

The ADA at 30: the Progress, the Challenges, and the Implications for People with Disabilities

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Cornell University



Northeast ADA Center

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Northeast ADA Center

1-800-949-4232

Northeast ADA Center

...providing training, technical assistance, consultation, and materials on a broad range of topics related to disability in the United States.



<http://www.northeastada.org/>

Today's Agenda and Presenters

- Discuss why the ADA was needed, how it came to be, and what it is
- Review some hot topics under the ADA
- Talk about your thoughts and concerns

About the Northeast ADA Center

- The Northeast ADA Center is a member of the [National Network of ADA Centers](#) funded by the National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR), a Center within the Administration for Community Living (ACL), Department of Health and Human Services (HHS).
- Our mission is to provide information, referrals, resources and training on equal opportunity for individuals with disabilities and on the Americans with Disabilities Act to individuals and organizations in **New York, New Jersey, Puerto Rico, and the U.S. Virgin Islands**. Our center is located at the Yang-Tan Institute at Cornell University. Our staff consists of individuals with and without disabilities who have extensive experience in the disability field.

Disability Prevalence Rate in New Jersey 2018

- Overall Disability Rate in NJ: 10.2%
- Visual Disability: 1.9%
- Hearing Disability: 2.6%
- Ambulatory Disability: 5.8%
- Cognitive Disability: 3.9%
- Self-care Disability: 2.5%
- Independent Living Disability: 4.9%
- Erickson, W., Lee, C., von Schrader, S. (2017). Disability Statistics from the American Community Survey (ACS). Ithaca, NY: Cornell University Yang-Tan Institute (YTI). Retrieved from Cornell University Disability Statistics website: www.disabilitystatistics.org

For your consideration...

"We know that equality of individual ability has never existed and never will, but we do insist that equality of opportunity still be sought."

Franklin Delano Roosevelt

What do you Think?

For those old enough to remember, how were things different for people with disabilities before the ADA passed in 1990?

Please use the chat box.

Why was the ADA Needed?

Think back to before 1990...

- There were fewer curb cuts
- Many businesses were not accessible
- Public transportation was not readily accessible
- People with disabilities were rarely seen in advertisements and TV shows
- Interpreters were rarely used at public events
- People with disabilities were excluded from many activities due to barriers



The Legal Road to the ADA

- The legislative road for the ADA began in 1984 with the NCD
- In 1986, proposal of national nondiscrimination disability law proposed by NCD
- In 1988, NCD publish draft version of a proposed law

A Collaborative Effort

“Proposed by Reagan appointees in the NCD, initially sponsored by a Republican in the Senate (Senator Lowell Weicker) and a Democrat in the House of Representatives (Representative Tony Coelho), passed by a Democrat-controlled Senate and House of Representatives, and supported and signed by President George H.W. Bush, the ADA was a model of bipartisanship. “

Robert L. Burgdorf

<https://www.washingtonpost.com/posteverything/wp/2015/07/24/why-the-americans-with-disabilities-act-mattered/>

The ADA

- Civil rights law passed in 1990 and amended in 2008
- Has five titles (Title I, Title II, Title III, Title IV, and Title V)
- Aims at equal opportunity and equal access for people with disabilities

Five Titles of the ADA



Title I Employment

Prohibits disability discrimination in all employment processes (EEOC)

Title II Accessibility in State/Local Government

Physical and program accessibility in state/local govt. entities (U.S. DOJ)

Title III Accessibility in Public Accommodations

Physical and program accessibility in restaurants, hotels, stores, places of business (U.S. DOJ)

Title IV Telecommunications

Telephone and communications systems for the public (U.S. FCC)

Title V Miscellaneous

Protection from retaliation, Etc.

How the ADA defines disability

- A person with a physical or mental impairment that substantially limits one or more major life activities
- A person with a record of such an impairment
- A person who is regarded as having such an impairment
- Qualified Individual with a Disability:
 - An individual who, with or without reasonable accommodation, can perform the essential functions of the job in question or complies with the legitimate requirements to receive a public or private service.

Let's Take a Breath

Any questions about what we have covered so far?

Let's Look at Some of the ADA's Accomplishments

- Has led to much greater physical accessibility in buildings and facilities such as curb cuts and flat entrances
- Has made standards requiring public buses and trains and their platforms to be accessible
- Supported the right to community based services and living for individuals through the 1999 Olmstead decision
- Has been the primary protection to ensure equal access for those with HIV/AIDS

Let's Look at Some of the ADA's Accomplishments Cont.

- Has prohibited disability related questions during the employment hiring process and strengthened reasonable accommodation on the job
- Created relay services to establish access to telephone services for those with hearing or speech related disabilities
- Has facilitated more equal access to participate in pre and post secondary education through modifications and accommodations
- Has promoted physical, communication, and digital community access through various requirements and concepts

Let's Talk

- Let's continue the conversation.
- Any questions about what we have covered?
- What do you think has been the biggest impact of the ADA?
- Where does the most work need to be done where the ADA applies?

Three Hot ADA Topics

- COVID-19 and the ADA
- Service animals
- Accessible websites

COVID-19, the ADA, and Employment

- ADA regulates disability related inquiries during employment
- ADA prohibits covered employers from excluding individuals with disabilities from the workplace for health and safety reasons, unless they pose a direct threat
- ADA requires reasonable accommodations for individuals with disabilities absent undue hardship during a pandemic.
- As of now, COVID-19 is not considered a disability by the EEOC
- Information changes based on guidance from the CDC

COVID-19, the ADA, and Public Places

- Businesses and state/local government can require face masks, but...
- A reasonable modification under the ADA may be to allow a person with a disability not to wear a face mask
- A business must also consider modifications to permit equal access to goods and services
- Consider CDC guidance on who should or should not wear a face mask
- No easy answers
- No approved cards/fliers from Department of Justice saying people with disabilities do not have to wear face masks

The ADA & Service Animals

DEFINITION: Dogs individually trained to do work or perform tasks for people with disabilities.



Or...a miniature horse



Common Questions

Only two questions may be asked:

1. Is the animal **required because of a disability**?
2. **What work or task** has the animal been trained to perform?



Online Accessibility

Title II and III entities must ensure equally effective communication including to websites

Currently no enforceable standards for web accessibility under the ADA

Department of Justice activity points to the Web Content Accessibility Guidelines (WCAG) 2.0AA as a standard

DOJ has affirmed that the ADA applies to the web

Online Accessibility Cont.

- WCAG uses four principles:
- Perceivable
 - e.g., Captioning, alt text, not using color to signify meaning, etc.
- Operable
 - e.g., Keyboard access through tabbing, skip to links to avoid scrolling, etc.
- Understandable
 - e.g., Consistency in design and presentation, simple language, no unnecessary movement like flashing, etc.
- Robust
 - e.g., Keeping up with technology changes, keeping in mind that users have different screen sizes, browsers, platforms, assistive technologies, etc.

Joe's Contact info

If you think of questions or concerns
contact me.

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Contact us on Social Media



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