

WHAT IS THE AMERICANS WITH DISABILITIES ACT AND TO WHOM DOES IT APPLY?

1. This article's intended purpose is to provide factual information about the Americans with Disabilities Act (ADA) to the Fort Monmouth community.
2. Prior to the enactment of the ADA, the provisions of the Rehabilitation Act bound Federal agencies when dealing with complaints of and providing accommodations to individuals with disabilities. The Rehabilitation Act of 1973 was the original statute that defined what a "handicapping condition" was and when a Federal agency had to provide a reasonable accommodation for that condition. Courts interpreted the Rehabilitation Act to include both alcohol and drug addiction as handicaps.
3. In 1990, Congress enacted the ADA. The majority of the ADA, at that time, affected only non-Federal employees. In 1992 the Rehabilitation Act was amended. In accordance with that amendment, Congress determined that the Rehabilitation Act would be interpreted under the standards of Title I of the ADA and the provisions of Sections 501 through 504 and 510 of the ADA. In accordance with the ADA, Federal agencies no longer will refer to individuals as handicapped; rather the term "person with a disability" will be used. In addition to the above change, the ADA has required Federal agencies to place a higher emphasis on supporting individuals with disabilities in the workplace as well as excluding a number of alleged disabilities from coverage under the ADA. Of significance was the provision that excluded individuals who were currently engaging in the use of illegal drugs.
4. The ADA defined an individual with a disability as "a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment." Moreover, to be protected by the Rehabilitation Act as interpreted under the ADA, an individual must not only have a disability but must also be qualified for the position for which s/he is applying for or encumbers.
5. Under the ADA, it is a Federal agency's responsibility to offer an individual with a disability "reasonable accommodation." A reasonable accommodation may include, but is not limited to: making existing facilities used by employees readily accessible to and usable by individuals with disabilities; job restructuring, to include part-time or modified work schedules or reassignment to a vacant position; acquisition or modification of equipment or devices; training; and the provision of qualified readers or interpreters. Supervisors as well as individuals with disabilities should explore different means of accommodation in order to enable the individual to overcome any impediment that interferes with the performance of his/her job.
6. As mentioned above, the ADA also excludes certain claimed disabilities from coverage. Some disabilities that are excluded from ADA coverage include: sexual behavior disorders, kleptomania, pyromania, compulsive gambling, as well as homosexuality and bisexuality.
7. The Equal Employment Opportunity Commission (EEOC) is responsible for enforcement of the ADA. In accordance with that responsibility, the EEOC's role is to ensure that qualified individuals with disabilities understand their rights and facilitate and encourage compliance by Federal agencies with the ADA. For more information on the ADA and the EEOC's responsibility under the ADA, please refer to Volume 29 of the Code of Federal Regulations, Section 1630.