

---

---

# AMERICANS WITH DISABILITIES ACT

IDAHO ASSISTIVE TECHNOLOGY PROJECT

INFORMATION SHEET #2

---

---

On July 26, 1990, President George Bush signed into law the Americans with Disabilities Act of 1990 (ADA). It is generally agreed that this legislation marks the most significant expansion of civil rights laws in more than 25 years. The ADA has a profound impact on all citizens with disabilities, those who work with these individuals, and all members of our society.

The ADA provides sweeping protection against discrimination to 43 million individuals with disabilities. It prohibits discrimination on the basis of disability in employment, public services and public accommodations. It requires new buses and trains to be accessible to people with disabilities, and it requires telecommunication companies to operate relay systems that will allow hearing- and speech-impaired Americans to use telephone service.

Congressional support for the ADA was manifest in that the Bill was approved by the Senate with a vote of 91 to 6, and approved by the House with a vote of 377 to 28.

As stated in the Act, the purposes of the act were to "provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities; to provide clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities; to ensure that the Federal Government plays a central role in enforcing the standards established in this Act on behalf of individuals with disabilities; and to invoke the sweep of congressional authority, including the power to enforce the 14th Amendment and to regulate commerce, in order to address the major areas of discrimination faced day-to-day by people with disabilities."

Employment discrimination is addressed in Title I of the Act. The ADA prohibits employers, employment agencies and labor organizations from discriminating against a qualified individual with a disability in job application procedures, hiring, advancing, training, compensating and discharging employees, as well as, in other terms, conditions and privileges of employment. Title II of the ADA prohibits a qualified person with a disability from being excluded from or denied the benefits of the services, programs or activities of a public entity. It applies to all state and local governments, their departments and agencies.

Title II clarifies the requirements of Section 504 of the Rehabilitation Act of 1973 for public transportation systems that receive federal financial assistance, and extends coverage to all public entities that provide public transportation, whether or not they receive federal financial assistance. This section allows individuals with disabilities access to public transportation systems.

Title III generally forbids discrimination on the basis of disability in the full and equal enjoyment of goods, services, facilities, privileges and advantages of public accommodations. Public accommodations such as hotels, restaurants, theaters, convention centers, retail sales establishments, service establishments, depots, museums, parks, schools, social service centers and recreation centers may not discriminate on the basis of disability. Physical barriers in existing facilities must be removed, if removal is readily achievable. If not, alternative methods of providing the services must be offered, if they are readily achievable. All new construction in public accommodations must be accessible.

The Federal Communication Commission is required in Title IV to ensure that interstate and intrastate telecommunication relay services are available to the extent possible and in the most efficient manner to hearing- and speech-impaired individuals. It also requires that television public service announcements funded in whole or in part by the federal government be closed-captioned.

All provisions of the ADA may be enforced by a civil action brought by any person who is subjected to discrimination on the basis of disability. In addition, the law may be enforced by the Attorney General of the United States who is empowered to investigate alleged violations of the ADA. In a civil action brought by the Attorney General, a court may grant injunctive relief and may assess a civil penalty of up to \$55,000 to the first violation, and \$110,000 for any subsequent violation.

On Friday, May 30, 2008, Attorney General Michael B. Mukasey signed proposed regulations to revise ADA regulations, including ADA Standards for Accessible Design.

### **Additional Information:**

Alexander Hamilton Institute, Incorporated. (1990). *What Every Manager Should Know About the ADA*. Maywood, NJ: Author.

Conference Report. (1990). *Americans With Disabilities Act of 1990*. (101st Congress 2nd Session Report No. 101-596). Washington, DC: U.S. Government Printing Office.

Olsen, G.G. (1990). The Americans With Disabilities Act of 1990: Sweeping new rights for the disabled. *REHAB Management*, 3, (6), 23-24, 100.

Paralyzed Veterans of America. (1990). *Overview of the Americans with Disabilities Act of 1990*. Washington, DC: Author

updated 7/09