

Americans with Disabilities Act

Scope of the Act

The American with Disabilities Act (ADA) is designed as a federal antidiscrimination statute. The intention of the act is to remove barriers that would prevent qualified individuals with disabilities from experiencing and enjoying the same opportunities that are provided to people that do not have any disabilities. The ADA is broken into 5 parts involving; Employment, Public Services, Public Accommodations, Telecommunications, and other provisions.

1. ADA Title I Employment:
 - It is illegal to discriminate against a qualified individual with a disability. Also, the ADA imposes an obligation for employers to make reasonable accommodations to the disabled unless doing so would impose an undue hardship.
2. ADA Title II Public Services:
 - Makes it illegal for state and local governments to discriminate against a qualified individual with a disability in the provision of Public Services. Requirements are also set in regards to Public Transportation.
3. ADA Title III Public Accommodations:
 - Public Accommodations need to be accessible for all persons with disabilities. This act makes it illegal to discriminate against individuals with disabilities in the provision of services, goods, etc.
4. ADA Title IV Telecommunications:
 - Requires common carriers engaged in interstate communication to ensure that telecommunications systems are available to individuals with hearing/ speech impairments and to provide technological communications.
5. ADA Title V Miscellaneous Provisions:
 - This section includes various provisions not covered under other sections, but primarily prohibits retaliation against individuals who exercise their rights under the Act. Amends Federal Rehabilitation Act of 1973 to exclude current users of illegal drugs.

Key Dates and Deadlines

ADA Title I Employment

ADA requirements become effective on:

- July 26, 1992 for employers with 25 or more employees
- July 26, 1994 for employers with 15–24 employees

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ADA Title II Public Services

ADA requirements become effective on:

For public bus systems

- July 26, 1992
- August 26, 1990, purchase/lease of new buses

For public rail systems

- January 26, 1992
- August 26, 1990, purchase/lease of new rail vehicles
- July 26, 1995, 1 car per train must be accessible

For privately operated bus and van companies

- January 26, 1992
- July 26, 1996 (7/26/97, for small providers) for purchase of new over the road buses

ADA Title III Public Accommodations

ADA requirements become effective on:

- January 26, 1992
- August 26, 1992 for purchase/lease of new
- New facilities designed and constructed for first occupancy later than January 26, 1993 need to be accessible

ADA Title IV Telecommunications

ADA requirements become effective on:

- July 26, 1993 for relay services

Key Areas of the Americans with Disabilities Act

1. Title I Employment:

- Employers should develop job descriptions that identify the jobs essential functions or tasks of the job.
- Update job descriptions on a regular basis. This might be the only opportunity a company has to spell out essential job tasks.
- Review employee benefit policies to make sure they are based on sound data.
- Document timely and completely all hirings, promotions, transfers, firings, etc.
- Review medical exam procedures; medical examinations can only be given after a conditional offer of employment.
- (A) Medical examination must be given to all entering employees for jobs or positions that require same.
- (B) Medical examination reports must be collected on separate forms and not maintained with personnel files.
- Drug testing is not subject to the ADA guidelines, because it is not considered a medical examination.

2. Title II Services:
 - All new bus, rail, etc., systems need to be accessible to the disabled.
3. ADA Title III Public Accommodations
 - Train employees to be flexible with customers.
 - Ask the customer what modification is needed.
 - Provide goods and services in an integrated setting, unless separate measures are necessary to ensure equal opportunity.
 - Evaluate existing facilities for current barriers.
 - Make changes that can be made with little cost or difficulty.
 - Maintain records on costs, difficulties on all changes that have been made or should be completed.
 - Continuously reevaluate facilities for barriers that may have been overlooked or which were not apparent initially.
 - Establish a plan on changing/modifying barriers.
 - Eliminate unnecessary eligibility standards or rules that deny an equal opportunity to individuals with disabilities.

Information Sources

Title I Employment

EEOC
1801 L Street, NW
Washington, DC 20507
(202) 663-4900 (Voice)
(800) 800-3302 (TDD)

Title II & III Public Services/Public Accommodations

Department of Justice
Office of the Americans with Disabilities Act
Civil Rights Division
P.O. Box 66118
Washington, DC 20035
(202) 514-0301 (Voice)
(202) 514-0381 (TDD)

For information about requirements for accessible design in new construction and alterations contact.

Architectural and Transportation Barriers
Compliance Board
1111 18th Street, NW
Suite 501
Washington, DC 20036
1-800-USA-ABLE

For information about federal disability-related tax credits and deductions for business; contact.

Internal Revenue Service
Department of Treasury
1111 Constitution Avenue, NW
Washington, DC 20044
(201) 566-2000

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