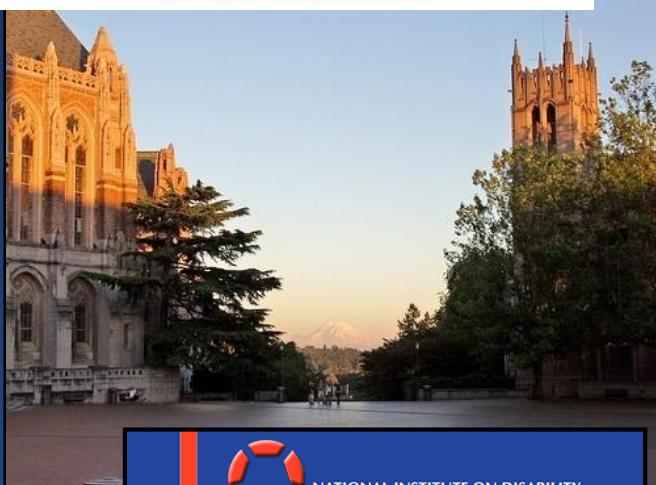


The Americans with Disabilities Act (ADA) Basics



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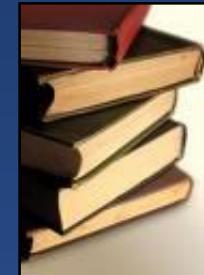


- Technical Assistance



- Training

- Material Dissemination



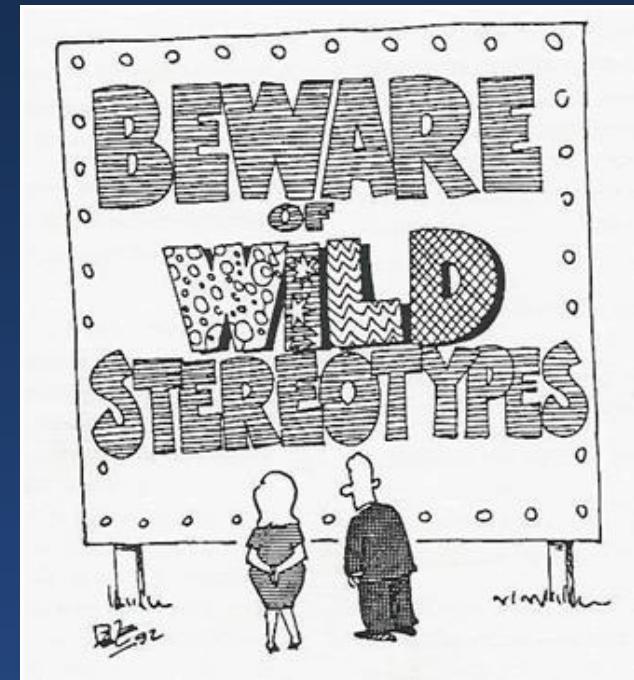
- Research

- Public Awareness



Major barriers faced by people with disabilities?

- unfounded stereotypes and negative attitudes
- lack of awareness of the adverse impact of...
 - inflexible and discriminatory policies and procedures
 - inaccessible buildings and facilities
 - ineffective communication processes and technologies



History of ADA – Section 504

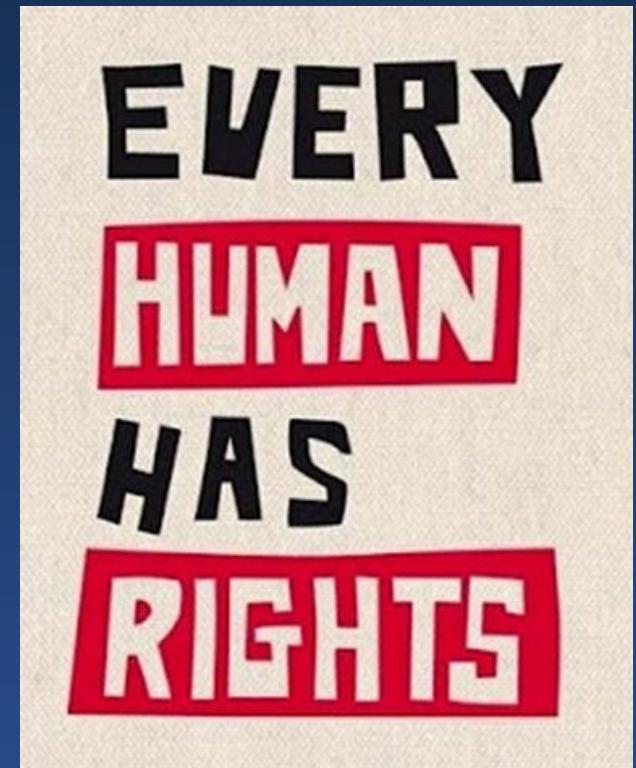
- Rehabilitation Act of 1973 (29 USC 791)
 - called “Section 504”

Section 504 prohibited discrimination against people with disabilities in

- a. any federal program or activity
- b. any program or activity receiving federal funds

Section 504 to ADA

- Limited coverage of Section 504 leads to ADA
- Growing dissent and activism in disability community



Congressional Purpose ADA

"The purpose of the ADA ... is to provide a clear and comprehensive national mandate to end discrimination against individuals with disabilities and to bring those individuals into the economic and social mainstream of American life."

- A CIVIL RIGHTS ACT!

What does the ADA do for people with disabilities?

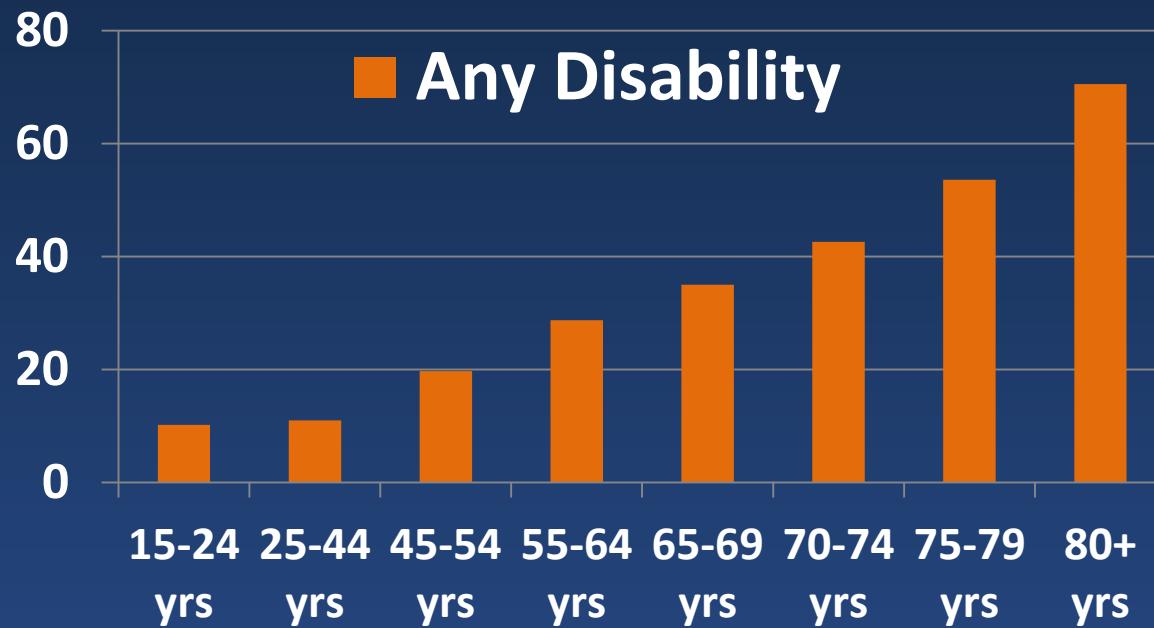
- Guarantees equal opportunity for individuals with disabilities in public accommodations (businesses), employment, transportation, state and local government services, and telecommunications.
- Also have related federal and state laws – e.g., Washington Law Against Discrimination.



Who and what does the ADA cover?

- Title I - Employment
- Title II - State and Local Governments and Transportation
- Title III - Public Accommodations (“Businesses”)
- Title IV - Telecommunications
- Title V - Miscellaneous

Boomers are relatively wealthy, active, spend freely, travel. What could possibly go wrong?



Despite being healthier than their parents, Boomers cannot escape developing disabilities.

How does the ADA view “aging?”

Aging by itself is not a disability.

Some age-related impairments will meet the ADA definition of disability, others will not.

What makes a physical or mental impairment a disability under the ADA is that it:

- Substantially limits one or more major life activities, or
- There is a record of such an impairment, or
- The individual is regarded as having an impairment.

Title I - Disability Discrimination in Employment

- ADA prohibits private employers (15 or more employees), 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.



Who is “protected” under the employment provisions of the ADA?

- If an applicant or employee has a disability and is qualified to do a job, the ADA protects them from job discrimination on the basis of their disability.
- Must meet the ADA definition of “disability.”
- Includes short-term, long-term, part-time, full-time, and probationary employees.



What is meant by a “reasonable accommodation?”

EMPLOYEE PERFORMANCE

- ...any modification or adjustment to a job or the work environment that will enable an applicant or employee with a disability to participate in the application process or to perform essential job functions.
- Also includes adjustments to assure that an individual with a disability has rights and privileges in employment equal to those of employees without disabilities.

Can an employer maintain existing production/performance standards for an employee with a disability?

- Can hold employees with disabilities to the same standards of production/performance as other similarly situated employees for performing essential job functions, with or without reasonable accommodation.
- Not required to lower quality or production standards to make an accommodation.



Title II - State and Local Government

- A public entity covered by Title II of the ADA is defined as:
 - Any state or local government,
 - Any department or agency of state or local government – e.g. colleges, universities, vocational/technical, etc.
 - Certain commuter authorities,
 - AMTRAK.



Title II - State and Local Government

Shall operate their programs so that, when viewed in their entirety, they are readily accessible to and usable by individuals with disabilities.

- **provide programs and services in an integrated setting.**
- **reasonable modifications in policies, practices, and procedures.**
- **furnish auxiliary aids and services - effective communication.**
- **ensure that individuals with disabilities are not excluded because buildings are inaccessible (program access).**



Title III – Public Accommodations

“For-profit businesses and non-profit organizations”

Public accommodations (i.e., private entities that own, operate, lease, or lease to places of public accommodation),

- Commercial facilities, and
- Private entities that offer certain examinations and courses related to educational and occupational certification.

Title III does not cover:

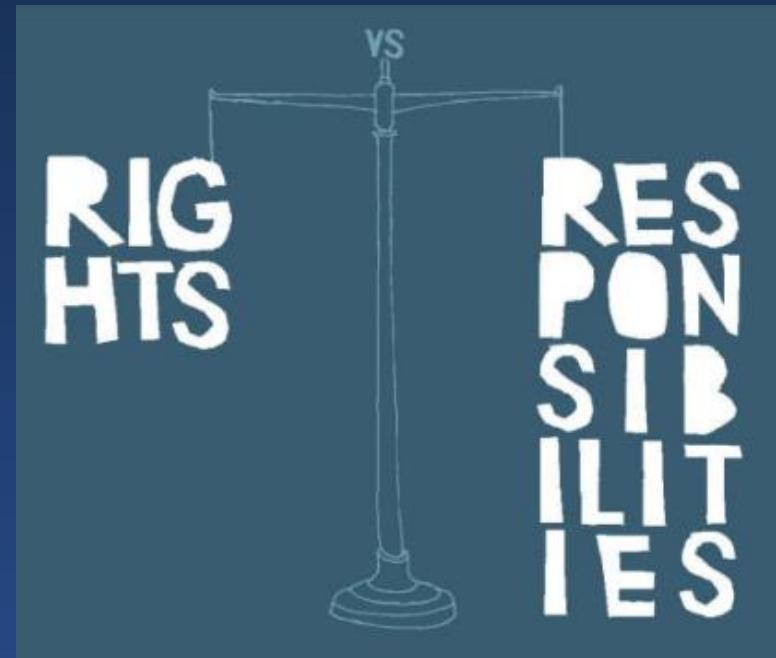
- religious organizations
- private clubs



Title III – Public Accommodations

Three areas of “obligation”

1. Same opportunity to participate.
2. Effective communication.
3. Provide accessibility.
 - Removing barriers
 - Providing alternatives
 - New construction and alterations



Does the ADA place any “limits” on a business’ obligations?

Businesses are not required to change their policies and procedures in any way that would cause a “fundamental alteration” in the nature of their goods or services, would undermine safe operation of the business, or would cause a “direct threat” to the health or safety of others.

Considerations:

- Fundamentally alter...nature of goods and services
- Safe operation
- Direct threat
- Undue burden



What is a “Fundamental alteration”? Can you give some examples?

A "fundamental alteration" is a change that is so significant that it alters the essential nature of the goods, services, facilities, privileges, advantages, or accommodations offered.

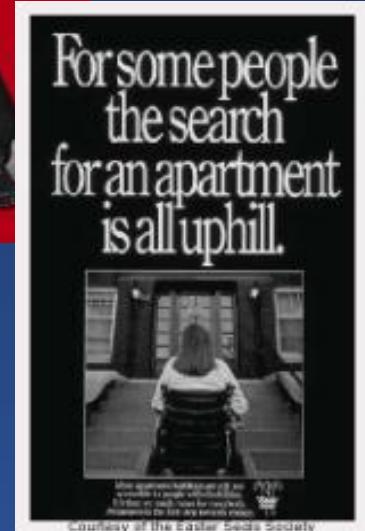
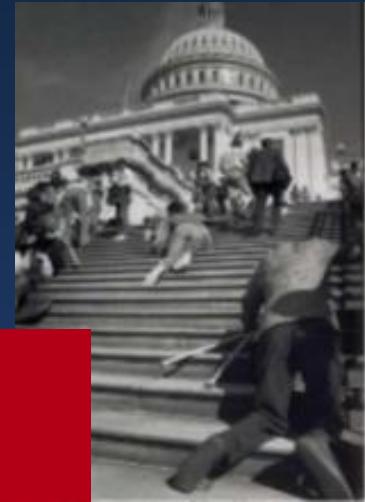
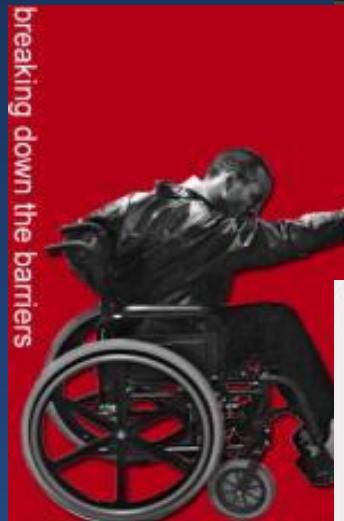


Special topics common to Titles II and III

- Facility (Building) Accessibility
- Effective Communication
- Service Animals

What is Accessibility?

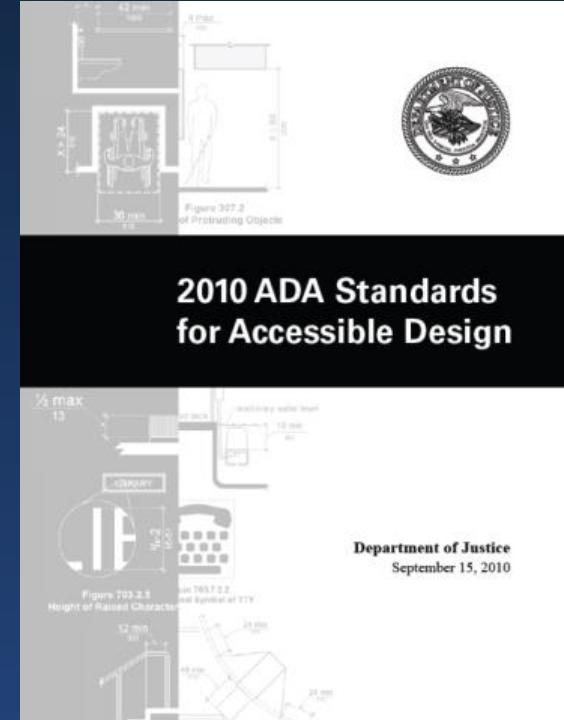
“People of all ages and physical, sensory and cognitive abilities must be able to get to, enter and use the services provided in a facility.”



ADA and Accessibility

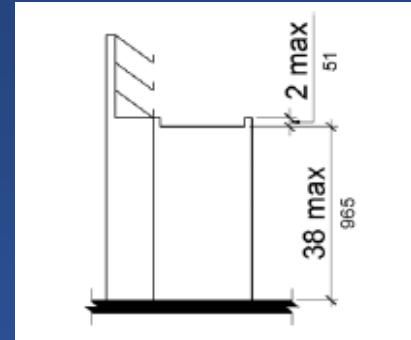
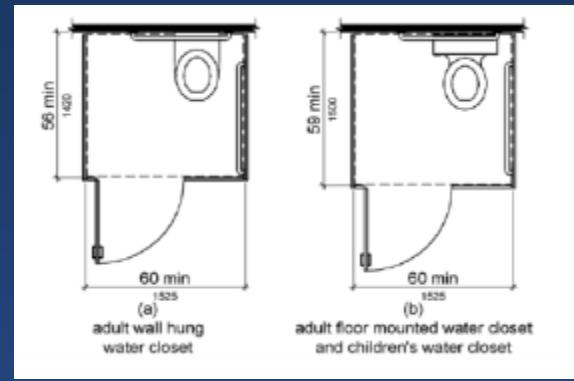
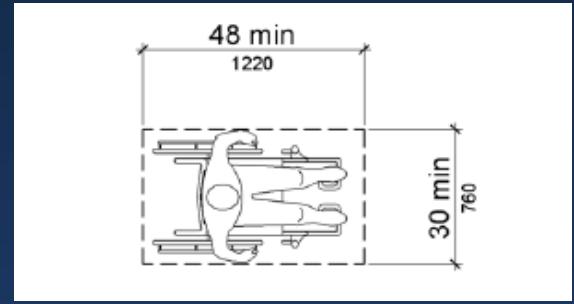
What about ADA requirements for existing facilities?

- Title II – State and Local Governments
 - must achieve program accessibility.
- Title III – Public Accommodations
 - must pursue barrier removal - or alternatives - in existing places of public accommodation.
- New Construction – must meet accessibility standards!



Two Major “Types” of Accessibility

- **physical (architectural)** accessibility - design and layout of a facility
- **communication** accessibility - methods of information delivery



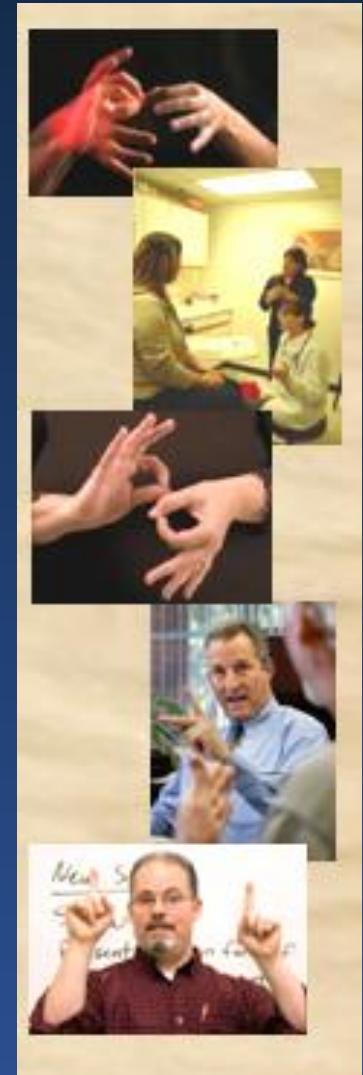
Effective Communication

- Disabilities that affect hearing, seeing, speaking, reading, writing, or understanding may use different ways to communicate.
- Information must be as clear and understandable to people with disabilities as it is for people who do not have disabilities.



Effective Communication

- The means used to provide effective communication is determined on a case-by-case basis – person's needs and situation.
- “Auxiliary aids and services” are devices or services that enable effective communication for people with disabilities.
- Consult with the individual to determine what communication method or technology will be effective for him or her.



Common Scenario

“A hard-of-hearing grandmother petitioned to become an intervenor in her grandson’s custody hearing. The court refused to provide her with computer assisted real-time transcription (CART) because she was not a party to the case. Without CART services, she was unable to understand or participate in the proceedings and the grandchild was placed in state custody.” *

* *National Association of the Deaf*

Companions

- Covered entities must communicate effectively with companions with disabilities, as appropriate.
- Companion defined as “family member, friend, or associate of an individual seeking access to a service, program or activity of a public entity, who along with such individual is an appropriate person with whom the public entity should communicate.”

Communication - Simple situations

- Brief or simple face-to-face exchanges - very basic aids are usually appropriate and effective.
- For example, exchanging written notes may be effective when a deaf person asks for a copy of a form to fill out.
- Using a “smart phone” to write and exchange messages.



Communication - Complex situations

Complex or lengthy exchanges

- an interpreter (sign language, oral, cued speech) or
- CART (Computer Assisted Real-time Translation)
- Examples – interviews, counseling sessions, community events, meetings, etc.
- Written transcripts or closed captions on video for pre-scripted situations such as speeches, presentations, etc.



Communication - Print materials

- Alternative formats - Braille, large print text, compact discs (CDs), audio recordings.
- If little time to have it produced in an alternative format, reading the information aloud may be effective (Qualified Reader).
- Example – reading what services you provide, etc.



**Large
Print**



Service Animals

Service Animal means:

- **any dog that is individually trained to do work or perform tasks**
- **for the benefit of an individual with a disability**
- **including a physical, sensory, psychiatric, intellectual, or other mental disability.**
 - Effective date: Mar 15, 2011



Identification of service animals

- Service Animals owners are not required to carry proof of certification or other documentation... even though some do.
- Some animals may wear harnesses, vests, or have special collars or tags that identify them as Service Animals.



“Comfort” animals

- An “emotional support” or “comfort” animal’s sole function is to provide emotional support, comfort, therapy, companionship, therapeutic benefits, promote emotional well-being, non-judgmental positive regard, affection, and a focus in life.
- No training is required.
- NOT A SERVICE ANIMAL!



How Do You Know? Ask!

You can ask a handler:

- *“Is this a service animal required because of a disability?”*
- *“What tasks has the animal been trained to perform?”*



You cannot ask a handler:

- *“What is your disability?”*
- *“Where is the animal’s certification?”*

Fair Housing Act

Passed in 1968, protects the buyer/renter of a dwelling from seller/landlord discrimination. Its primary prohibition makes it unlawful to refuse to sell, rent to, or negotiate with any person because of that person's inclusion in a protected class.

Recommended Resources

The screenshot shows the homepage of the National Institute on Aging (NIH) website. At the top, there's a blue header bar with the NIH logo and the text "National Institute on Aging" and "Turning Discovery Into Health". Below the header, there's a navigation menu with options like "Home", "Health and Aging", and "Research and..." (partially visible). The main content area has a white background. A breadcrumb navigation path "Home » Health and Aging » Publications" is at the top of this area. Below it, a large orange button-like element contains the text "HEALTH & AGING" in white. Underneath this, another red button-like element contains the text "Making Your Website Senior Friendly" in white.

Making Your Web Site Senior Friendly



The National Institute on Aging has two complementary resources that we highly recommend:

Making Your Website Senior Friendly

Making Your Website Senior Friendly: A Checklist

Technical Assistance Resources

The ADA National Network -- including NW ADA Center --provides technical assistance and guidance.

Call 1-800-949-4232

The Job Accommodation Network (JAN) can help a business think through specific types of accommodations for customers.

Call 1-800-526-7234

Assistive Technology Resources

Nationally, the RESNA Catalyst Project offers excellent resources, including a link to each state AT Program.

<http://resnaprojects.org/index.html>

State AT programs, such as the Washington State AT Program, provide both technical know how and many offer onsite evaluation activities.

<http://watap.org/>

Thank You!

Questions?

Comments?