

# THE AMERICANS WITH DISABILITIES ACT



## What is the Americans with Disabilities Act?

The Americans with Disabilities Act of 1990 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 across the nation, and gain more complete access to the services that most Americans take for granted.

“This act is powerful in its simplicity. It will ensure that people with disabilities are given the basic guarantees for which they have worked so long and so hard: independence, freedom of choice, control of their lives, and the opportunity to blend fully and equally into the rich mosaic of the American mainstream,” President George Bush-1990

## Who is protected under the ADA?

Some 49 million Americans have a disability covered by the Americans with Disabilities Act. As defined by the ADA, a disability is a physical or mental impairment that substantially limits a major life activity. The ADA protects three classes of people with disabilities:

- ✳ those who have a disability
- ✳ those who have a record of a disability
- ✳ those who are regarded as having a disability, whether or not they actually have one, if being perceived as having one results in discrimination.

## What are physical and mental impairments?

A physical impairment is defined as any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin and endocrine.

A mental impairment is defined as any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. An impairment is only a disability under the ADA if it substantially limits one or more major life activities.

## What are Major Life Activities?

Major life activities are those activities that an average person can perform with little or no difficulty. The following is representative of the types of major life activities:

- ✳ Walking, Seeing, Hearing, Sleeping
- ✳ Breathing, Speaking
- ✳ Performing manual tasks, Working
- ✳ Learning, Caring for oneself

## What are reasonable accommodations?

Making reasonable accommodations to the disability of a qualified applicant or employee is key to the successful employment of people with disabling conditions. The ADA defines reasonable accommodation as efforts that may include, among other adjustments:

- ✧ making the workplace structurally accessible
- ✧ restructuring jobs to make best use of individuals' skills
- ✧ modifying work hours
- ✧ reassigning an employee with a disability to an equivalent position
- ✧ acquiring and modifying equipment or devices
- ✧ appropriately adjusting or modifying examinations, training materials, policies
- ✧ acquiring sign-language interpreters or assistive listening devices for the hearing impaired
- ✧ allowing the presence of service animals for visually impaired individuals.

Employers are not required to supply personal items, such as eyeglasses, wheelchairs or hearing aids for employees with disabilities.

## What is a Qualified Individual with a Disability?

A person with a disability who satisfies the requisite skill, experience, education and other job requirements of the position the person holds or desires and who can perform the essential functions of such a position with or without reasonable accommodations. The ADA does not include hiring quotas. It is intended to remove barriers to employment, therefore an employer is not required to hire or retain an individual who is not qualified to perform a job.

It is recommended that employers consult with applicants, employees, or court users with disabilities before making accommodations. In many cases, the person with a disability can suggest a simple change or adjustment, based on his/her life experience.

### **Please contact us with questions**

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