

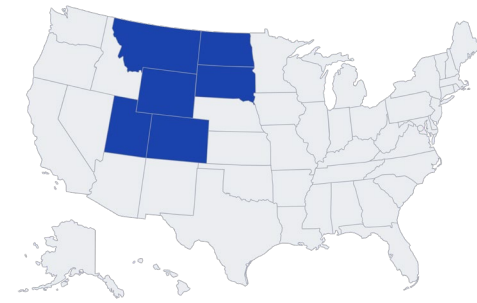
# Know Your ADA Rights

**The Session is Scheduled to Begin at 10:00am MT**

**Telephone Option:** 1-719-359-4580 **or** 1-669-444-9171

**Webinar ID:** 984 0767 8034

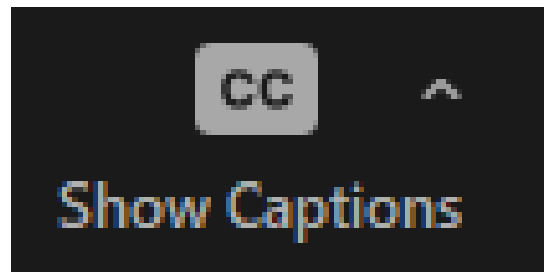
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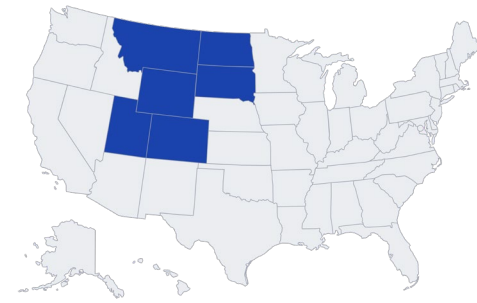


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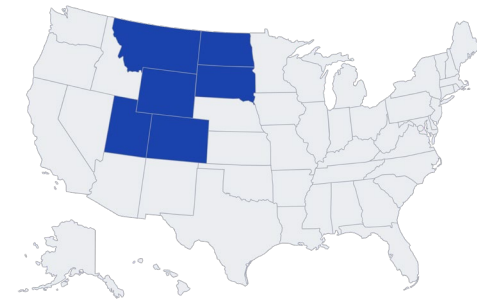
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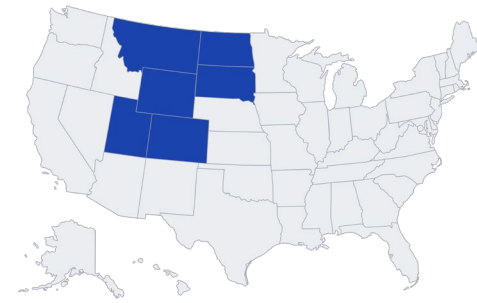


# Continuing Education Credits

This webinar qualifies for:

- [Certified Rehabilitation Counselor](#) (CRC) CEUs
- [Society of Human Resource Management](#) (SHRM) Recertification Credit
- Credit toward [ADA Coordinator Training Certificate Program](#) (ACTCP)

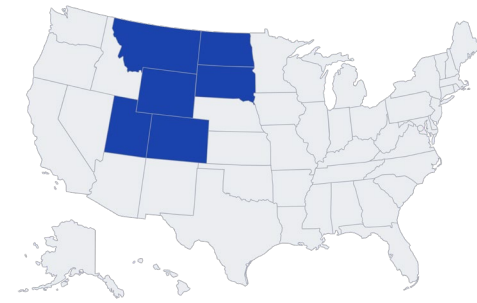
If you need a training certificate, send an email with your full name to [email@rockymountainada.org](mailto:email@rockymountainada.org).



# Technical Assistance

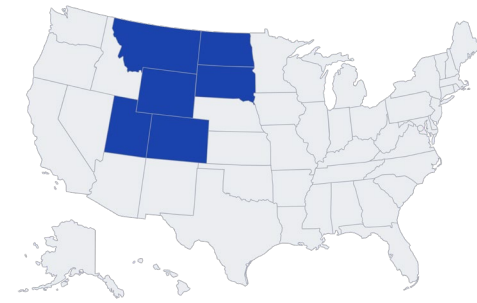
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2. Email [email@rockymountainada.org](mailto:email@rockymountainada.org)
3. Call 719-444-0268



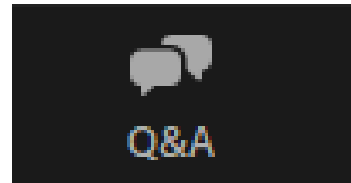
# Agenda

- The ADA's history and purpose
- Who the ADA protects, and what it covers
- How to access your ADA rights, like asking for an accommodation
- What you can do if you have been discriminated against
- Where you can get more help and resources



# Submitting Questions

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**ROCKY MOUNTAIN  
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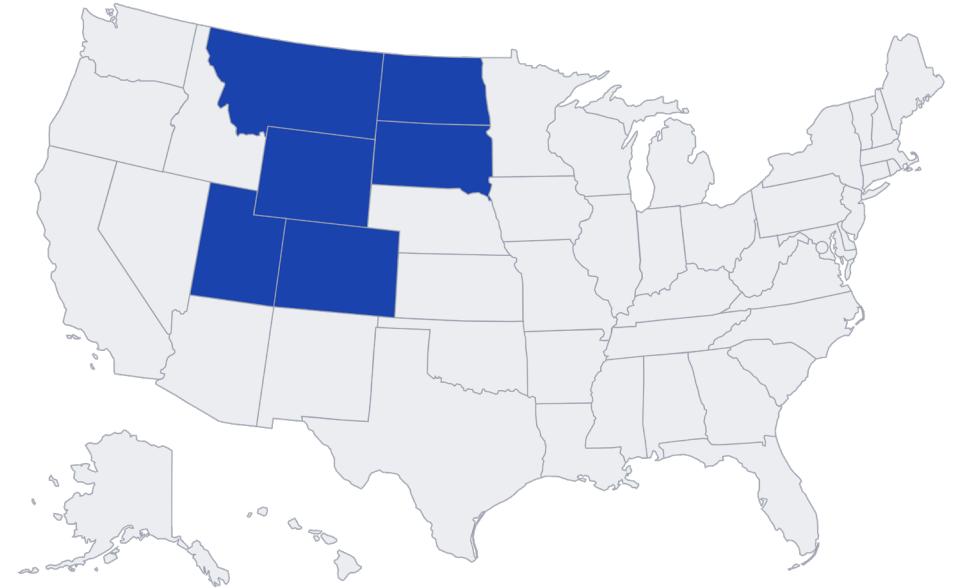
**C O • M T • N D • S D • U T • W Y**

# **Know Your Americans with Disabilities Act (ADA) Rights**

**Rocky Mountain ADA Center**

Emily Shuman

Jessica Luzanilla



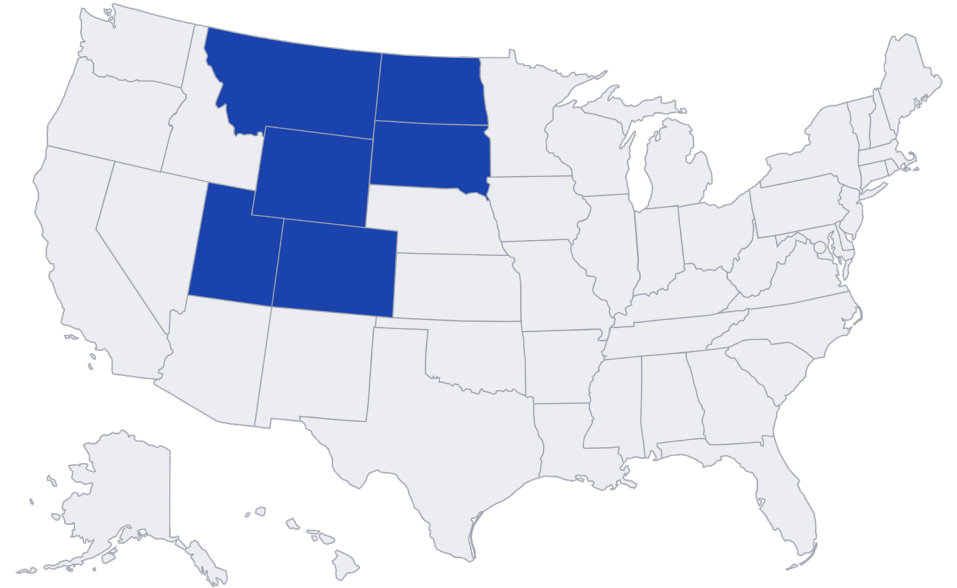




# Disclaimer

Information, materials, and/or technical assistance are intended solely as informal guidance and are neither a determination of your legal rights or responsibilities under the ADA, nor binding on any agency with enforcement responsibility under the ADA.

The Rocky Mountain ADA Center, operated by the University of Northern Colorado, is funded under a grant from the National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR grant number 90DPAD0014) to provide technical assistance, training, and materials to Colorado, Utah, Montana, North Dakota, South Dakota, and Wyoming on the Americans with Disabilities Act.



## Contact Information

Regional ADA Centers

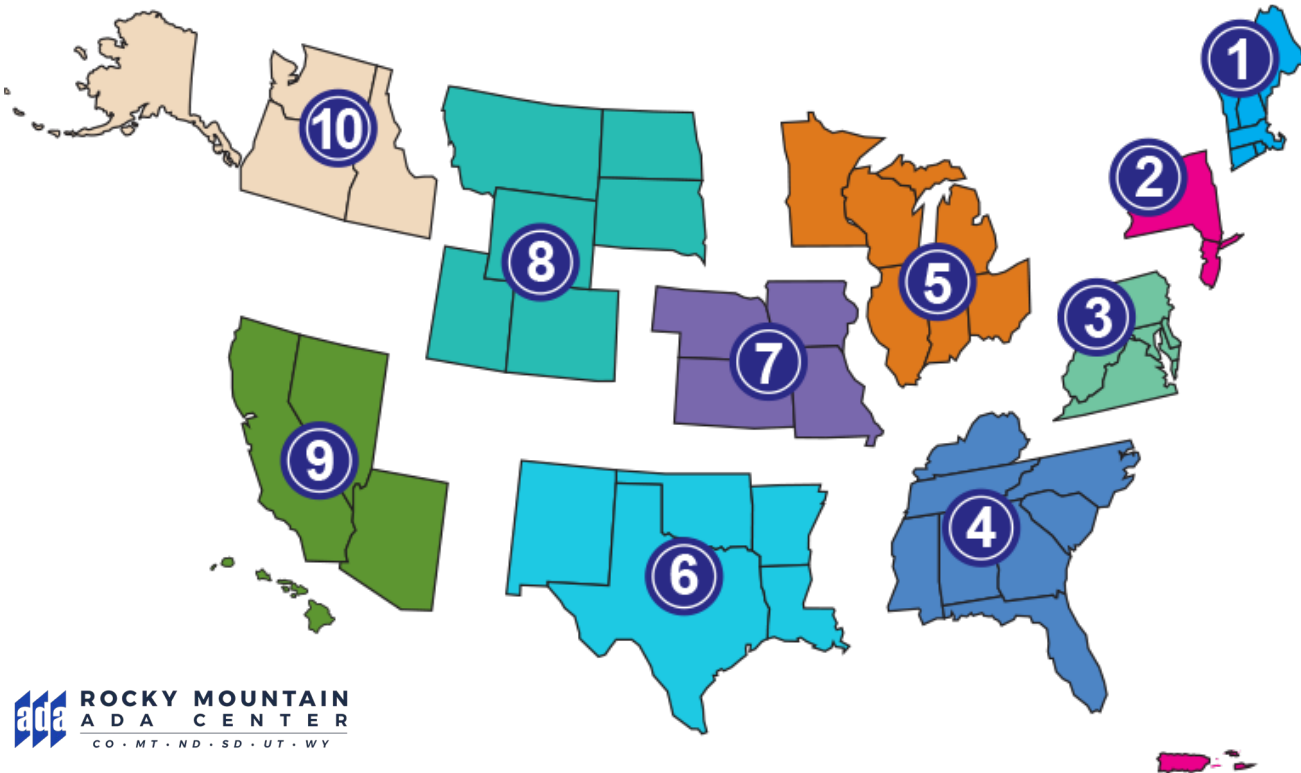
1-800-949-4232

[www.adata.org](http://www.adata.org)



## What we do:

- Technical assistance
- Refer and network
- Conduct research
- Provide training
- Publish and share materials
- Social media



**"INJUSTICE ANYWHERE IS A THREAT  
TO JUSTICE EVERYWHERE."**  
*Martin Luther King, Jr.*

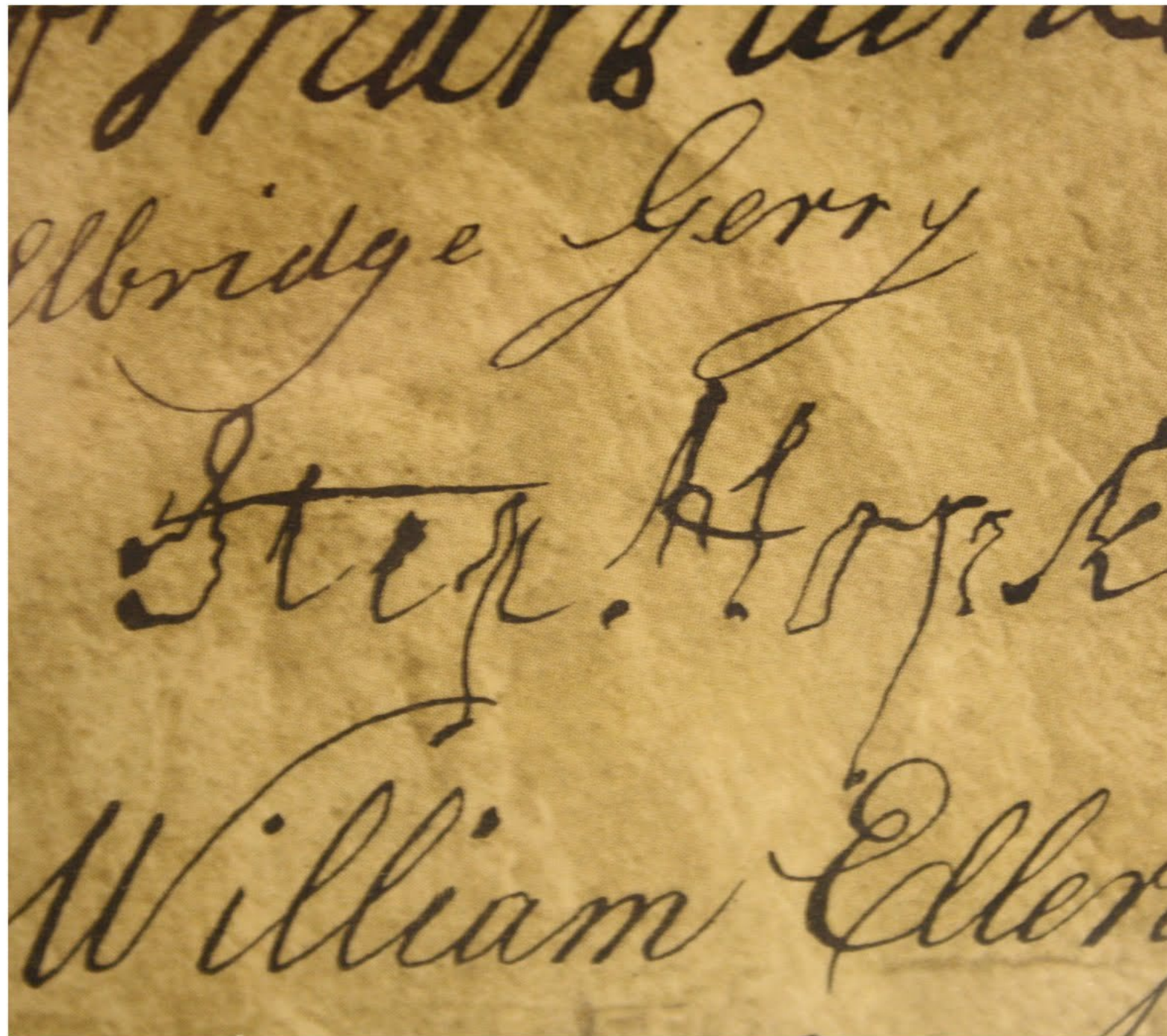




# 1776

## The Declaration of Independence

- Founding Father **Stephen Hopkins** of Rhode Island had cerebral palsy. His signature appears on the Declaration of Independence.
- “My hands may tremble; my heart does not.”





# 1817

## The American School for the Deaf

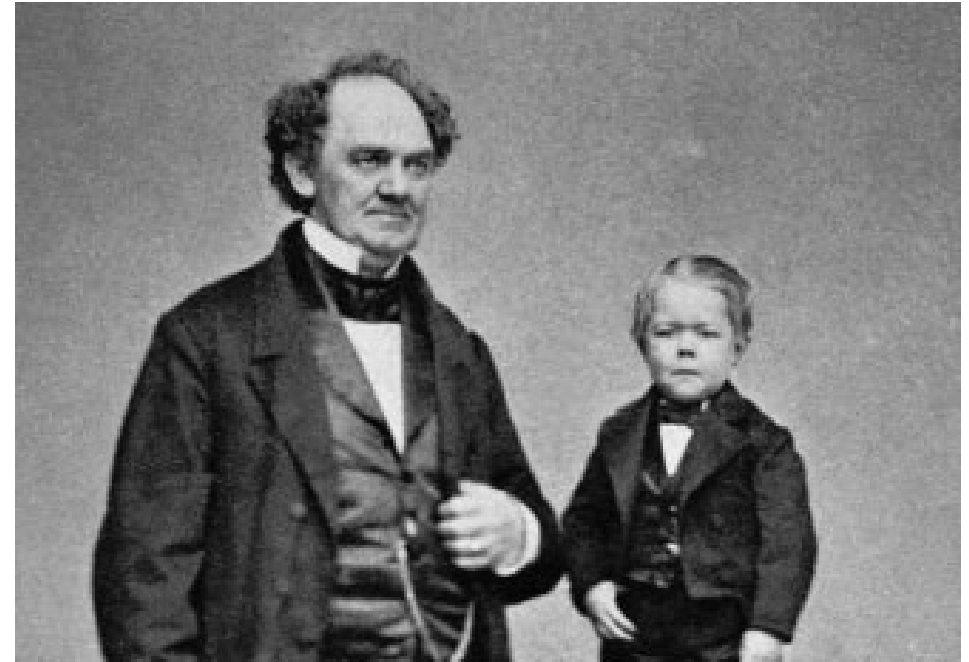
- 1817 - Thomas Gallaudet met the Cogswell family, including their Deaf daughter Alice, to discuss educating her and other Deaf children.
- Gallaudet recruited Laurent Clerc, a Deaf teacher from Paris to establish the first permanent school for the Deaf in the US.
- School was given a land grant by Alabama in 1820.



# 1841

## P.T. Barnum

Museum and began to exhibit "freaks" as a form of entertainment. These exhibits were people with disabilities. Conditions deemed "freakish", and worthy of display included: muscular atrophy; bone, skin, and hormone disorders; Dwarfism; congenital disorders (missing or extra limbs); albinism; etc.



# 1861-1865

## The American Civil War

- 3.1 million soldiers fought in the Civil War, and some **60,000** amputations were performed.
- The Invalid Corps was established by the federal government to employ disabled veterans in war-related work.
- Disabled veterans seeking protection under the law were often portrayed as immoral, shirkers, malingerers, and free-loaders.
- North Carolina provided 1,550 veterans either an artificial leg, or the equivalent sum of money (\$70).





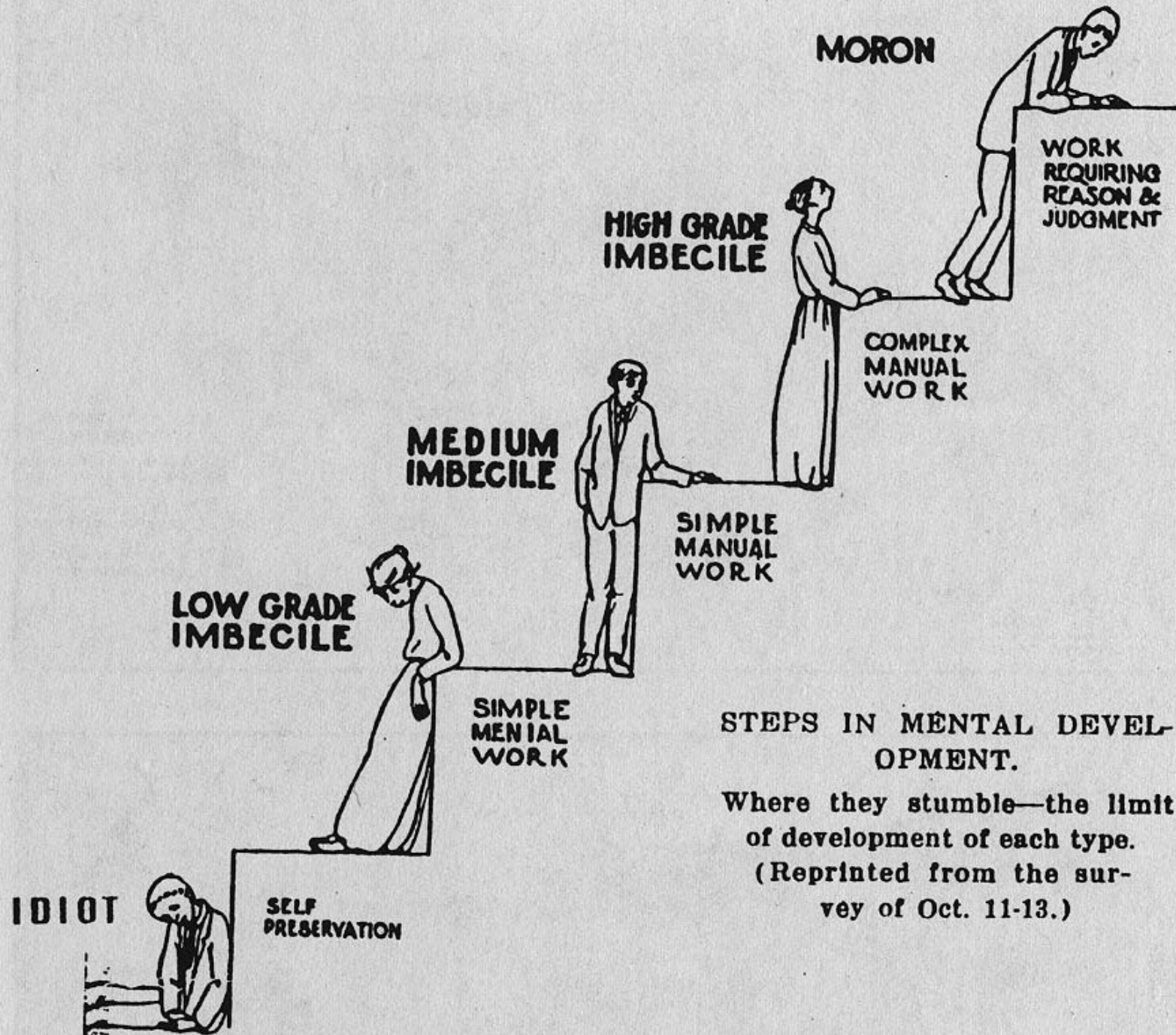
# 1883 - Eugenics

Sir Francis Galton writes *Essays in Eugenics* in 1883. Americans embraced the Eugenics movement.

Laws prevent people with disabilities from:

- Moving to the U.S.
- Marrying other people with disabilities
- Having children

Eugenics laws lead to the forced sterilization of adults and children with disabilities. The 1935 Nuremberg racial hygiene laws were modeled after US eugenics laws.





# Ugly Laws



- From the early 1880s until the 1970s US cities had “unsightly beggar ordinances,” punishable by fines and jail time. Use of the ugly laws to control the use of public spaces by people with disabilities was still occurring after the signing of the Rehabilitation Act of 1973.
- City of Denver, Colorado, 1886: “Any person, who is diseased, maimed, mutilated, or in any way deformed, so as to be an unsightly or disgusting object, or an improper person to be allowed in or on the streets, highways, thoroughfares or public places in this city, shall not therein or thereon expose himself to public view, under the penalty of a fine of \$1 for each offense.”

# Early Legislation

## **1916 National Defense Act**

Gave pension benefits to service members wounded or disabled during their service.

## **1917 Smith-Hughes Act**

Created a Federal Board of Vocational Education (providing vocational and medical rehab to injured war vets)

## **1918 Smith-Sears Veterans Rehabilitation Act**

Expanded the role of Federal Board of Vocational Education to retrain veterans from WWI

# 1927

## Carrie Buck v. Dr. James Bell

- The Supreme Court decided 8-1 that forced sterilization of people with disabilities is NOT a violation of their constitutional rights.
- More than 60,000 individuals with disabilities are sterilized without their consent.
- State laws required forced institutionalization of people with disabilities
- Some laws required the removal of children with disabilities from their homes, even against their parents' wishes
- Notorious for poor living conditions, lack of hygiene, overcrowding, and ill-treatment and abuse of patients





# 1935 The Social Security Act

- Provided funds to assist the blind, as well as old-age benefits.
- President Roosevelt was the first president with a significant physical disability, as a result of polio.
- While seeking treatment, he founded the National Foundation for Infantile Paralysis, now called March of Dimes.



# 1940's Legislation & Advocacy

**1940** – The National Federation of the Blind was formed. Advocated for white cane laws & input by blind people for programs for blind clients.

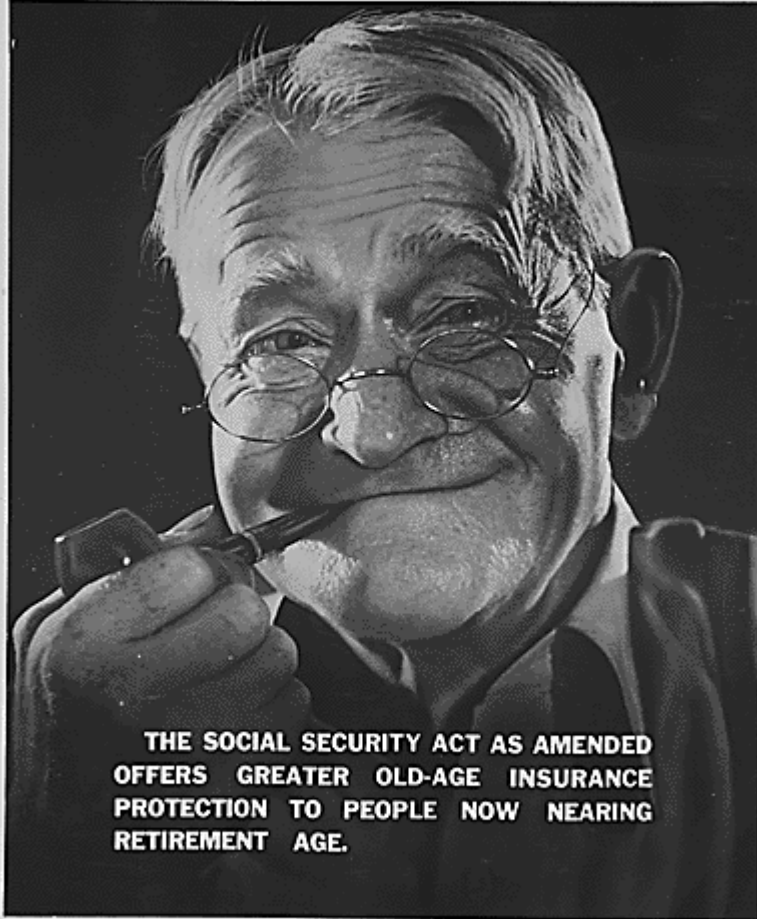
**1944** - The National Mental Health Foundation was founded by WWII objectors who chose to work as attendants in state mental institutions instead of serving in the military.

**1945** - President Harry S. Truman signed Public Law 176 which created an annual “National Employ the Handicapped Week”

**1946** - President Truman signed the National Mental Health Act (1946), which called for the establishment of a National Institute of Mental Health.



## **MORE SECURITY FOR THE AMERICAN FAMILY**



**THE SOCIAL SECURITY ACT AS AMENDED  
OFFERS GREATER OLD-AGE INSURANCE  
PROTECTION TO PEOPLE NOW NEARING  
RETIREMENT AGE.**

**FOR INFORMATION WRITE OR CALL AT THE NEAREST FIELD OFFICE OF THE  
SOCIAL SECURITY BOARD**

## **1950's**

**1949-1953** - Study at the Massachusetts School for the Feeble-Minded, conducted by MIT, Harvard, and the Quaker Oats Company. Children were fed radioactive isotopes to study mineral uptake.

**1958** – The American grassroots publication Rehabilitation Gazette founded. An early voice for disability rights, independent living, and cross-disability organizing.

**1950s** – Social Security expanded to provide direct aid to disabled adults (1950), protected future benefits with a disability “freeze” (1954), launched SSDI for workers aged 50-64 (1956), and soon extended those payments to their spouses and kids (1958).

# Disability Rights Era

- 1964—Civil Rights Act (did not include disability)
- 1968—Architectural Barriers Act (ABA)
- 1973—Rehabilitation Act
- 1975—Individuals with Disabilities in Education Act (IDEA)
- 1976—Higher Education Act Amendment (to include students with disabilities)
- 1986—Air Carrier Access Act
- 1988—Fair Housing Amendments Act
- 1990—Americans with Disabilities Act (ADA)
- 2008—ADA Amendments Act



# Critical Activism (1 of 3)

## 1977 - 504 Sit-in

- Activists occupy the San Francisco Federal Building for 25 days, demanding enforcement of Section 504 to prevent discrimination against.
- Judy Heumann led the protest, while Brad Lomax secured Black Panther support.
- Their efforts succeeded in enacting Section 504 regulations and emphasized the intersection of disability rights with broader social justice.



*Brad Lomax, center, next to the activist Judy Heumann at a rally in 1977 at Lafayette Square in Washington.*



# Critical Activism (2 of 3)

## The Gang of 19

**1975** – The Atlantis Community

**1978** – July 5-6, The Gang of 19

**1983** – ADAPT



*February 15, 1985 – ADAPT members blocking a bus to protest the Regional Transportation District's inaccessibility*



# Critical Activism (3 of 3)

## The Capitol Crawl

March 12, 1990

More than 60 activists abandoned their crutches, wheelchairs, powerchairs, and other mobility-assistance devices and began crawling up the stone steps that lead to the Capitol building





# Americans with Disabilities Act (ADA)

**“Let the shameful wall of exclusion finally come tumbling down.”**

**Civil Rights Law** = Legal guarantee of non-discrimination in areas of public life for individuals with disabilities

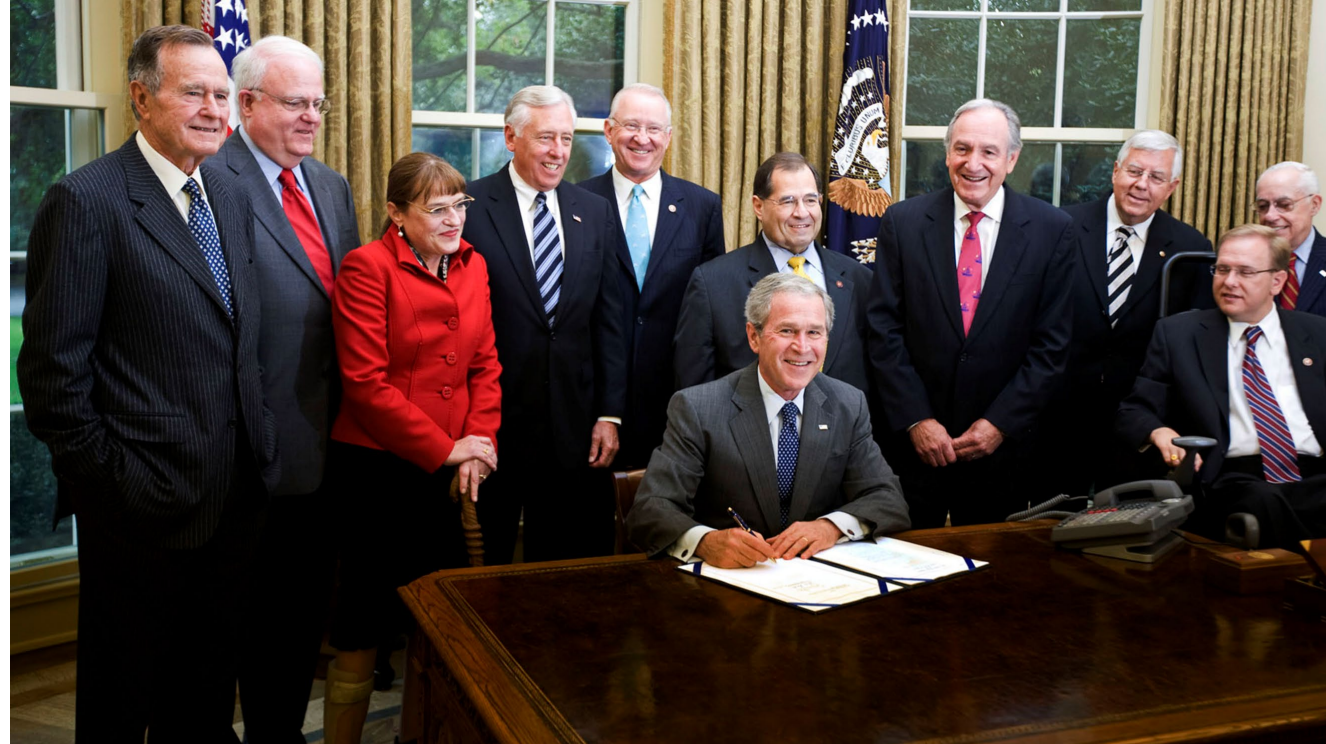
- Promises equal opportunity
- Descriptive rather than prescriptive
- Applies case-by-case



*July 26, 1990 – President George H. W. Bush signing the Americans with Disabilities Act on the South Lawn of the White House. Pictured (left to right): Evan Kemp, Reverend Harold Wilke, President Bush, Sandra Parrino, Justin Dart*

# ADA Amendments Act of 2008

- Expands definition of major life activities
- Allows for mitigating measure
- Considers episodic/in remission conditions
- Overall purpose: “To restore the intent and protections of the Americans with Disabilities Act of 1990.”



*George W. Bush signing the ADA Amendments Act of 2008. Standing around him is George H.W. Bush and Members of Congress.*

# What is Discrimination?

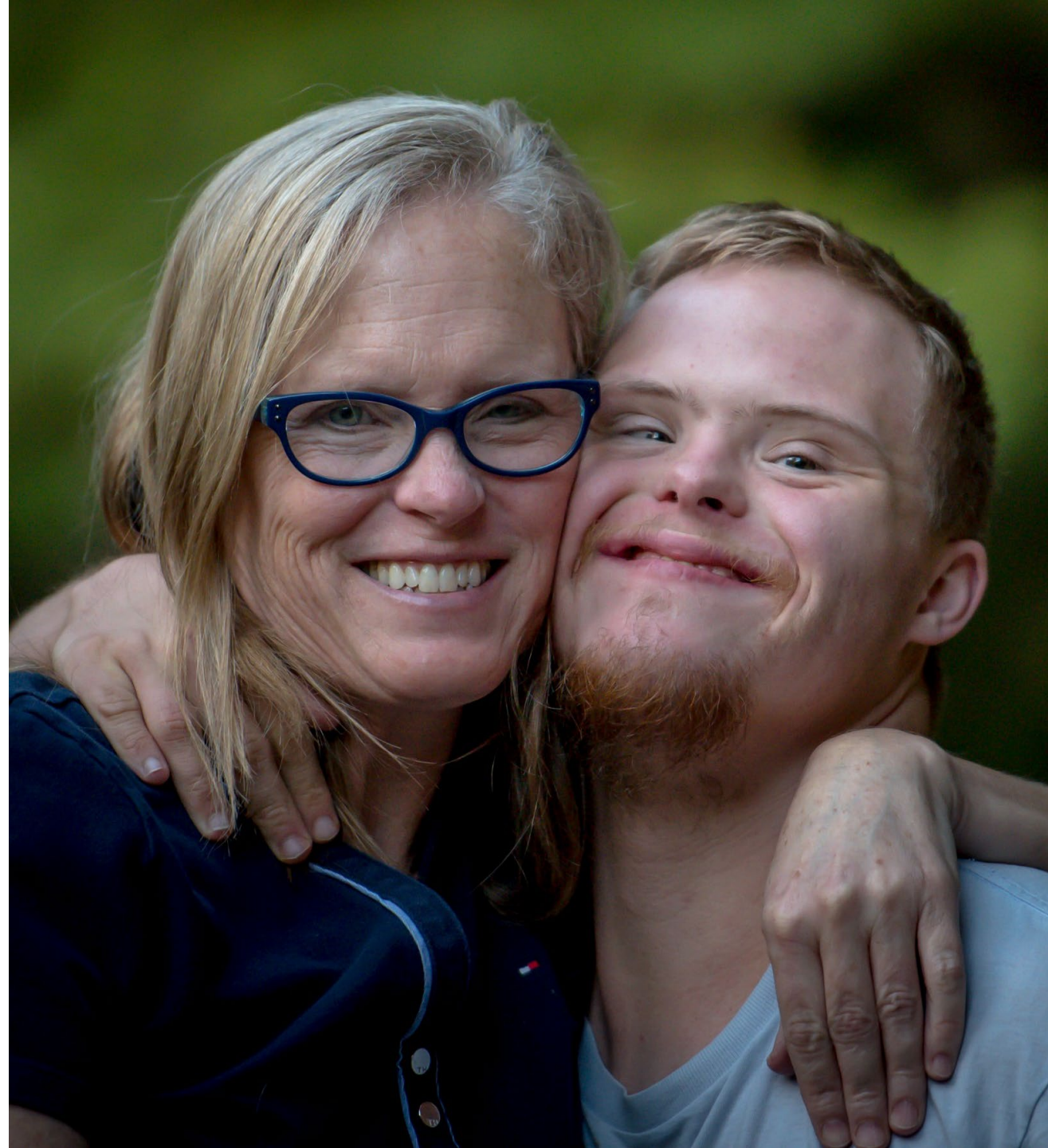
- Discrimination is the **unfair** or **prejudicial** treatment of people based on personal characteristics.
- Under the ADA, discrimination is the failure, either intentionally or unintentionally, to give a person with disabilities the equal opportunity:
  - To find, maintain, and benefit from employment.
  - To participate in or benefit from the services and programs of state or local government.
  - To obtain or use the goods, services, or facilities of places that are open to the general public, which includes most businesses.

**How do I know if I'm  
protected by the ADA?**



# ADA Definition of Disability

- A physical or mental impairment that substantially limits one or more major life activities. The
- Those with a record of such an impairment
- Those regarded as having such an impairment



# Types of Disabilities (1/2)

## **Physical/mobility**

**disabilities:** spinal cord injury, cerebral palsy, limb loss, muscular dystrophy.

## **Blindness or low vision:**

total blindness, macular degeneration.

## **Deafness or hard of**

**hearing:** profound deafness, age-related hearing loss.

## **Speech & communication**

**disorders:** stuttering, aphasia, laryngectomy.

## **Intellectual & developmental disabilities**

**(IDD):** Down syndrome, autism spectrum disorder, fetal alcohol spectrum disorders.

## **Cognitive & learning**

**disabilities:** dyslexia, ADHD, traumatic brain injury–related processing issues.





# Types of Disabilities (2/2)

**Mental health/psychiatric disabilities:** major depression, bipolar disorder, PTSD, schizophrenia.

**Neurological disorders:** epilepsy, multiple sclerosis, Parkinson's disease, migraine.

**Chronic medical conditions:** diabetes,

Crohn's disease, fibromyalgia, cancer.

**Chemical & environmental sensitivities:** severe allergies, multiple chemical sensitivity. Non-apparent.

**Multiple or intersecting disabilities:** any combination of the above (e.g., a person who is Deaf and has diabetes).

**Disability can be apparent or non-apparent and visibility can change over time or with context.**

**People can be born with a disability, or they can acquire a disability later in life.**



# Additional Protections: Exercising Your Rights

The ADA provides protection from discrimination, coercion, or retaliation for exercising rights under the ADA





# Additional Protections: Association

The ADA includes protections that prohibit discrimination against a person, whether or not they have a disability, because of their **known relationship or association with a person with a known disability**



# Americans with Disabilities

**28.7%**  
(74 million)

of adults in the United States have a disability



**12.2%**

have serious difficulty walking or climbing stairs

**13.9%**

have serious cognition difficulties

**6.2%**

are deaf or have serious difficulty hearing

**5.5%**

are blind or have serious difficulty seeing

**3.6%**

have difficulty with dressing or bathing

**7.7%**

have difficulty living independently

# Where do my ADA Rights apply?

# Five Titles of the ADA

**Title 1 – Employment**

**Title 2 – State and local governments**

**Title 3 – Businesses/Places of Public Accommodation**

**Title 4 – Telecommunication**

**Title 5 – Miscellaneous**





# What's Not Covered by the ADA

- Private membership clubs that truly limit access to members and their guests.
- Religious organizations and the programs and facilities they control (e.g., churches, mosques, synagogues).
- Tribal governments and programs operated by federally recognized Native American tribes.
- Personal residences or apartment buildings that offer no public accommodations or commercial services; Fair Housing Act may apply
- Federal agencies and programs follow the Rehab Act, not the ADA
- Airplane accessibility is governed by the Air Carrier Access Act



# What are my rights under the ADA in employment?



# Title I of the ADA



Title I applies to all private **employers with 15 or more employees and state/local governments**

Prohibits discrimination against qualified individuals with disabilities in **employment**

Applies to **recruiting, hiring, promotion, training, pay, benefits,** and other aspects of employment

Enforced by the **Equal Employment Opportunity Commission (EEOC)**

# Employment Rights

## You have the right to:

- Be considered for hiring, promotion, and training based on qualifications, not disability
- Request and obtain reasonable accommodations to perform essential job functions
- Engage in an interactive process with your employer to identify effective accommodations
- Keep disability-related medical information private and shared only on a need-to-know basis
- Receive equal pay, benefits, and workplace privileges as co-workers without disabilities
- Be free from harassment, retaliation, or coercion when exercising ADA rights

# Reasonable Accommodations

- Under the ADA, qualified employers must provide reasonable accommodations to the **known** physical or mental limitations of a qualified applicant or employee with a disability
- **Reasonable accommodation:**  
Modification or adjustment to a job, an employment practice, or the work environment that makes it possible for an individual with a disability to enjoy an equal employment opportunity



Title I

# Employee and Employer

## Employee Responsibilities:

1. Request/disclose
2. Provide documentation (if needed)
3. Participate in the interactive process

## Employer Responsibilities

1. Verify need
2. Maintain confidentiality
3. Participate in the process in good faith





# Reasonable...

- Making modifications to increase facility accessibility
- Job restructuring
- Flexible scheduling
- Acquiring new equipment
- Providing qualified readers and interpreters
- Modification of application and testing procedures and training materials



# ...Not So Much

- Eliminating essential job functions
- Lowering production standards applied to all employees
- Providing personal use items
- Excusing violation of uniformly applied conduct rules
- Changing a Supervisor...
- Undue hardship
- Direct threat



# What are my rights under the ADA in public places?



# Title II of the ADA

Title II applies to **all state and local governments**, their departments, and their agencies (aka public entities)

Prohibits discrimination against qualified individuals with disabilities in all **programs, activities, and services** of public entities

Establishes standards for the **operation of public transit systems**, including commuter and intercity rail (e.g., Amtrak)

Enforced by the **U.S. Department of Justice** (DOJ)



# Title III of the ADA



Title III applies to **all places of public accommodation** (hotels, restaurants, bars, theaters, grocery stores, banks, etc.)

Prohibits discrimination against qualified individuals with disabilities in all **goods and services** of places of public accommodation

A public accommodation can be broadly defined as **most businesses or buildings** that offer certain goods or services to the general public, both **for-profit and nonprofit**

Enforced by the **U.S. Department of Justice** (DOJ)

# Common Barriers to Equal Access

- Physical obstacles
- Communication barriers
- Attitudinal barriers
- Rigid requirements/lack of flexibility



# Public Access Rights

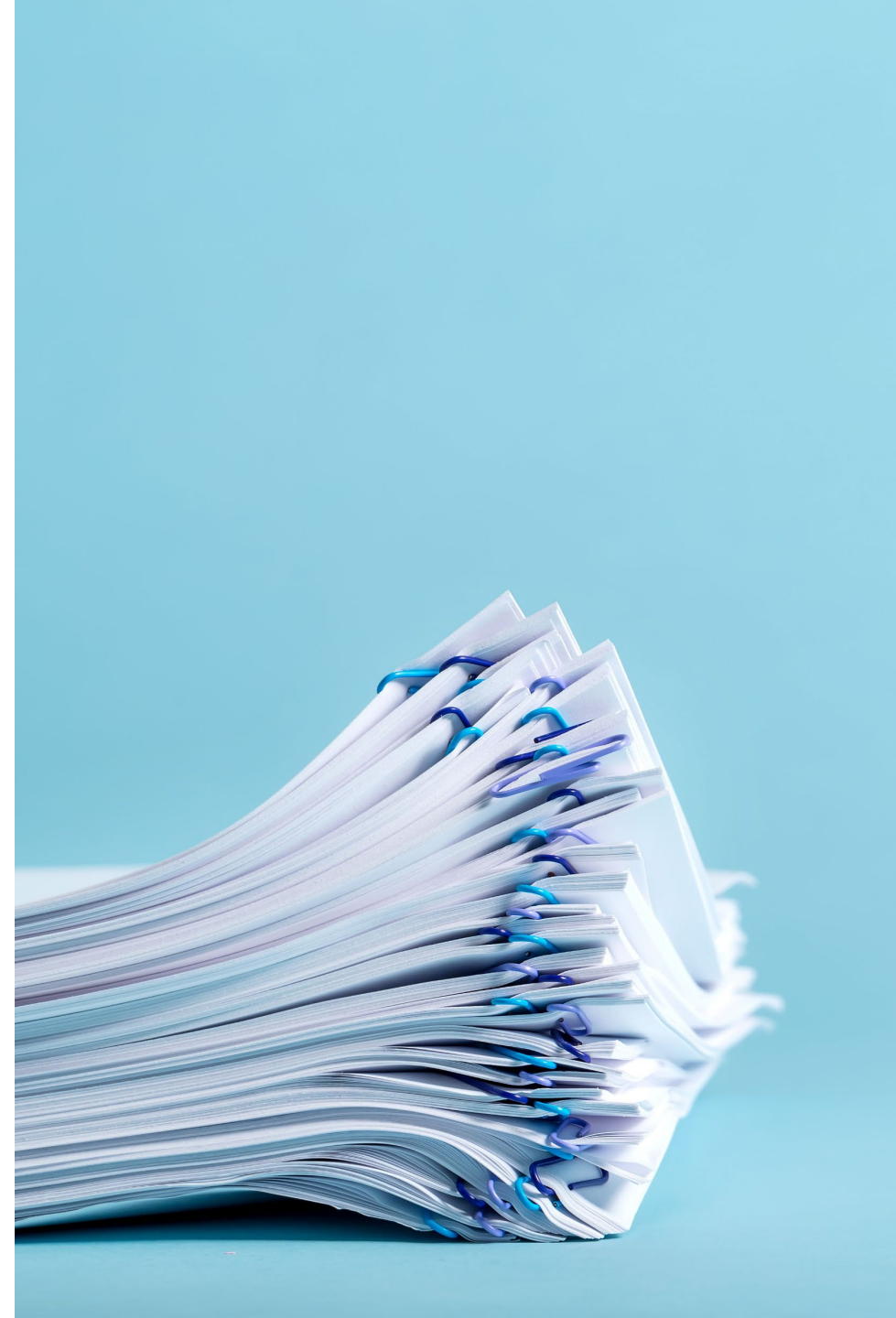
## You have the right to:

- Enter and use most businesses, nonprofits, and government facilities without physical or service barriers
- Receive goods and services with the same ease, quality, and timeliness as people without disabilities
- Expect removal of architectural obstacles—or alternative methods—when readily achievable
- Request reasonable changes to policies or practices that block participation
- Obtain information in accessible formats or through auxiliary aids such as captions, ASL interpretation, or braille
- Access state and local government programs, activities, and public transportation in the most integrated setting possible
- Be free of surcharges or added costs due to disability related needs

Title II and Title III

# Reasonable Modifications

A change in a policy, practice, or procedure that is done to offer equal access and equal opportunity for a person with a disability





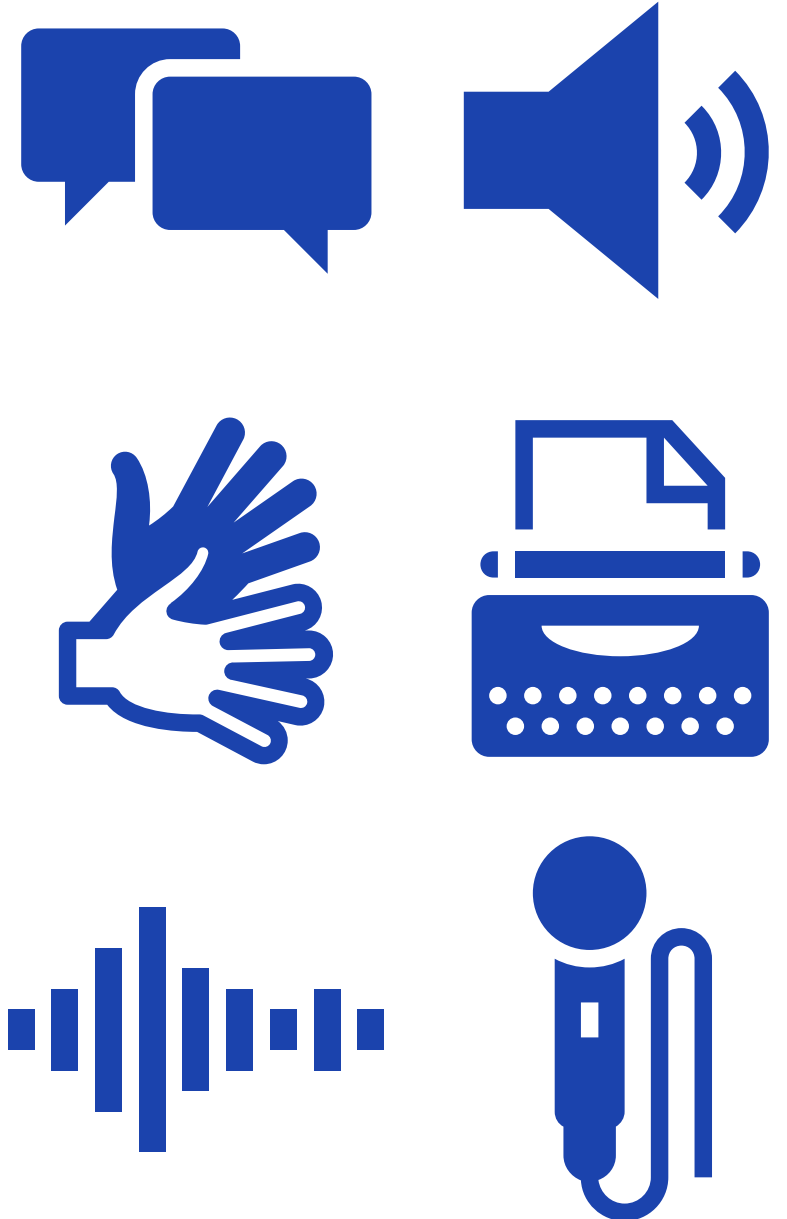
# Examples of Reasonable Modifications

- Permitting a service animal to go where the public may go in a building, even though animals are not generally allowed
- Accepting proof of identification outside of a driver's license
- Modifying a “no outside food or drink” policy



# Effective Communication

- Many disabilities affect hearing, seeing, speaking, reading, writing, and generally communicating
- Information must be as clear and understandable to people with disabilities as it is for people without disabilities



**What should I do if I think I  
might need an  
accommodation or  
modification?**

# Make a Request

## In Employment:

- Usually, this request will go to your supervisor or HR department.
- Requests can be made at any time during employment, even if you didn't disclose your disability when you were hired.
- Identify the task, barrier, or policy that limits your performance or access.
- Identify a solution, if possible.
- You may be asked to put your request in writing or document the request using an employer's specific form.

## In Public Places:

- Usually, this request will go to an ADA Coordinator in a government organization.
- In a business, you may need to speak to front-line staff or management.
- Note the specific barrier that prevents equal use of the service or place.
- Ask staff or the ADA coordinator for a reasonable modification.
- Explain how the change will let you participate on equal terms.



**What happens after I make  
a request for an access  
related need?**

# What to Expect

## In Employment:

- Employer should acknowledge your request in a timely manner and may ask follow-up questions to clarify the request
- You and the employer enter a two-way dialogue to explore effective accommodation options
- Employer may request limited medical documentation if the disability or need is not obvious
- Together you test or compare possible solutions
- Employer should issue a decision (approval, modification, or denial) with a clear explanation and timeline
- Approved accommodation is implemented and periodically reviewed; if denied, you can appeal internally or file a charge with the EEOC

## In Public Places:

- Staff or the ADA coordinator records your request and gathers details about the access barrier
- Entity evaluates feasibility, considering cost, resources, and whether the change would fundamentally alter the service
- Interim measures may be offered while deciding on a long-term fix
- You should receive a prompt response indicating approval, alternative solution, or written denial, explaining reasons
- Approved modification is carried out and staff are trained accordingly
- If the response is inadequate or denied, you can escalate to higher management or file a complaint with the U.S. Department of Justice or a state civil rights agency

**What should I do if I think  
my ADA rights have been  
violated?**

# Rights Violations

## In Employment:

- Document what happened—dates, witnesses, emails, and how the action harmed you
- Notify your supervisor, HR, or the company's ADA administrator in writing and request a prompt fix
- Follow internal grievance or appeal steps; keep copies of all correspondence
- Contact your regional ADA Center or a disability rights group for free guidance on next steps
- File a charge of discrimination with the Equal Employment Opportunity Commission (EEOC) within 180 days
- Consider consulting an employment attorney; you may pursue mediation or a lawsuit if the EEOC process does not resolve the issue

## In Public Places:

- Record the barrier or incident—photos, receipts, staff names, and how it blocked your access
- Give the entity a written notice of the problem and request immediate correction or accommodation
- Elevate the complaint to the organization's upper management if front-line staff/ADA coordinator cannot resolve it
- Contact your regional ADA Center or a disability advocacy group for technical assistance and support
- File a complaint with the U.S. Department of Justice (DOJ) Civil Rights Division or the appropriate state civil rights agency
- Keep tracking responses and deadlines; if unresolved, you may pursue mediation, DOJ enforcement, or a civil lawsuit





# Resources - Information

## **ADA.gov**

<https://www.ada.gov/>

## **ADA National Network**

<https://adata.org/>

## **Rocky Mountain ADA Center**

[www.rockymountainada.org](http://www.rockymountainada.org)

## **Job Accommodation Network**

[www.askjan.org](http://www.askjan.org)

## **U.S. Access Board**

<https://www.access-board.gov/contact/>

## **Fair Housing Accessibility First**

[https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/accessibility\\_first\\_home](https://www.hud.gov/program_offices/fair_housing_equal_opp/accessibility_first_home)

[Web Content Accessibility Guidelines \(WCAG\)](#)



# Resources - Advocacy

- [ILRU Directory of Centers for Independent Living \(CILs\) and Associations](#)
- [Find Your P&A Agency | ACL Administration for Community Living](#)
- [Find a Chapter of The Arc](#)
- [Home – AAPD](#)
- [National Disability Rights Network](#)

# Resources - Enforcement

- [State Civil Rights Offices](#)
- [Contact the Civil Rights Division | Department of Justice](#)
- [Filing A Charge of Discrimination | U.S. Equal Employment Opportunity Commission](#)
- [Complaints Alleging Discriminatory Treatment Against Disabled Travelers Under The Air Carrier Access Act and 14 CFR Part 382 | US Department of Transportation](#)
- [Report Housing Discrimination | U.S. Department of Housing and Urban Development \(HUD\)](#)



# Other Federal Disability Rights Laws

- **The Fair Housing Act**
- **The Air Carrier Access Act**
- **The Rehabilitation Act**
- **Individuals with Disabilities Education Act**
- **Help America Vote Act**
- **And others...**





# We're here to help.



Rocky Mountain ADA Center



[email@rockymountainada.org](mailto:email@rockymountainada.org)



[RockyMountainADA.org](http://RockyMountainADA.org)



800-949-4232



9:00 a.m. – 4:00 p.m. MT  
Monday – Friday



# Questions?