators joined in opposition, writing that the Americans with Disabilities Act was "an expensive headache to millions" that would not necessarily improve the lives of people with disabilities.[43] Shortly before the act was passed, disability rights activists with physical disabilities coalesced in front of the Capitol Building, shed their crutches, wheelchairs, powerchairs and other assistive devices, and immediately proceeded to crawl and pull their bodies up all 100 of the Capitol's front steps, without warning.[44] As the activists did so, many of them chanted "ADA now", and "Vote, Now". Some activists who remained at the bottom of the steps held signs and yelled words of encouragement at the "Capitol Crawlers". Jennifer Keelan, a second grader with cerebral palsy, was videotaped as she pulled herself up the steps, using mostly her hands and arms, saying "I'll take all night if I have to." This direct action is reported to have "inconvenienced" several senators and to have pushed them to approve the act. While there are those who do not attribute much overall importance to this action, the "Capitol Crawl" of 1990 is seen by some present-day disability activists in the United States as a central act for encouraging the ADA into law.[45] President Bush signs the Americans with Disabilities Act into law.House vote and Senate vote Senator Tom Harkin (D-IA) authored what became the final bill and was its chief sponsor in the Senate. Harkin delivered part of his introduction speech in sign language, saying it was so his deaf brother could understand.[46] President George H. W. Bush, on signing the measure on July 26, 1990,[47] said: I know there may have been concerns that the ADA may be too vague or too costly, or may lead endlessly to litigation. But I want to reassure you right now that my administration and the United States Congress have carefully crafted this Act. We've all been determined to ensure that it gives flexibility, particularly in terms of the timetable of implementation; and we've been committed to containing the costs that may be incurred.... Let the shameful wall of exclusion finally come tumbling down.[48] Remarks on the Signing of the Americans with Disabilities Act (July 26, 1990) George H. W. Bush's July 26, 1990, Remarks on the Signing of the Americans with Disabilities Act Problems playing this file? See media help. The ADA defines a covered disability as a physical or mental impairment that substantially limits one or more major life activities, a history of having such an impairment, or being regarded as having such an impairment. The Equal Employment Opportunity Commission (EEOC) was charged with interpreting the 1990 law with regard to discrimination in employment. The EEOC developed regulations limiting an individual's impairment to one that "severely or significantly restricts" a major life activity. The ADAAA directed the EEOC to amend its regulations and replace "severely or significantly" with "substantially limits", a more lenient standard.[49] On September 25, 2008, President George W. Bush signed the ADA Amendments Act of 2008 (ADAAA) into law. The amendment broadened the definition of "disability", thereby extending the ADA's protections to a greater number of people.[50] The ADAAA also added to the ADA examples of "major life activities" including, but not limited to, "caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working" as well as the operation of several specified "major bodily functions".[50] The act overturned a 1999 US Supreme Court case that held that an employee was not disabled if the impairment could be corrected by mitigating measures; it specifically provides that such impairment must be determined without considering such ameliorative measures. It also overturned the court's finding that an impairment that substantially limits one major life activity must also limit others to be considered a disability.[50] In 2008, the United States House Committee on Education and Labor stated that the amendment "makes it absolutely clear that the ADA is intended to provide broad coverage to protect anyone who faces discrimination on the basis of disability."[51] Thus the ADAAA led to broader coverage of impaired employees. In October 2019, the Supreme Court declined to resolve a circuit split as to whether websites are covered by the ADA. The Court turned down an appeal from Domino's Pizza and let stand a U.S. 9th Circuit Court of Appeals ruling which held that the Americans with Disabilities Act protects access not just to brick-and-mortar public accommodations, but also to the websites and apps of those businesses.[52] The ADA led to significant improvements in terms of access to public services, accessibility in the built environment, and societal understanding of disability.[53] This section is empty. You can help by adding to it. (April 2022) This section needs to be updated. The reason given is: there's been more research since 2005. Please help update this article to reflect recent events or newly available information. (November 2022) Between 1991 (after the enactment of the ADA) and 1995, the employment rate of men with disabilities dropped by 7.8% regardless of age, educational level, or type of disability, with the most affected being young, less-educated and intellectually disabled men.[54] While no causal link between the ADA and that trend has been definitively identified,[55] some researchers have characterized the ADA as ineffectual and argued that it caused this decline by raising the cost of doing business for employers, who quietly avoid hiring people with disabilities for fear of lawsuit.[56][57] To these employers, hiring people with disabilities became too expensive as they had to spend extra on assistive technology. In 2001, for men of all working ages and women under 40, Current Population Survey data showed a sharp drop in the employment of disabled workers, leading at least two economists to attribute the cause to the Act.[58] By contrast, a study in 2003 found that while the Act may have led to short term reactions by employers, in the long term, there were either positive or neutral consequences for wages and employment.[59] In 2005, the rate of employment among disabled people increased to 45% of the population of disabled people.[60] This section is empty. You can help by adding to it. (April 2022) Since enforcement of the act began in July 1992, it has quickly become a major component of employment law. The ADA allows private plaintiffs to receive only injunctive relief (a court order requiring the public accommodation to remedy violations of the accessibility regulations) and attorneys' fees, and does not provide monetary rewards to private plaintiffs who sue non-compliant businesses. Unless a state law, such as the California Unruh Civil Rights Act,[61] provides for monetary damages to private plaintiffs, persons with disabilities do not obtain direct financial benefits from suing businesses that violate the ADA. The attorneys' fees provision of Title III does provide incentive for lawyers to specialize and engage in serial ADA litigation, but a disabled plaintiff does not obtain a financial reward from attorneys' fees unless they act as their own attorney, or as mentioned above, a disabled plaintiff resides in a state that provides for minimum compensation and court fees in lawsuits. Moreover, there may be a benefit to these private attorneys general who identify and compel the correction of illegal conditions: they may increase the number of public accommodations accessible to persons with disabilities. "Civil rights law depends heavily on private enforcement. Moreover, the inclusion of penalties and damages is the driving force that facilitates voluntary compliance with the ADA."[62] Courts have noted: 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.[63] California Governor Gavin Newsom speaking about the ADA on the 30th anniversary in 2020 However, in states that have enacted laws that allow private individuals to win monetary awards from non-compliant businesses (as of 2008, these include California, Florida, Hawaii, and Illinois), "professional plaintiffs" are typically found. At least one of these plaintiffs in California has been barred by courts from filing lawsuits unless he receives prior court permission.[61] Through the end of fiscal year 1998, 86% of the 106,988 ADA charges filed with and resolved by the Equal Employment Opportunity Commission, were either dropped or investigated and dismissed by EEOC but not without imposing opportunity costs and legal fees on employers.[54][unreliable source?] There have been some notable cases regarding the ADA. For example, a major hotel room marketer (Hotels.com) with their business presence on the Internet was sued because their customers with disabilities could not reserve hotel rooms through their website without substantial extra efforts that persons without disabilities were not required to perform.[64] Such lawsuits represent a major potential expansion of the ADA in that they (known as "bricks vs. clicks"), seek to expand the ADA's authority to cyberspace, where entities may not have actual physical facilities that are required to comply. Green v. State of California, No. S137770 (Cal. August 23, 2007)[65] was a case in which the California Supreme Court was faced with deciding whether an employee suing the state is required to prove they are able to perform "essential" job duties, regardless of whether or not there was "reasonable accommodation", or if the employer must prove the person suing was unable to do so. The court ruled the burden was on the employee, not the employer, and reversed a disputed decision by the lower courts. Plaintiff attorney David Greenberg[66] brought forth considerations of the concept that, even in the state of California, employers do not have to employ a worker who is unable to perform "essential job functions" with "reasonable accommodation". Forcing employers to do so "would defy logic and establish a poor public policy in employment matters." Main article: National Federation of the Blind v. Target Corp. National Federation of the Blind v. Target Corp.[67] was a case where a major retailer, Target Corp., was sued because their web designers failed to design its website to enable persons with low or no vision to use it.[68] Main article: Board of Trustees of the University of Alabama v. Garrett Board of Trustees of the University of Alabama v. Garrett[69] was a United States Supreme Court case about Congress's enforcement powers under the Fourteenth Amendment to the Constitution. 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. Barden v. The City of Sacramento, filed in March 1999, 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 the ADA and must be made accessible to persons with disabilities. The ruling was later appealed to the U.S. Supreme Court, which refused to hear the case, letting stand the ruling of the 9th Circuit.[70][71] Bates v. United Parcel Service, Inc (UPS; begun in 1999) was the first equal opportunity employment class action brought on behalf of Deaf and Hard of Hearing workers throughout the country concerning workplace discrimination.[72] It established legal precedent for these employees to be fully covered under the ADA. 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. The outcome was that UPS agreed to pay a $5.8 million award and agreed to a comprehensive accommodations program that was implemented in their facilities throughout the country. Main article: Spector v. Norwegian Cruise Line Ltd. Spector v. Norwegian Cruise Line Ltd.[73] was a case that was decided by the United States Supreme Court in 2005. 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. However, the U.S. 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. Main article: Olmstead v. L.C.Not to be confused with Olmstead v. United States, 277 U.S. 438 (1928), a case regarding wiretapping. Olmstead v. L.C.[74] was a case before the United States Supreme Court in 1999. The two plaintiffs, Lois Curtis and E.W., were institutionalized in Georgia for diagnosed "mental retardation" and schizophrenia. Clinical assessments by the state determined that the plaintiffs could be appropriately treated in a community setting rather than the state institution. The plaintiffs sued the state of Georgia and the institution for being inappropriately treated and housed in the institutional setting rather than being treated in one of the state's community-based treatment facilities. 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 "...perpetuates unwarranted assumptions that persons so isolated are incapable or unworthy of participating in community life." The court added, "Confinement in an institution severely diminishes the everyday life activities of individuals, including family relations, social contacts, work options, economic independence, educational advancement, and cultural enrichment." Therefore, under Title II no person with a disability can be unjustly excluded from participation in or be denied the benefits of services, programs or activities of any public entity.[74] Main article: Michigan Paralyzed Veterans of America v. The University of Michigan Michigan Paralyzed Veterans of America v. The University of Michigan was a case filed before the United States District Court for the Eastern District of Michigan. It was filed on behalf of the Michigan Paralyzed Veterans of America against the University of Michigan claiming that Michigan Stadium violated the Americans with Disabilities Act in its $226-million renovation by failing to add enough seats for disabled fans or accommodate the needs for disabled restrooms, concessions and parking. Additionally, the distribution of the accessible seating was at issue, with nearly all the seats being provided in the end-zone areas. The U.S. Department of Justice assisted in the suit, which was settled in March 2008.[75] The settlement required the stadium to add 329 wheelchair seats throughout the stadium by 2010, and an additional 135 accessible seats in clubhouses to go along with the existing 88 wheelchair seats. 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.[76] The agreement now is a blueprint for all stadiums and other public facilities regarding accessibility.[77] Main article: Paralyzed Veterans of America v. Ellerbe Becket Architects and Engineers One of the first major ADA lawsuits, Paralyzed Veterans of America v. Ellerbe Becket Architects and Engineers (PVA 1996) was focused on the wheelchair accessibility of a stadium project that was still in the design phase, MCI Center (now known as Capital One Arena) in Washington, D.C. 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. While Section 4.33.3 of ADAAG makes reference to lines of sight, no specific reference is made to seeing over standing patrons. The MCI Center, designed by Ellerbe Becket Architects & Engineers, was designed with too few wheelchair and companion seats, and the ones that were included did not provide sight lines that would enable the wheelchair user to view the playing area while the spectators in front of them were standing. This case[78][79] and another related case[80] established precedent on seat distribution and sight lines issues for ADA enforcement that continues to present day. Main article: Toyota Motor Manufacturing, Kentucky, Inc. v. Williams Toyota Motor Manufacturing, Kentucky, Inc. v. Williams,[81] was a case in which the US Supreme Court interpreted the meaning of the phrase "substantially impairs" as used in the Americans with Disabilities Act. It reversed a Sixth Circuit Court of Appeals decision to grant partial summary judgment in favor of the respondent, Ella Williams, that classified her inability to perform manual job-related tasks as a disability. The Court held that the "major life activity" definition for 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, 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.[81][82] This ruling has since been legislatively overturned by the ADA Amendments Act of 2008 (ADAAA). In fact, Congress explicitly cited Toyota v. Williams in the text of the ADAAA itself as one of its driving influences for passing the ADAAA.[83] Main article: US Airways, Inc. v. Barnett This section needs additional citations for verification. Please help improve this article by adding citations to reliable sources in this section. Unsourced material may be challenged and removed. (January 2023) (Learn how and when to remove this message) US Airways, Inc. v. Barnett was decided by the US Supreme Court in 2002. This case[84][85] held that even requests for accommodation that might seem reasonable on their face, e.g., a transfer to a different position, can be rendered unreasonable because it would require a violation of the company's seniority system. 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.g., the plaintiff could offer evidence that the seniority system is so often disregarded that another exception would not make a difference. 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.[86] 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. The Supreme Court decision invalidated both the approach of the district court, which found that the mere presence and importance of the seniority system was enough to warrant a summary judgment in favor of US Airways, as well as the circuit court's approach that interpreted 'reasonable accommodation' as 'effective accommodation.' Main article: Access Now, Inc. v. Southwest Airlines Co. Access Now, Inc. v. Southwest Airlines Co. was a 2002 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. Judge Patricia A. Seitz found that the "virtual ticket counter" of the website was a virtual construct, and hence not a "public place of accommodation". As such, "To expand the ADA to cover 'virtual' spaces would be to create new rights without well-defined standards."[87] Main article: Ouellette v. Viacom International Inc. Ouellette v. Viacom International Inc. (2011) held that a mere online presence does not subject a website to the ADA guidelines. Thus Myspace and YouTube were not liable for a dyslexic man's inability to navigate the site regardless of how impressive the "online theater" is. Main article: Authors Guild, Inc. v. HathiTrust 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.[88] Zamora-Quezada v. HealthTexas Medical Group[89] (begun in 1998) was the first time this act was used against HMOs when a novel lawsuit[90] was filed by Texas attorney Robert Provan against five HMOs for their practice of revoking the contracts of doctors treating disabled patients. In 1999, these HMOs sought to dismiss Provan's lawsuit, but a federal court ruled against them, and the case was settled out of court. Many decisions relating to Provan's unique lawsuit against these HMOs have been cited in other court cases since.[91][92][93][94][95][96][97][98][99][excessive citations] Main article: Campbell v. General Dynamics Government Systems Corp. Campbell v. General Dynamics Government Systems Corp. (2005)[100] concerned the enforceability of a mandatory arbitration agreement contained in a dispute resolution policy linked to an e-mailed company-wide announcement, insofar as it applies to employment discrimination claims brought under the Americans with Disabilities Act. Main article: Tennessee v. Lane Tennessee v. Lane,[101] 541 U.S. 509 (2004), was a case in the Supreme Court of the United States involving Congress's enforcement powers under section 5 of the Fourteenth Amendment. George Lane was unable to walk after a 1997 car accident in which he was accused of driving on the wrong side of the road. A woman was killed in the crash, and Lane faced misdemeanor charges of reckless driving. The suit was brought about because he was denied access to appear in criminal court because the courthouse had no elevator, even though the court was willing to carry him up the stairs and then willing to move the hearing to the first floor. He refused, citing he wanted to be treated as any other citizen, and was subsequently charged with failure to appear, after appearing at a previous hearing where he dragged himself up the stairs.[102] The court ruled that Congress did have enough evidence that disabled people were being denied those fundamental rights that are protected by the Due Process clause of the Fourteenth Amendment and had the enforcement powers under section 5 of the Fourteenth Amendment. It further ruled that "reasonable accommodations" mandated by the ADA were not unduly burdensome and disproportionate to the harm.[103] In 2022, the United States Court of Appeals for the Fourth Circuit stated that the ADA covers individuals with gender dysphoria, which may aid transgender people in accessing legal protections they otherwise may be unable to.[12] ADA Compliance Kit ADA Signs American Disability rights movement Convention on the Rights of Persons with Disabilities Developmental disability Disability in the United States European Accessibility Act Individual rights advocate Interactive accommodation process Job Accommodation Network List of anti-discrimination acts Disability discrimination act Title VII of the Civil Rights Act of 1964 Architectural Barriers Act of 1968 List of disability rights activists Stigma management Timeline of disability rights in the United States United States Access Board Wheelchair ramp ^ "Civil Rights Act of 1964 – CRA – Title VII – Equal Employment Opportunities – 42 US Code Chapter 21". findUSlaw. 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Listen to this article (33 minutes) This audio file was created from a revision of this article dated 9 April 2009 (2009-04-09), and does not reflect subsequent edits.(Audio help · More spoken articles) Official website from the DOJ Civil Rights Division ADA page from the Department of Labor ADA page from the Equal Employment Opportunity Commission As codified in 42 U.S.C. chapter 126 of the United States Code from the US House of Representatives As codified in 42 U.S.C. chapter 126 of the United States Code from the LII Americans with Disabilities Act of 1990 as amended (PDF/details) in the GPO Statute Compilations collection Family Network on Disabilities FNDUSA.ORG—Florida Parent Training and Information Center funded by DOED Offices of Special Education Programs (OSEP) Lainey Feingold's Global Law and Policy: United States – federal (national) What is ADA compliance? How to Create an ADA-Compliant PDF? Retrieved from "

Title I of the Americans with Disabilities Act of 1990 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. The ADA covers employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations. The ADA's nondiscrimination standards also apply to federal sector employees under section 501 of the Rehabilitation Act, as amended, and its implementing rules. Learn about the history of the Act at ADA at 25. An individual with a disability is a person who: Has a physical or mental impairment that substantially limits one or more major life activities; Has a record of such an impairment; or Is regarded as having such an impairment. A qualified employee or applicant with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question. Reasonable accommodation may include, but is not limited to: Making existing facilities used by employees readily accessible to and usable by persons with disabilities. Job restructuring, modifying work schedules, reassignment to a vacant position; Acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials, or policies, and providing qualified readers or interpreters. An employer is required to make a reasonable accommodation to the known disability of a qualified applicant or employee if it would not impose an "undue hardship" on the operation of the employer's business. Reasonable accommodations are adjustments or modifications provided by an employer to enable people with disabilities to enjoy equal employment opportunities. Accommodations vary depending upon the needs of the individual applicant or employee. Not all people with disabilities (or even all people with the same disability) will require the same accommodation. For example: A deaf applicant may need a sign language interpreter during the job interview. An employee with diabetes may need regularly scheduled breaks during the workday to eat properly and monitor blood sugar and insulin levels. A blind employee may need someone to read information posted on a bulletin board. An employee with cancer may need leave to have radiation or chemotherapy treatments. An employer does not have to provide a reasonable accommodation if it imposes an "undue hardship." Undue hardship is defined as an action requiring significant difficulty or expense when considered in light of factors such as an employer's size, financial resources, and the nature and structure of its operation. An employer is not required to lower quality or production standards to make an accommodation; nor is an employer obligated to provide personal use items such as glasses or hearing aids. An employer generally does not have to provide a reasonable accommodation unless an individual with a disability has asked for one. if an employer believes that a medical condition is causing a performance or conduct problem, it may ask the employee how to solve the problem and if the employee needs a reasonable accommodation. Once a reasonable accommodation is requested, the employer and the individual should discuss the individual's needs and identify the appropriate reasonable accommodation. Where more than one accommodation would work, the employer may choose the one that is less costly or that is easier to provide. Title I of the ADA also covers: Medical Examinations and Inquiries Employers may not ask job applicants about the existence, nature, or severity of a disability. Applicants may be asked about their ability to perform specific job functions. A job offer may be conditioned on the results of a medical examination, but only if the examination is required for all entering employees in similar jobs. Medical examinations of employees must be job related and consistent with the employer's business needs. Medical records are confidential. The basic rule is that with limited exceptions, employers must keep confidential any medical information they learn about an applicant or employee. Information can be confidential even if it contains no medical diagnosis or treatment course and even if it is not generated by a health care professional. For example, an employee's request for a reasonable accommodation would be considered medical information subject to the ADA's confidentiality requirements. Drug and Alcohol Abuse Employees and applicants currently engaging in the illegal use of drugs are not covered by the ADA when an employer acts on the basis of such use. Tests for illegal drugs are not subject to the ADA's restrictions on medical examinations. Employers may hold illegal drug users and alcoholics to the same performance standards as other employees. It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on disability or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under the ADA. Federal Tax Incentives to Encourage the Employment of People with Disabilities and to Promote the Accessibility of Public Accommodations The Internal Revenue Code includes several provisions aimed at making businesses more accessible to people with disabilities. The following provides general - non-legal - information about three of the most significant tax incentives. (Employers should check with their accountants or tax advisors to determine eligibility for these incentives or visit the Internal Revenue Service's website, www.irs.gov, for more information. Similar state and local tax incentives may be available.) Small Business Tax Credit (Internal Revenue Code Section 44: Disabled Access Credit) Small businesses with either $1,000,000 or less in revenue or 30 or fewer full-time employees may take a tax credit of up to $5,000 annually for the cost of providing reasonable accommodations such as sign language interpreters, readers, materials in alternative format (such as Braille or large print), the purchase of adaptive equipment, the modification of existing equipment, or the removal of architectural barriers. Work Opportunity Tax Credit (Internal Revenue Code Section 51) Employers who hire certain targeted low-income groups, including individuals referred from vocational rehabilitation agencies and individuals receiving Supplemental Security Income (SSI) may be eligible for an annual tax credit of up to $2,400 for each qualifying employee who works at least 400 hours during the tax year. Additionally, a maximum credit of $1,200 may be available for each qualifying summer youth employee. Architectural/Transportation Tax Deduction (Internal Revenue Code Section 190 Barrier Removal): This annual deduction of up to $15,000 is available to businesses of any size for the costs of removing barriers for people with disabilities, including the following: providing accessible parking spaces, ramps, and curb cuts; providing wheelchair-accessible telephones, water fountains, and restrooms; making walkways at least 48 inches wide; and making entrances accessible.