

WHAT IS ADA?

The Americans with Disabilities Act of 1990 ([ADA](#)) is the most comprehensive law ever passed to protect the civil rights of individuals with disabilities. The ADA will enable people with disabilities to participate more fully in their communities, compete more effectively for jobs, travel more easily in their hometowns and across the nation, and gain more complete access to the goods and services that most Americans take for granted. [United Spinal Association](#) is proud to have played a role in the passage of this landmark law.

Some 54 million Americans have a disability covered by the ADA. While the ADA does not offer a laundry list of disabilities, some well-established examples covered by the law include (to name only a few) spinal cord injury, blindness, hearing impairment, epilepsy, HIV infection and AIDS, [diabetes](#), multiple sclerosis, muscular dystrophy, emphysema, cancer, dyslexia, organic brain disorder, cognitive impairment, and depression. However, the U.S. Supreme Court has held that disabilities should be considered in their corrected states. Conditions such as low vision, for example, if correctable, might not be covered by the ADA.

What conditions are not protected by the ADA?

The ADA does not cover temporary, nonchronic impairments with no lasting impact, such as sprains, simple fractures, colds, and influenza; homosexuality and bisexuality, which are not impairments; or sexual and behavioral disorders, including transvestism, transsexualism, compulsive gambling, klepto-mania, and pyromania. The ADA also does not protect individuals who are currently abusing controlled substances.

Whom does the ADA affect?

The ADA affects any business or institution, public or private, that employs 15 or more people or offers goods or services to the public. That means virtually every public or private entity in the US must make some accommodations for the people with disabilities whom they serve or employ.

Who is not affected by the ADA?

Executive agencies of the U.S. government are exempt from the provisions of the ADA but are covered by similar regulations promulgated by other disability nondiscrimination laws. Also not covered are corporations fully owned by the U.S. government, Indian tribes, and bona fide private clubs that are exempt from taxation under the Internal Revenue Code. Private clubs and religious organizations are exempt from the [Title III](#) (public accommodations) provisions.

What must employers do to comply with the ADA?

They must provide "reasonable accommodation" to their employees who are disabled. For example, a wheelchair user may need to have a desk raised onto blocks so that he or she can roll under it, or an individual with a sight impairment may need a large-print computer monitor to work effectively. Employers may not deny a job to a qualified applicant with a disability solely on the basis of the disability. They may not require an applicant to take a pre-employment medical exam, nor may they inquire about or discuss a prospective employee's disability in any manner that has no bearing on the applicant's ability to perform the job being offered.

What must affected businesses do to comply?

Most businesses can improve access to their goods and services by building ramps, widening doorways, rearranging display racks, making shopping checkout counters [wheelchair](#) accessible, or providing alternative means of service if structural access changes are not feasible. Providers of transportation must make their vehicles and stations accessible, and public entities that operate fixed-route service must provide complementary paratransit to passengers with disabilities. Telecommunications companies must make "relay" services available 24 hours a day at no extra charge to individuals with hearing and speech impairments. on telecommunications services.)

What are state and local governments required to do to comply with the ADA?

State and local governments must provide "program accessibility" to their services for persons with disabilities. Any department, agency, or instrumentality of a state or local government—including state legislatures, district courts, police and fire departments, school districts, motor vehicle registration offices, and places—is required to make reasonable modifications to its policies, practices, and procedures to ensure full access to people with disabilities.

When did the ADA go into effect?

For most intents and purposes, the ADA went into effect on January 26, 1992.

What are the penalties for noncompliance?

The ADA encourages alternative means of dispute resolution in cases of conflict between the rights of individuals with disabilities and the responsibilities of affected public and private entities. When conflict must be resolved in court, however, employers can be fined up to \$300,000 if found in violation of the ADA's employment provisions, and places of public accommodation can be fined as much as \$100,000 for failing to make their buildings and services accessible of the law?

How much does the ADA cost and who pays for it?

Businesses and institutions affected by the law must cover the cost of making their workplaces, state and local government buildings, transportation vehicles and facilities,

and places of public accommodation accessible. However, in most cases, workplace accommodations cost less than \$500, and tax credits of up to \$5,000 and deductions of up to \$15,000 are available for businesses that comply.

Title I of the ADA, which covers employment, is enforced by the U.S. Equal Employment Opportunity Commission. The state and local government provisions of Title II and the public accommodations provisions of Title III are enforced by the U.S. Department of Justice. The transportation provisions of Titles II and III are enforced by the U.S. Department of Transportation. Title IV, which covers telecommunications, is enforced by the Federal Communications Commission.