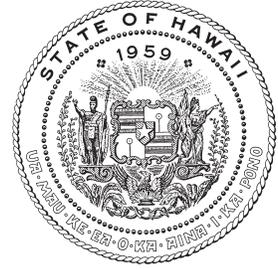


Americans with Disabilities Act - Title I Enforcement Procedures



Covered Entities

Title I of the Americans with Disabilities Act of 1990 (P.L. 101-336) applies to **covered entities**. Covered entities are private employers, state and local governments, employment agencies, labor unions, and joint labor management committees with 15 or more employees. The U.S. Equal Employment Opportunity Commission (EEOC) enforces the requirements of Title I.

Filing a Discrimination Complaint

An individual can file a discrimination complaint with the EEOC. An individual, group, or organization can also file a complaint on behalf of another person. An individual or the individual's representative may file a complaint in the EEOC's Honolulu office.

Equal Employment Opportunity Commission
300 Ala Moana Blvd., Suite 7-127
Honolulu, HI 96813
Phone: 541-3120 (V); 541-3131 (TTY)
(Neighbor island residents call collect.)

By mail:
P.O. Box 50082
Honolulu, HI 96850-0051



An individual must file a complaint of discrimination on the basis of disability with the EEOC within 180 days of the alleged discriminatory act.

Resolving Discrimination Complaints

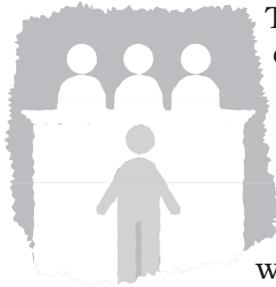
Lawsuits Against Covered Entities. An individual can file a lawsuit against a covered entity, but the individual must first file a complaint with the EEOC. The individual can request a "right to sue" notice from the EEOC 180 days after filing a complaint. The individual will then have 90 days to file a lawsuit against the covered entity after receiving a right to sue notice. If the individual files a lawsuit, the EEOC will ordinarily dismiss the original complaint.

No Finding of Discrimination. If after investigation the EEOC finds no cause to believe discrimination occurred, it will take no further action. The EEOC will then issue a right to sue notice to the individual, who may initiate a private lawsuit. The EEOC will also issue a right to sue notice when conciliation attempts fail and it decides not to sue on the individual's behalf.



Occurrence of Discrimination. If an investigation indicates a reasonable cause to believe that discrimination occurred, the EEOC will attempt to resolve the issue through conciliation. If the EEOC cannot resolve the issue through conciliation, it will consider the case for litigation. If the EEOC decides to litigate, it will file a lawsuit in Federal district court. If the complaint is against a state or local government, the EEOC will refer the case to the U.S. Department of Justice for action.

Remedies and Penalties



The remedies available for employment discrimination, whether caused by intentional acts or by practices that have a discriminatory effect, include hiring, reinstatement, promotion, back pay, front pay, reasonable accommodation, or other actions that will make an individual “whole” (in the condition the individual would have been had the discrimination not occurred). Remedies may also include payment of attorneys’ fees, expert witness fees, and court costs.

A covered entity may also have to pay compensatory and punitive damages for intentional discrimination. Damages include compensation for actual monetary losses, for future monetary losses, and for mental anguish and inconvenience. An individual may receive punitive damages if the covered entity acted with malice or reckless indifference. There is a limit on the award of compensatory and punitive damages based on the covered entity’s size.

An individual cannot seek punitive damages against state or local governments. In cases concerning reasonable accommodation, a covered entity may not have to pay compensatory or punitive damages if it can demonstrate that it made good faith efforts to provide reasonable accommodation.

ADA Information

Visit the EEOC web site to see the Title I regulations and related guidance at eoc.gov.



DISABILITY AND COMMUNICATION ACCESS BOARD

919 Ala Moana Blvd., Room 101 • Honolulu, HI 96814

Oahu: (808) 586-8121 (Voice/TTY), (808) 586-8129 (Fax)

Call toll free from:

Maui: 984-2400, ext. 6-8121# (Voice)

Kauai: 274-3141, ext. 6-8121# (Voice)

Molokai & Lanai: 1(800) 468-4644,
ext. 6-8121# (Voice)

Big Island: 974-4000,
ext. 6-8121# (Voice)

E-mail: dcab@doh.hawaii.gov • **Web Site:** www.hawaii.gov/health/dcab/

