

Americans with Disabilities Act FACT SHEET

The Americans with Disabilities Act of 1990 (ADA) gives civil rights protection to individuals with disabilities similar to protection provided to individuals on the basis of race, sex, national origin, and religion. ADA guarantees equal opportunity for people with disabilities in employment, state, and local government services, public accommodations, transportation, and telecommunications. A person with a disability is covered under ADA if he or she has a physical or mental impairment which substantially limits major life activity, or has a record or history of such an impairment, or is regarded as having such an impairment. Entities covered under ADA may not discriminate against any person because of the known disability of an individual with whom the person is known to have a relationship or association. People who are currently using drugs illegally are not covered under ADA.

Accessibility Requirement	Regulations & Enforcement
<p>Employment (Title I)</p> <p>Employers with 15 or more employees may not discriminate against qualified people with disabilities in hiring, promotion, compensation, or any other aspect of employment. A “qualified person” is an individual with a disability who is able to perform the essential functions of the job, with or without reasonable accommodations. Examples of reasonable accommodations include modifying the employee’s work schedule, providing adaptive equipment, or any other change in the work environment that does not result in undue hardship for the employer.</p> <p>An employer may not inquire about the medical conditions or disability of a job applicant prior to making a qualified job offer. Similarly, medical and psychological tests can be given only after a job offer, and only if such tests are directly related to the job. Drug testing of job applicants and employees is allowed under ADA. Employers may reject applicants or fire employees who pose a direct threat to the health or safety of other individuals in the workplace. Religious organizations may give preference in employment to their own members and may require applicants and employees to conform to their religious tenants.</p>	<p>Complaints of employment-related discrimination under ADA may be filed with the Equal Employment Opportunity Commission. Available remedies include compensatory and punitive damages, back pay, and court orders to stop discrimination.</p> <p>The maximum amount of damages an individual can collect is limited according to the size of an employer's workforce:</p> <ul style="list-style-type: none"> • 0 to 14 employees – no damages • 15 to 100 employees – \$50,000 • 101 to 200 employees – \$100,000 • 201 to 500 employees – \$200,000 • 501 or more employees – \$300,000
<p>State & Local Governments (Title II)</p> <p>Entities of state and local governments may not discriminate against qualified individuals with disabilities in the provision of any program or service. All government programs, services, and communications must be accessible consistent with the requirements of Section 504 of the Rehabilitation Act of 1973. Programs provided by state and local governments must also make reasonable changes in their policies, practices, and procedures where necessary to avoid discrimination against people with disabilities. By January 26, 1993, all state and local governments were required to have conducted a self-evaluation of their programs and activities to identify barriers to program access, and to describe how such barriers would be removed. All changes outlined in the Self-Evaluation and Transition Plan were to have been completed by January 26, 1995.</p>	<p>Individuals may file complaints of discrimination under Title II with the relevant Federal agency, or with the U.S. Attorney General, or may bring a private lawsuit.</p>

Americans with Disabilities Act - FACT SHEET (continued)

Accessibility Requirement	Regulations & Enforcement
<p>Public Accommodations (Title III)</p> <p>Public accommodations such as restaurants, hotels, theaters, doctors' offices, pharmacies, retail stores, museums, libraries, parks, private schools, and day care centers, may not discriminate on the basis of disability, effective January 26, 1992. Bona fide private clubs and religious organizations are exempt from Title III. Reasonable changes in policies, practices, and procedures must be made to avoid discrimination. Auxiliary aids and services must be provided to people with sensory impairments to allow an equal opportunity to participate or benefit, unless undue burden would result. Physical barriers and communication barriers in existing facilities must be removed if such removal is readily achievable (e.g. able to be accomplished without much difficulty and expense). If not, alternative methods of providing the services must be offered, if those methods are readily achievable. All new construction in public accommodations, as well as "commercial facilities" such as office buildings, must be accessible. Elevators are generally not required in buildings under three stories or with fewer than 3,000 square feet per floor, unless the building is a shopping center, mall or professional office of a health care provider.</p> <p>Alterations to public buildings containing public accommodations must be accessible. When alterations to primary function areas are made, an accessible path of travel to the altered area (and the bathrooms, telephones, and drinking fountains serving the area) must be provided to the extent that the added accessibility costs do not exceed 20% of the overall cost of the alterations. Elevators are required as described above.</p>	<p>Individuals may bring private lawsuits to obtain court orders to stop discrimination, but money damages cannot be awarded. Individuals can also file complaints under Title III with the U.S. Attorney General who may file lawsuits to stop discrimination and obtain money damages and penalties.</p>
<p>Transportation (Title II & III)</p> <p>For public bus systems, new buses ordered on or after August 26, 1990, must be accessible to individuals with disabilities. Transit authorities must provide comparable para transit or other special transportation services to individuals with disabilities who cannot use fixed route bus services, unless an undue burden would result. New bus stations must be accessible. Alterations to existing stations must be accessible. When alterations to primary function areas are made, an accessible path of travel to the altered area (and to bathrooms, telephones, and drinking fountains serving that area) must be provided to the extent that the added accessibility costs are not disproportionate to the overall cost of alterations.</p>	<p>Individuals may file transportation-related complaints with the U.S. Department of Transportation or the Attorney General or may bring private lawsuits under the public accommodations procedures. Individuals may bring private law suits to obtain court orders to stop discrimination, but money damages cannot be awarded. Individuals can also file complaints under Title III with the U.S. Attorney General who may file lawsuits to stop discrimination and obtain money damages and penalties.</p>

Americans with Disabilities Act - FACT SHEET (continued)

Accessibility Requirement	Regulations & Enforcement
<p>Transportation (Title II & III) (Continued)</p> <p>For public rail systems, new rail vehicles ordered on or after August 26, 1990, must be accessible. Existing rail systems must have one accessible car per train. New rail stations must be accessible. As with new bus stations, alterations to existing rail stations must be made in an accessible manner. Existing “key stations” in rapid rail, commuter rail, and light rail systems must have been made accessible by July 26, 1993, unless an extension of up to 20 years is granted (30 years, in some cases, for rapid and light rail). Existing intercity rail stations (Amtrack) must be made accessible by July 26, 2010.</p> <p>For privately operated bus and van companies, new over-the-road buses ordered on or after July 26, 1996 (July 26, 1997 for small companies), must be accessible. After completion of a study, the deadline may be extended by one year, if appropriate. Other new vehicles, such as vans, must be accessible, unless the transportation company provides service to individuals with disabilities that is equivalent to that operated for the general public. Other private transportation operations, including station facilities, must meet the requirements of public accommodations.</p>	<p>Individuals may file complaints with the U.S. Department of Transportation or bring private law suits.</p>
<p>Telecommunications Relay Service (Title IV)</p> <p>Companies offering telephone service to the general public must offer telephone relay services to individuals who use telecommunication devices for the deaf (TDD/TTY) or similar devices.</p>	<p>Individuals may file complaints with the Federal Communications Commission.</p>



Enforcement Provisions of ADA

	Responsible Agency	Enforcement based on	Types of Actions Allowed	Penalties for Non-Compliance
Title I (Employment)	EEOC	Title VII of Civil Rights Act of 1964	<ul style="list-style-type: none"> • Complaints filed with EEOC • Private suits • EEOC "pattern or practice" suits 	<ul style="list-style-type: none"> • Injunction relief/back wages • Attorney's fees & costs of litigation • Compensatory and punitive damages
Title II (State & local governments)	DOJ & individual agencies	Section 504 of Rehabilitation Act	<ul style="list-style-type: none"> • Complaints filed with individual funding agencies • Private suits • DOJ may bring suit 	<ul style="list-style-type: none"> • Termination or suspension of federal funds • Equitable relief • Attorney's fees and litigation costs • No punitive damages
Title III (Public accommodations in private sector)	DOJ	Section 204(a) of the Civil Rights Act of 1964	<ul style="list-style-type: none"> • Department of Justice may bring suit • Private suits 	<ul style="list-style-type: none"> • Permanent or temporary injunctions • Restraining orders • Preventive relief • Costs of litigation • Civil Penalties: \$50,000 for 1st violation; \$100,000 for subsequent violations
Title IV (Telecommunication relay services)	FCC	Communications Act of 1994	<ul style="list-style-type: none"> • Complaints filed with FCC • Certified state commissions 	<ul style="list-style-type: none"> • Revocation of certification