

The AMERICANS WITH DISABILITIES ACT GET THE FACTS!

TRUE / FALSE

1. ____ The Americans with Disabilities Act (ADA) mandates the hiring of individuals with disabilities.
2. ____ Businesses with 15 or more employees are covered by Title I (the employment provision) of the ADA.
3. ____ Sixty-five percent (65%) of working age individuals with disabilities are unemployed.
4. ____ There is a toll-free number that I can call to discuss the ADA and get confidential technical assistance to help my business.
5. ____ Governments must make all of their facilities fully ADA accessible.
6. ____ Two out of three unemployed people with disabilities would prefer to be working.
7. ____ Employees with disabilities are unable to meet performance standards.
8. ____ Employees with disabilities are more likely to have accidents on the job than employees without disabilities.
9. ____ Companies report that employees with disabilities have better retention rates, reducing the high cost of turnover.
10. ____ There is a forty percent (40%) chance of acquiring a disability if you live to the age of 80.

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ANSWERS

1. FALSE – The ADA says you should hire the most qualified applicant. It does not mandate that you hire individuals with disabilities; it just ensures equal access to the employment process.¹
2. TRUE - Businesses with 15 or more employees are covered by Title I (the employment provision) of the ADA.¹
3. TRUE - Among working-age individuals with disabilities, only 35% work full or part-time (*2004 National Organization on Disability / Harris Survey*).²
4. TRUE - The ADA & IT Information Centers (also known as the DBTACs) have a toll-free number and provide free technical assistance! **800-949-4232 Voice / TTY**
5. FALSE - Governments need to provide full program access. Their programs and services must be accessible when examined as a whole. This does not mean that each building must be fully accessible.¹
6. TRUE - Two out of three unemployed people with disabilities would prefer to be working (*2000 National Organization on Disability / Harris Survey*).³
7. FALSE - According to a 1990 DuPont survey, 90% of employees with disabilities rated average or better in job performance compared to 95% for employees without disabilities. A similar 1981 DuPont study found that 92% of employees with disabilities rated average or better in job performance compared to 90% of employees without disabilities.⁴
8. FALSE - In the 1990 DuPont study, the safety records of employees with and without disabilities were identical.⁴
9. TRUE - Companies report that employees with disabilities have better retention rates, reducing the high cost of turnover (*Unger, 2002*).⁵
10. FALSE - There is a 73.6% chance of acquiring a disability if you live to age 80 (*U.S. Census Bureau, 1997*).⁶

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AMERICANS WITH DISABILITIES ACT SUMMARY

TITLE I: EMPLOYMENT

The ADA prohibits discrimination against a qualified individual with a disability in employment and includes specific requirements related to reasonable accommodation, qualification standards, and other labor management issues.

The law specifically says “no covered entity shall discriminate against a qualified person with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions and privileges of employment” [Section 102 (a)].¹

Generally, employers must provide “reasonable accommodations” to qualified employees with disabilities unless providing the accommodation would be an undue hardship. Title I defines “qualified person with a disability,” “reasonable accommodation,” and “undue hardship.”

TITLE II: PUBLIC SERVICES (STATE AND LOCAL GOVERNMENT)

The ADA addresses services and activities of State and local governments, including public transportation provided by public entities. The transportation provisions of the Act are intended to improve access in vehicles, facilities, and systems.

Title II requires that all public entities provide “program accessibility” to people with disabilities. It also requires that State and local governments modify policies, practices, and procedures to prevent discrimination against people with disabilities. Finally, Title II requires public entities to ensure effective communication with people with sensory disabilities (e.g. blindness, deafness, etc.).

TITLE III: PUBLIC ACCOMMODATIONS

The ADA addresses public accommodations, or businesses and services operated by private entities. Title III covers different types of public accommodations, such as hotels and motels, movie theaters, grocery stores, and retail stores, among others. Privately owned transportation is also included.

The ADA specifically states “no individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages or accommodations of any place of public accommodation” [Section 302(a)].¹ Businesses may need to modify their policies and practices and remove barriers to improve access. Public accommodations must also ensure effective communication for people with sensory disabilities. Title III also contains the ADA

Accessibility Guidelines (ADAAG) which include the specifications for architectural accessibility.

TITLE IV: TELECOMMUNICATIONS

The ADA mandates that companies offering telephone service to the general public must offer telephone relay services to individuals with communication disabilities who use TTYs or similar telecommunications devices. Every state must have a relay system in place.

The law specifically states the requirement to..."to ensure that interstate and intrastate telecommunications relay services are available... to hearing-impaired and speech-impaired individuals..." [Section 225(b)(1)].¹ The relay system enables people with communication disabilities who cannot use a regular telephone to communicate with anyone.

For example, Sally, who is deaf, wants to order pizza. Using a TTY, she calls the relay service by dialing 7-1-1. Once the relay operator answers, Sally types a message that she wants to call a pizza restaurant and types in the number for the operator to dial. The operator then calls the restaurant. The operator reads to the restaurant employee what Sally types, and then types back the reply from the restaurant to Sally. The operator continues to relay the questions, answers, and comments until the conversation is completed.

TITLE V: MISCELLANEOUS

Title V addresses the relationship between the ADA, Section 504 of the Rehabilitation Act, and state laws. Whichever law provides the most protections to people with disabilities takes precedent over the other laws. In addition, the Act provides for administrative remedies comparable to those of Title II and VII of the Civil Rights Act of 1964. Perhaps the most significant part of Title V is that it covers Congress and other agencies of the legislative branch of government.

The ADA was passed to protect civil rights for people with disabilities. The law does not mandate preferential treatment.

**CONTACT YOUR REGIONAL DBTAC FOR MORE INFORMATION ABOUT THE ADA
(800) 949-4232 VOICE / TTY
www.adainfo.org**