



# ABCs of the ADA\*

\* Americans with Disabilities Act



# Civil Rights Laws

- Needs and rights of individuals
- All individuals are entitled to equal treatment
- Compliance dependent on context
- The Americans with Disabilities Act (ADA) is a Civil Rights Law

# The Americans with Disabilities Act

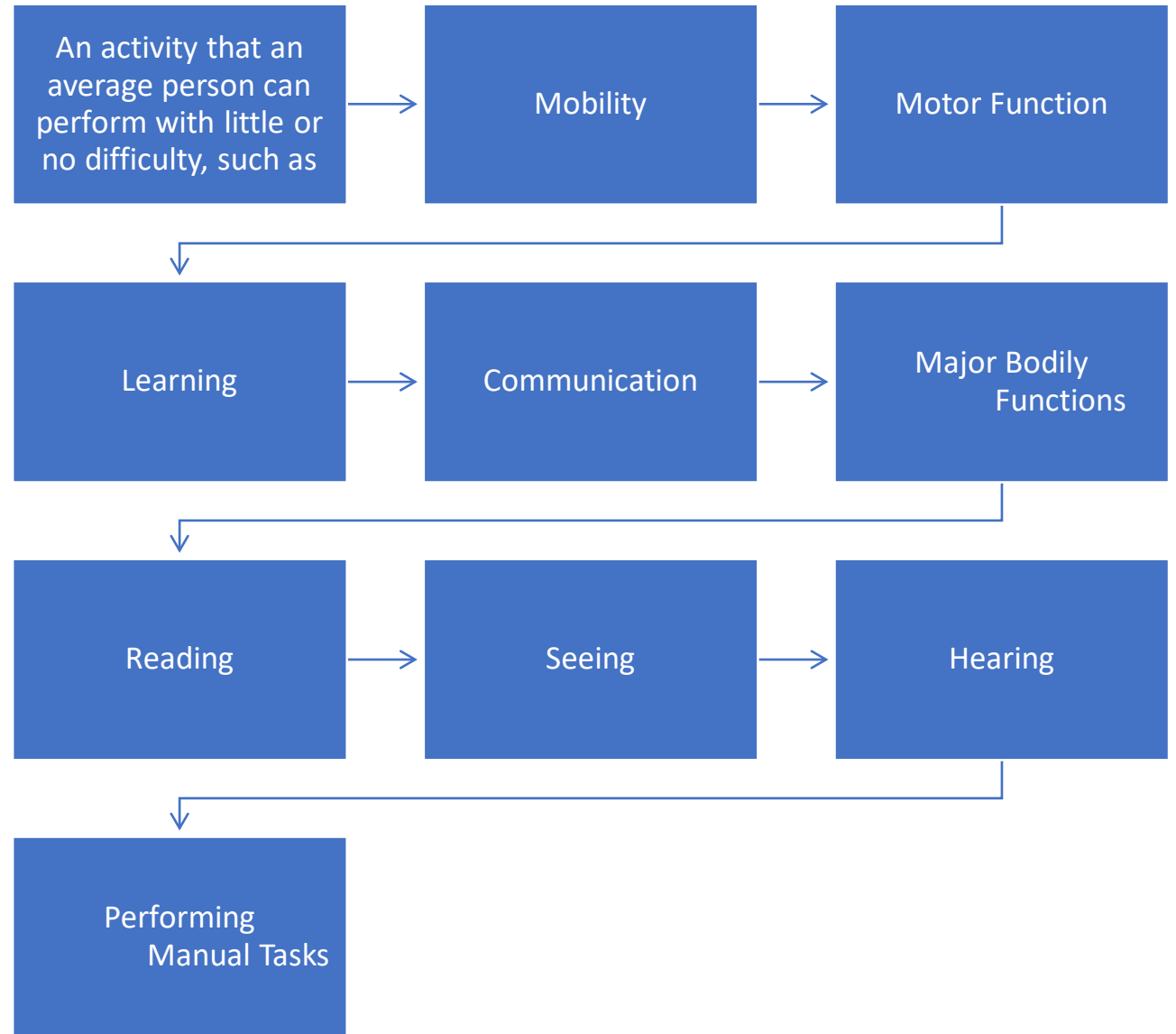
- Passed in 1990
- Non-Discrimination in
  - Employment
  - State and Local Government
  - Public Accommodations
  - Telecommunications
  - Transportation

Protects  
Individuals  
with  
Disabilities  
who

- Have a physical or mental impairment that substantially limits one or more major life activities, or
- Have a record of such impairment, or
- Are regarded as having such an impairment



# Major Life Activity



# Exclusions

- Simple physical characteristics
- Normal deviations in height, weight, and strength
- Common personality traits
- A physical condition that is not the result of a physiological disorder
- Environmental, cultural, or economic disadvantages
- Homosexuality or bisexuality
- Current alcohol abuse or illegal drug use

# Why is the ADA necessary?

- 54 million Americans have disabilities
- Fastest growing minority group
- More likely to be unemployed
- More likely to live in poverty

# ADA Difficulties

## Myths

- Requirements of ADA
- Costs of accommodations
- Effects of implementing



# Myth

“I have to hire an applicant who discloses a disability”

- Hire the best qualified candidate
- Do not make hiring decisions based on the presence or absence of a disability



# Qualified Individual

- Satisfies job requirements
  - Educational background
  - Employment experience
  - Skills
  - Licenses
- Able to perform tasks that are essential to the job, with or without reasonable accommodation
- Basic job functions that the employee **MUST** be able to perform
  - Does the position exist to perform the task?
  - Can the task be easily distributed to other employees?
  - What level of skill or expertise is required?
- Create a detailed job description
- Essential Functions

# Myth

“I can’t ask an applicant or employee about their disability at all”

- Pre-offer
  - Do not ask personal or medical questions
  - Focus on non-disability related job qualifications
- Post-offer
  - Disability/Medical Questionnaires must be consistent for all employees
  - Reasonable accommodations must be considered

# Myth

“If I hire someone with a disability, I’ll have to spend thousands of dollars to make accommodations”

# Accommodations

Employers are responsible to provide reasonable accommodations

- 20% cost nothing
- More than 50% cost less than \$500
- Average cost of an accommodation - \$35, median cost - \$240
- Some employees provide their own accommodations
- Tax incentives may offset the costs

## Limits to Accommodations

Accommodations are not required if they...

- Result in undue hardship
  - *significant* difficulty or expense, based on your resources and the operation of your business
- Benefit the employee outside of work
- Eliminate essential functions
- Lower production standards
- Violate a Code of Conduct

# Requesting Accommodations

- An organization is only required to provide accommodations for known disabilities
- Employee or Applicant responsibility
  - Requests do not need to be in writing
  - They can be in plain language
  - Family members, advocates, or others can make requests on behalf of your employee

# Best Practices

- Develop timelines within which you will respond to requests
- Communicate openly about the requests
- Use community resources
- Explain yourself

Like all discrimination laws, knowledge of the ADA protects everyone






# Disability Etiquette

# What is disability?

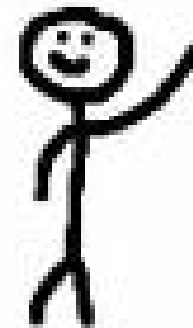
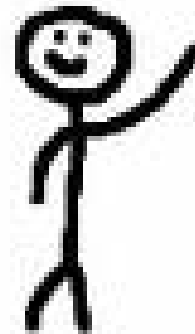
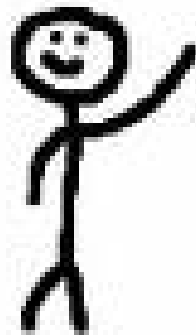
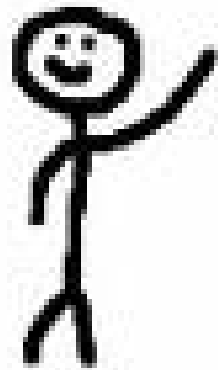
- A physical or mental condition that interferes with a person's ability to walk, talk, see, hear, learn, speak, etc.



- 
- No one knows more about a disability than the individual with that disability
  - Ask the expert

# Disability Statistical Facts

- Disability affects people of all ages, races, genders, and backgrounds
- Nearly 20% or 54 million people in the United States have a disability



# Person First Language

1

Always focus on the *person*

2

Focus on abilities, not limitations

3

Avoid labeling

4

Speak of the individual first, then the disability if necessary



# Appropriate Language

Do not use words and phrases that have a negative connotation, such as

- Confined to a wheelchair
- Crippled
- Afflicted
- Victim
- Handicapped
- Invalid
- Sufferer/suffering from

# Acceptable and Unacceptable Language

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CAN YOU GIVE SOME  
EXAMPLES OF



UNACCEPTABLE  
LANGUAGE?

# Offering Assistance

Is it okay to offer assistance to a person with a disability?

- Of course, but
- Always ask first





# Intellectual and Learning Disabilities

- How should you talk to someone who has an intellectual disability?
- What are some strategies you can use when talking with someone with a learning disability?

# Intellectual and Learning Disability Etiquette

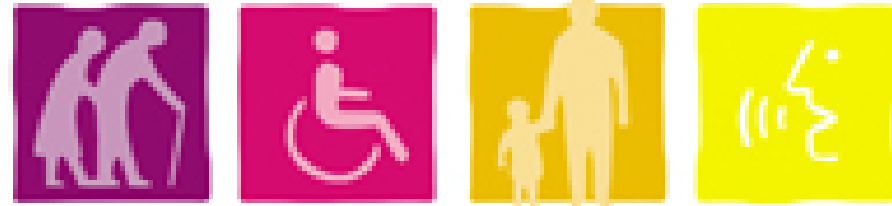
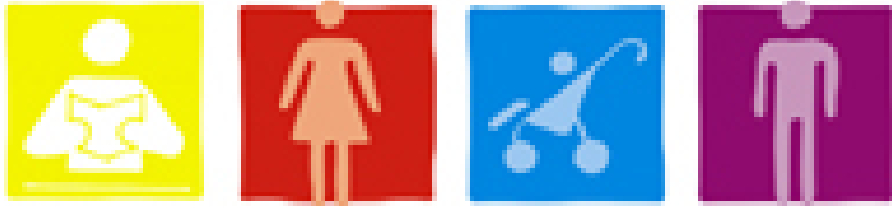
Do not use	Do not use baby talk
Ask	Ask short questions
Be	Be clear
Refrain	Refrain from talking about abstract concepts
Be	Be patient - extra time to process information may be necessary
Reduce	Reduce distractions

A yellow triangle is in the top-left corner, and a grey trapezoidal shape is on the left side, partially overlapping the yellow one.

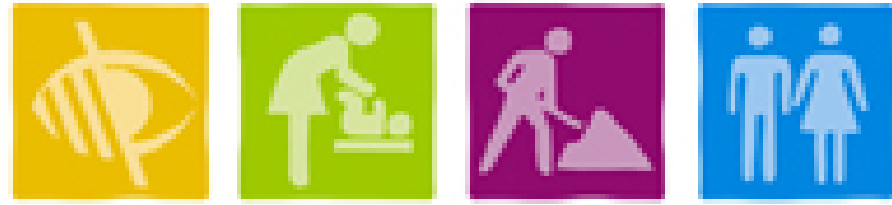
What do you have in common with people with disabilities?

“Everything!”

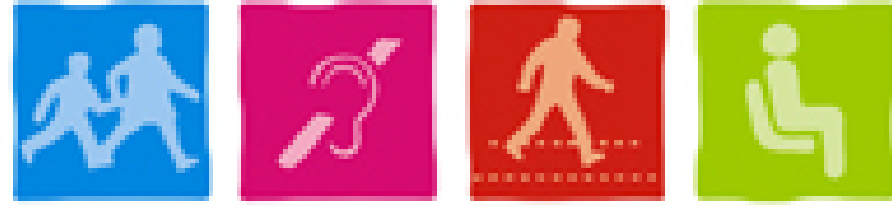
If you treat people with disabilities with the same respect you expect, you can't go wrong.



**IS YOUR INABILITY**



**TO SEE MY ABILITY**



**YOUR DISABILITY?**