

The American with Disabilities Act

Public Law 101-336

The American's with Disabilities Act (ADA) was signed into law on July 26, 1990, and prohibits discrimination against people with disabilities in employment, transportation, public accommodations, communications, and activities of state and local government. It defines a disability as a physical or mental impairment that substantially limits one or more major life activities by an individual, and there is a record of such impairment.

The ADA requires employers, employment agencies, labor organizations and joint labor-management committees to have non-discriminatory application procedures, qualification standards, and selection criteria. Employers are to make reasonable accommodation for a qualified applicant or employee, unless to do so would cause undue hardship. In terms of employment, the law defines a "qualified individual with a disability" as a person with a disability who can perform the essential functions of the job with or without reasonable accommodation.

Regarding public transportation, ADA requires that all new buses and rail cars, including commuter rail cars, must be accessible to the handicapped. This includes new bus, rail and air terminals as well. Existing transportation facilities must be remodeled to the maximum extent feasible.

Public accommodations such as hotels, office buildings, theaters, restaurants, shopping malls, and stores must remove barriers from existing facilities when such removal is readily achievable; make altered facilities accessible to the maximum extent feasible; and new facilities must be accessible.

Accessibility to communication is covered in ADA, Title IV, Telecommunications, states that companies offering telephone service to the general public must have 24-hour transmission services, that provide the ability for an individual who has a hearing impairment or speech impairment to engage in communication, by wire or radio, with a hearing individual, in a manner that is functionally equivalent to the ability of an individual, who does not have a hearing impairment or speech impairment, to communicate. This includes services that enable two-way communication between an individual who uses a TDD/TTY, or other non-voice terminal device, and an individual who does not use such a device. Title IV also addresses captioning.

Further information can be obtained from the President's Committee on Employment of People with Disabilities website: <http://www50.pcep.d.gov/pcep/>