



DISABILITY LAW COLORADO™

Protecting the rights of Coloradans of all ages since 1976

OVERVIEW OF THE AMERICANS WITH DISABILITIES ACT (ADA)



WHAT IS THE ADA?

- It is a federal law that prohibits discrimination on the basis of disability and protects persons with disabilities and people with whom they associate or have a relationship

WHO IS A PERSON WITH A DISABILITY?

- An individual with a physical or mental condition that substantially limits a major life activity
- Major life activities include walking, seeing, hearing, caring for oneself, working, learning, breathing . . .
- Medical conditions such as cancer are covered by the ADA
- Amendments to the ADA made in 2008 broadened the definition of disability

HOW DOES THE ADA APPLY IN AN EMPLOYMENT CONTEXT?

- It applies to employers with 15 or more employees
- Employers must provide qualified individuals with disabilities an equal opportunity for employment
- The ADA limits questions that may be asked about an applicant's disability prior to making a job offer
- Employers must make reasonable accommodations for employees with disabilities to allow them to perform the essential functions of their job unless it would result in an undue hardship or fundamental alteration of the job
- For more information, see the "Employment Discrimination" FAQ.
- Complaints of employment discrimination can be filed at <http://www.eeoc.gov/employees/charge.cfm> or www.dora.state.co.us/civil-rights/complaints_process.html

HOW DOES THE ADA APPLY WHEN STATE OR LOCAL GOVERNMENT IS INVOLVED?

- The ADA applies regardless of the state or local government size or receipt of federal funding
- The ADA requires:
 1. people with disabilities have an equal opportunity to benefit from programs, services, and activities
 2. specific standards must be met when constructing a new building or altering existing buildings
 3. relocation or alternative access to programs that are in older inaccessible buildings
 4. effective communication with persons who have hearing, vision, or speech disabilities
 5. entities must make reasonable accommodations to policies, procedures, practices unless it would alter their nature or be an undue burden
- Public transportation authorities may not discriminate against persons with disabilities
- Complaints involving state or local government may be filed at http://www.ada.gov/aids/ada_aids_complaints.htm or www.dora.state.co.us/civil-rights/complaints_process.html

HOW DOES THE ADA APPLY WHEN I'M AT A PLACE OF PUBLIC ACCOMMODATION?

- The ADA covers privately operated entities who own, lease, lease to, or operate facilities that are open to the general public
- Public accommodations include restaurants, retail stores, hotels, movie theaters, private schools, doctors' offices, zoos, day care centers, sports stadiums, fitness clubs – anywhere open to the public
- Privately owned or operated transportation services are covered under this section of the ADA
- The ADA requires public entities to:
 1. not exclude, segregate, or treat persons with disabilities differently because of their disability
 2. follow specific standards when constructing a new building or altering existing buildings
 3. remove barriers in existing buildings if it is possible without too much difficulty or expense
 4. communicate effectively with persons who have hearing, vision, or speech disabilities
 5. make reasonable accommodations to policies, procedures, practices unless it would alter their nature or be an undue burden
- Complaints involving public accommodations may be filed at http://www.ada.gov/aids/ada_aids_complaints.htm or www.dora.state.co.us/civil-rights/complaints_process.html

***** DISCLAIMER: This is not intended as legal advice, but rather for informational purposes only. Always consult a lawyer if you have questions about your legal rights. *****

References:

Disability Law Colorado – www.disabilitylawco.org
Americans with Disabilities Act – 42 U.S.C. § 12101 et. seq.
Dept. of Justice – www.ada.gov/aids
Equal Employment Opportunity Commission – www.eeoc.gov