

# Job Accommodation Network



## ADA: A Brief Overview

Disclaimer: This is a brief overview which cannot possibly set forth everything about the ADA and which, for purposes of brevity or as part of an effort to state legal concepts simply and in plain English, may describe the law in a manner which is not necessarily precise and/or accurate in every respect.

Signed into law on July 26 1990, the Americans with Disabilities Act is a wide-ranging legislation intended to make American Society more accessible to people with disabilities.

It is divided into five titles:

1. **Employment (Title I)** Business must provide reasonable accommodations to protect the rights of individuals with disabilities in all aspects of employment. Possible changes may include restructuring jobs, altering the layout of workstations, or modifying equipment. Employment aspects may include the application process, hiring, wages, benefits, and all other aspects of employment. Medical examinations are highly regulated.

2. **Public Services (Title II)** Public services, which include state and local government instrumentalities, the National Railroad Passenger Corporation, and other commuter authorities, cannot deny services to people with disabilities participation in programs or activities which are available to people without disabilities. In addition, public transportation systems, such as public transit buses, must be accessible to individuals with disabilities.

3. **Public Accommodations (Title III)** All new construction and modifications must be accessible to individuals with disabilities. For existing facilities, barriers to services must be removed if readily achievable. Public accommodations include facilities such as restaurants, hotels, grocery stores, retail stores, etc., as well as privately owned transportation systems.

4. **Telecommunications (Title IV)** Telecommunications companies offering telephone service to the general public must have telephone

relay service to individuals who use telecommunication devices for the deaf (TTYs) or similar devices.

**5. Miscellaneous (Title V)** Includes a provision prohibiting either (a) coercing or threatening or (b) retaliating against the disabled or those attempting to aid people with disabilities in asserting their rights under the ADA.

The ADA's protection applies primarily, but not exclusively, to "disabled" individuals. An individual is "disabled" if he or she meets at least any one of the following tests:

1. He or she has a physical or mental impairment that substantially limits one or more of his/her major life activities;
2. He or she has a record of such an impairment; or
3. He or she is regarded as having such an impairment.

Other individuals who are protected in certain circumstances include 1) those, such as parents, who have an association with an individual known to have a disability, and 2) those who are coerced or subjected to retaliation for assisting people with disabilities in asserting their rights under the ADA.

While the employment provisions of the ADA apply to employers of fifteen employees or more, its public accommodations provisions apply to all sizes of business, regardless of number of employees. State and local governments are covered regardless of size.

January 15, 1997

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Page updated 03/08/2004



**Robert J. Verdisco**  
President

May 20, 1991

*Orig. to [unclear] DA*  
*Edges of cover letters*  
*to DM, NM + ml.*

Al Hubbard  
Assistant to the Vice President  
and Deputy Chief of Staff  
Office of the Vice President  
Room 200  
Old Executive Office Building  
Washington, D.C. 20501

Dear Al:

I very much appreciated hearing your fine summary, at last Thursday's breakfast, of the work underway at the Vice President's task force on competitiveness. This is exactly the type of little heralded, but tremendously significant, analysis that will be needed for the American economy to become as efficient, productive and competitive as it must.

I applaud the Vice President for his efforts, and would be glad to help in any way possible.

In that spirit, let me briefly mention one additional area not covered in your excellent presentation, which I believe that the task force could usefully address: several non-productive (or even counter-productive) aspects of the building standards proposed by the Architectural and Transportation Barriers Compliance Board (ATBCB) under the Americans with Disabilities Act (ADA).

IMRA, and the 100 discount chains it represents (including such major companies as Wal-Mart, K mart, Target, Home Depot, Caldor, and Venture, to name just a few), certainly support the objectives of ADA, which has been an important initiative of the Administration. Further, we recognize both the moral imperatives and the practical advantages to our businesses and to the larger society and economy from bringing persons with disabilities fully into the mainstream of American life.

President Bush and Congress, in making ADA a reality, clearly intended that it would increase, not diminish, business productivity. Yet some elements of the needlessly inflexible building standards which the ATBCB has proposed would have serious unintended consequences. For instance, by proposing building specifications that conflict with most current Federal, state, local and private 'standards-setting groups' building and life safety codes, ATBCB would force both public- and private-sector operations to incur large and pointless expenses -- for example, to replace existing accessibility features, such as ramps and rest rooms, in order to meet ATBCB's new specifications.

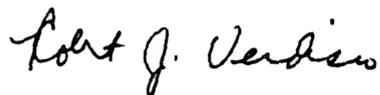
In many areas, ATBCB's proposals are plainly unworkable, set at or beyond the "state of the art" and lacking any serious analysis of the practical impact they would have. For the mass retail industry, the ATBCB's cavalier, undocumented proposal to impose minimum width requirements on each and every check-out aisle -- rather than some workable percentage of all check-outs -- would severely and unnecessarily reduce the most productive space in our stores. Such proposals clearly ignore ADA's clear mandate that ATBCB issue "minimum guidelines" to supplement standards already in place.

IMRA was in fact the only retail trade association to testify in Congress on ADA, where we pointed out our support for ADA's objectives and the crucial need to define its scope and requirements in as clear and workable a fashion as possible. More recently, IMRA submitted extensive comments to ATBCB in its still uncompleted rulemaking effort (we understand that ATBCB intends to issue its final rule within the next month or so).

I am enclosing a copy of IMRA's comments -- pages 19 to 24 detail just how unworkable and unneeded the ATBCB's check-out proposal would be -- and I would be happy to provide you with any further information that you might require.

Thank you again for your fine presentation. I want to take this opportunity to let you know how much we appreciate the Vice President's efforts and look forward to assisting the work in which you, the Vice President and the rest of your team are engaged. Please let me know if I can be of assistance in any way.

Sincerely,



Robert J. Verdisco  
President

Enclosure



OFFICE OF THE VICE PRESIDENT  
WASHINGTON

May 30, 1991

Mr. Robert J. Verdisco  
President  
International Mass Retail Association, Inc.  
1901 Pennsylvania Ave., NW  
Washington, DC 20006

Dear Mr. Verdisco,

Thanks so much for your letter of May 20, 1991. The matter you brought to our attention is exactly the kind of thing we want to know about. I have asked my staff to look into it and we will let you know what we find out.

Again, it was a pleasure hearing from you.

Best personal regards,

  
Allan B. Hubbard  
Executive Director  
The Council on Competitiveness

ABH/ts

cc: David McIntosh  
Nancy Mitchell  
George Rasley

# United States Senate

WASHINGTON, DC 20510

March 20, 1989

President George Bush  
White House  
1600 Pennsylvania Ave, NW  
Washington D.C.

Dear President Bush:

We are writing concerning a U.S. Court of Appeals decision issued on February 13, 1989, *Adapt v. Department of Transportation (DOT)*. This decision represents a step forward in removing transportation barriers facing many of our disabled citizens.

In particular the court:

1. Struck down, as contrary to federal disability civil rights law, a DOT policy allowing transit systems the option of providing transportation to persons with disabilities only if such individuals have made advance reservations.

2. Required that buses newly purchased with federal assistance be accessible. No retrofitting is required; therefore transit systems will be able to phase in accessible buses without undue financial burdens on transit systems.

3. Required transit systems to provide accessible mainline transportation for those who can use accessible buses, and adequate paratransit to serve those who cannot.

4. Struck down the 3% cost cap, under which the DOT deemed transit systems to be in compliance with federal disability civil rights laws once they spent 3% of their operating expenses on disability access.

If allowed to stand this ruling would help reduce many of the transportation barriers which face our disabled neighbors. It would accomplish this goal as intended by Congress and without undue expense to state and local governments. Further, the ruling goes along with your continuous commitment to integrate persons with disabilities into every aspect of American life.

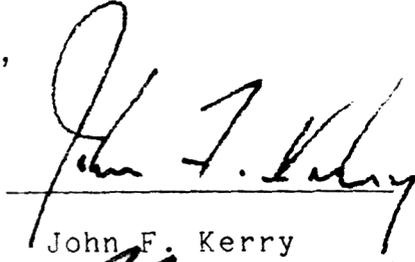
Lack of accessible transportation is a major factor in limiting educational and employment opportunities, which are the key to self sufficiency and independence. Conversely, dependence resulting from limiting access, not only strips a measure of dignity from capable individuals, but in terms of social services, lost wages, and wasted human potential, it represents an enormous social and economic cost.

As you may know the deadline for appeal of this case has been extended to 120 days after the February 13th decision. We would like to strongly urge that this decision not be appealed, and the important provisions contained in this ruling be enforced as soon as possible.

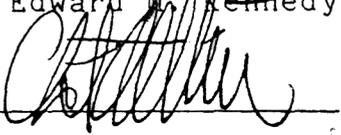
Sincerely,

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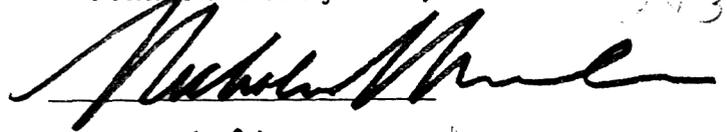

Edward M. Kennedy

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John F. Kerry

12  


Chester Atkins

 243

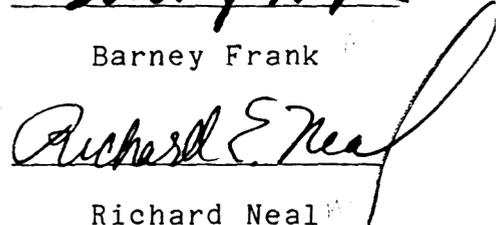
Nicholas Mavroules

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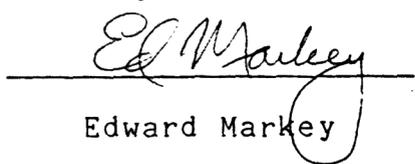

Barney Frank

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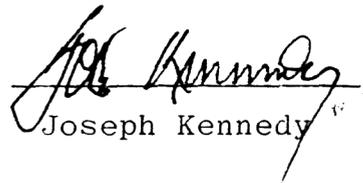
Gerry Studds

80  


Richard Neal

 237

Edward Markey

2  


Joseph Kennedy

 93

Brian Donnelly

MAD - 7 1989

C. Boyden Gray  
Counsel to the President  
1600 Pennsylvania Ave., NW  
Washington, DC 20500

MAR - 7 1989

March 2, 1989

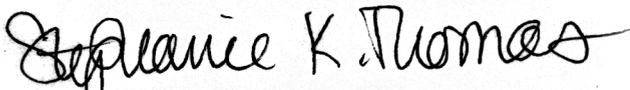
Dear Mr. Gray,

I am writing to urge you not to appeal, or request a rehearing, on the Third Circuit Court of Appeals decision in the ADAPT v. DOT case. This decision is well researched, thoughtful and insightful in its conclusions. For over a decade people with disabilities have been fighting for their right to ride public transit. As the representative of a new administration, one which has stated many times it's desire to bring people with disabilities into the economic mainstream, you can end this struggle in a victory for both sides.

Transportation is the key to almost all other aspects of living. Without it we can not go to work, to school, to the store, to church, etc.. Separate can never be equal; this is as true for Americans with disabilities as it has been for any other minority. Access is our civil right.

Do not appeal the decision.

Sincerely,



Stephanie Thomas  
1208 Marshall Lane  
Austin TX 78703

THE WHITE HOUSE  
WASHINGTON

April 28, 1989

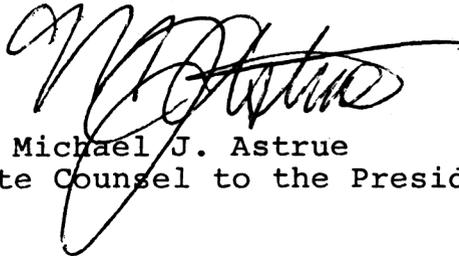
Dear Ms. Thomas:

Thank you for your recent letter to C. Boyden Gray concerning ADAPT v. Burnley, a recent decision of the Court of Appeals for the Third Circuit.

As you may know, the Justice Department recently asked for a rehearing en banc of ADAPT v. Burnley in the Court of Appeals. Accordingly, we are referring your letter to the Department of Justice for a response to the issues you raised.

Again, thank you for taking the time to share your views.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Astrue", written over the typed name and title.

Michael J. Astrue  
Associate Counsel to the President

Ms. Stephanie Thomas  
1208 Marshall Lane  
Austin, TX 78703



# Independent Living

RESOURCE CENTER • SAN FRANCISCO

FREEDOM OF CHOICE  
FOR INDIVIDUALS  
WITH DISABILITIES

February 21, 1989

Aileen Lowry  
President of the Board  
Kathy Uhl, M.S., M.P.A.  
Executive Director

C. Boyden Gray  
Council to the President  
Transition Headquarters  
1825 Connecticut, N.W.  
Washington, D.C. 20270

Dear Mr. Gray:

Independent Living Resource Center San Francisco is a community organization with a constituency of more than 80,000 San Franciscans with disabilities. Our goal is to assist people to live independent lives in the mainstream of their community.

We write to urge you not to appeal, or support an appeal, of the Third Circuit Court of Appeals decision requiring transit authorities to equip buses with wheelchair lifts. Accessible transit speaks to the heart of integration of people with disabilities.

President Bush and cabinet members have made many references to the mainstreaming of persons with disabilities, including campaign speeches and the President's recent budget message. The commitment to integration of people with disabilities is acknowledged and appreciated.

Yours truly,

*Kathy Uhl*

Kathy Uhl  
Executive Director

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THE WHITE HOUSE  
WASHINGTON

April 28, 1989

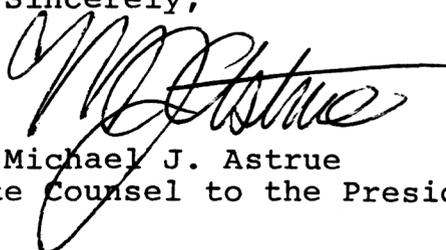
Dear Ms. Uhl:

Thank you for your recent letter to C. Boyden Gray concerning ADAPT v. Burnley, a recent decision of the Court of Appeals for the Third Circuit.

As you may know, the Justice Department recently asked for a rehearing en banc of ADAPT v. Burnley in the Court of Appeals. Accordingly, we are referring your letter to the Department of Justice for a response to the issues you raised.

Again, thank you for taking the time to share your views.

Sincerely,



Michael J. Astrue  
Associate Counsel to the President

Ms. Kathy Uhl  
Executive Director  
Independent Living Resource Center  
4429 Cabrillo Street  
San Francisco, CA 94121

# WORLD INSTITUTE ON DISABILITY

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1720 Oregon Street, Suite 4 • Berkeley, California 94703 • (415) 486-8314

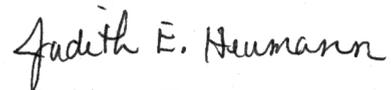
Mr. C. Boyden Gray  
Transition Headquarters  
1825 Connecticut Avenue N.W.  
Washington, D.C. 20270

February 21, 1989

Dear Mr. Gray,

I am writing on behalf of the staff of the World Institute on Disability to urge you to support the decision which came out of the 3rd District Court last week which mandates that all new buses must be purchased with lifts. This decision supports the numerous speeches you have made over the last few months supporting the rights of persons with disabilities to become integrated members of our society. This decision helps to ensure that persons with mobility disabilities will become integrated members of our communities. Many of our staff use wheelchairs. We are very aware of the problems that people face when public transportation is not accessible. The current policy of local option has been an insult to all persons with disabilities. We hope you have been sincere about integration.

Sincerely,

  
Judith E. Heumann  
Co-Director

THE WHITE HOUSE  
WASHINGTON

April 28, 1989

Dear Ms. Heumann:

Thank you for your recent letter to C. Boyden Gray concerning ADAPT v. Burnley, a recent decision of the Court of Appeals for the Third Circuit.

As you may know, the Justice Department recently asked for a rehearing en banc of ADAPT v. Burnley in the Court of Appeals. Accordingly, we are referring your letter to the Department of Justice for a response to the issues you raised.

Again, thank you for taking the time to share your views.

Sincerely,



Michael J. Astrue  
Associate Counsel to the President

Ms. Judith E. Heumann  
Co-Director  
World Institute on Disability  
Suite 4  
1720 Oregon Street  
Berkeley, CA 94703