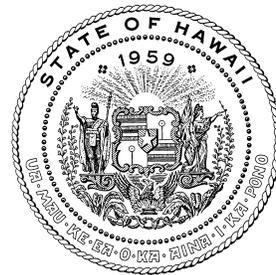


# Americans with Disabilities Act of 1990

## An Overview



To this nation's over 54 million citizens with disabilities, the Americans with Disabilities Act (ADA) of 1990, Public Law 101-336, continues to provide an unprecedented opportunity to eliminate the barriers to independence and productivity. The ADA extends to people with disabilities civil rights similar to those available to individuals based on race, color, national origin, sex, and religion. It prohibits discrimination on the basis of disability by employers, state and local governments, places of public accommodation, transportation providers, and telecommunication service providers.

### Title I – Employment Provisions

Title I prohibits discrimination against qualified individuals with disabilities regarding job application procedures; the hiring, advancement, or discharge of employees; employee compensation; job training; and other terms, conditions, and privileges of employment.

Title I applies to private employers, state and local governments with 15 or more employees, employment agencies, labor organizations, and joint labor-management committees.

Title I includes specific provisions related to reasonable accommodation, qualification standards, and other labor-management issues.

Title I requires reasonable accommodation for applicants and workers with disabilities when such accommodations would not impose an “undue hardship.”

Employers may require that an individual not pose a direct threat to the health and safety of the individual or others.

Employers may not make pre-employment inquiries about an applicant's disability or conduct pre-employment medical exams. An employer may ask if applicants can perform specific job functions and may condition a job offer on the results of a medical exam, but only if the employer requires the exam for all entering employees in similar jobs.

Employers may conduct tests for the illegal use of drugs and may prohibit illegal use of drugs and alcohol in the workplace.



## Title II – Public Entity Provisions

Title II prohibits discrimination against qualified individuals with disabilities on the basis of disability by a department, agency, special purpose district, or other instrumentality of a public entity (state or a local government) in all their activities, services, and programs.

Public entities may not refuse a person's participation in a service, program, or activity simply because that person has a disability.

Public entities must provide programs and services in an integrated setting, unless separate or different measures are necessary to ensure equal opportunity.

Public entities must eliminate unnecessary eligibility standards or rules that deny persons with disabilities an equal opportunity to enjoy their services, programs, or activities.

Public entities must provide auxiliary aids and services when necessary to ensure effective communication, unless an undue burden or fundamental alteration would result.

Public entities must ensure that newly constructed buildings and facilities are barrier-free. However, public entities need not remove physical barriers in all existing buildings, as long as they make their programs accessible.



## Title III – Public Accommodation Provisions

Title III prohibits discrimination against qualified individuals with disabilities on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation.

Public accommodations are businesses and services operated by private entities, and private transportation providers. Specific provisions of Title III vary from section to section indicating how particular entities can achieve equal access.



A public accommodation must change its policies and practices to avoid discrimination.

A public accommodation must provide auxiliary aids and services unless it can demonstrate that doing so would result in an undue burden.

A public accommodation must remove barriers in existing facilities when it can accomplish the removal without much difficulty or expense. If not, a public accommodation must provide alternative methods of making goods and services available if such methods are readily achievable. A public accommodation must make new facilities accessible unless structurally impracticable.

A public accommodation must make altered areas accessible to the maximum extent feasible. When alterations affect a primary function area, a public accommodation must make an accessible path of travel



to the altered area and restrooms serving the altered area to the extent that the added costs are not disproportionate.

Title III does not cover bona fide private clubs and religious organizations.

## **Title II and Title III – Transportation Provisions**

The ADA prohibits transportation providers from discriminating against qualified individuals with disabilities in transportation services offered to the general public, whether offered by a public entity under Title II or a private entity under Title III. This prohibition extends to transportation service provided on a “fixed route” or “demand responsive” basis. It also applies to transportation provided by companies as a convenience for customers, such as shuttle buses.



An entity may not deny any individual with a disability on the basis of disability the opportunity to use the entity’s transportation service for the general public, if the individual is capable of using that service.

An entity may not require an individual with a disability to use designated priority seats, if the individual does not choose to use these seats.

An entity may not impose special charges, not authorized by the ADA transportation provisions, on individuals with disabilities for providing services required by the ADA.

An entity may not require that an attendant accompany an individual with disability.

An entity may not refuse to serve an individual with a disability because its insurance company conditions coverage or rates on the absence of individuals with disabilities.

An entity may refuse to provide service to an individual because that individual engages in violent, seriously disruptive, or illegal conduct. However, an entity may not refuse to provide services solely because the individual’s disability results in an appearance or involuntary behavior that may offend, annoy, or inconvenience employees of the entity or other persons.

The ADA provides specifications for the acquisition of accessible vehicles. The requirement to purchase accessible vehicles vary depending on whether the entity is private or public, operates a demand responsive or fixed route system, as well as the size of the fleet.

Public agencies that offer fixed route service must also offer complementary paratransit services.

## **Title IV – Telecommunications**

Title IV of the ADA requires private telephone companies to offer telecommunications relay services (TRS). The requirement includes ensuring the availability of interstate and intrastate TRS for hearing-impaired and speech-impaired individuals in the United States.



TRS must operate every day for 24 hours per day and may not cost more than voice services.

TRS operators may not refuse calls or limit the length of calls, must keep the content of any relayed conversation confidential, may not keep records of conversations, and may not edit or change conversations.

Any television public service announcement produced or funded in whole or in part by Federal funds must include closed captioning of the verbal content of such announcement.

## ADA Information

Visit the U.S. Equal Employment Opportunity Commission web site to see the Title I regulations and related guidance at [eeoc.gov](http://eeoc.gov).

Visit the U.S. Department of Justice ADA web site to see the Title II and Title III regulations and related guidance at [ada.gov](http://ada.gov).

Visit the U.S. Department of Transportation, Federal Transit Administration web site to see the Title II and Title III transportation regulations and related guidance at [fta.dot.gov](http://fta.dot.gov).

Visit the Federal Communications Commission web site to see the Title IV regulations and related guidance at [fcc.gov/cgb/dro](http://fcc.gov/cgb/dro).



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