



# United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240



August 31, 1990

PERSONNEL MANAGEMENT LETTER NO 90- 4 (306)(720)

SUBJECT: Americans with Disabilities Act

The President signed Public Law 101-336, Americans with Disabilities Act, dated July 26, 1990. The Act fortifies and strengthens the efforts the Department has taken to increase our workforce profile of individuals with disabilities.

The Americans with Disabilities Act (ADA) gives civil rights protection to individuals with disabilities that are similar to those provided individuals on the basis of race, sex, national origin, and religion. It guarantees equal opportunity for persons with disabilities in employment, public accommodations, transportation, State and local government services, and telecommunications.

There are three Sections to the ADA: Employment, Public Accommodation and Transportation. Provided below are some highlights of Section I, Employment:

- Employers must reasonably accommodate the disabilities of qualified applicants or employees unless an undue hardship would result.
- Employers may reject applicants or fire employees who pose a direct threat to the health or safety of other individuals in the workplace.
- Applicants and employees are not protected from personnel actions based on their current illegal use of drugs. Drug testing is not affected.
- Employers may not discriminate against a qualified applicant or employee because of the known disability of an individual with whom the applicant or employee is known to have a relationship or association.

INQUIRIES:

Donna Waters-Davis, Division of Staffing, Classification and Executive Resources Management, Room 5021, Telephone 208-7764, Mail Stop 5230



# Americans with Disabilities Act Requirements in Public Accommodations Fact Sheet

## General

- ✓ Public accommodations such as restaurants, hotels, theaters, doctors' offices, pharmacies, retail stores, museums, libraries, parks, private schools, and day care centers, may not discriminate on the basis of disability. Private clubs and religious organizations are exempt.
- ✓ Reasonable changes in policies, practices, and procedures must be made to avoid discrimination.

## Auxiliary Aids

- ✓ Auxiliary aids and services must be provided to individuals with vision or hearing impairments or other individuals with disabilities, unless an undue burden would result.

## Physical Barriers

- ✓ Physical barriers in existing facilities must be removed, if removal is readily achievable. If not, alternative methods of providing the services must be offered, if they are readily achievable.
- ✓ All new construction in public accommodations, as well as in "commercial facilities" such as office buildings, must be accessible. Elevators are generally not required in buildings under three stories or with fewer than 3,000 square feet per floor, unless the building is a shopping center, mall, or a professional office of a health care provider.
- ✓ Alterations must be accessible. When alterations to primary function areas are made, an accessible path of travel to the altered area (and the bathrooms, telephones, and drinking fountains serving that area) must be provided to the extent that the added accessibility costs are not disproportionate to the overall cost of the alterations. Elevators are required as described above.



# Americans with Disabilities Act Statutory Deadlines

## I. Employment

- ▶ The ADA requirements become effective on:
  - July 26, 1992, for employers with 25 or more employees.
  - July 26, 1994, for employers with 15-24 employees.

## II. Public Accommodations

- ▶ The ADA requirements become effective on:
  - January 26, 1992, generally.
  - August 26, 1990, for purchase or lease of new vehicles that are required to be accessible.
  - January 26, 1993, for new construction.
- ▶ Generally, lawsuits may not be filed until January 26, 1992. In addition, except with respect to new construction and alterations, no lawsuit may be filed until:
  - July 26, 1992, against businesses with 25 or fewer employees and gross receipts of \$1 million or less.
  - January 26, 1993, against businesses with 10 or fewer employees and gross receipts of \$500,000 or less.

## III. Transportation

### A. Public bus systems

- ▶ The ADA requirements become effective on:
  - January 26, 1992, generally.
  - August 26, 1990, for purchase or lease of new buses.

### B. Public rail systems -- light, rapid, commuter, and intercity (Amtrak) rail

- ▶ The ADA requirements become effective on:
  - January 26, 1992, generally.
  - August 26, 1990, for purchase or lease of new rail vehicles.
- ▶ By July 26, 1995, one car per train accessibility must be achieved.



# Americans with Disabilities Act Requirements Fact Sheet

## Employment

- ✓ Employers may not discriminate against an individual with a disability in hiring or promotion if the person is otherwise qualified for the job.
- ✓ Employers can ask about one's ability to perform a job, but cannot inquire if someone has a disability or subject a person to tests that tend to screen out people with disabilities.
- ✓ Employers will need to provide "reasonable accommodation" to individuals with disabilities. This includes steps such as job restructuring and modification of equipment.
- ✓ Employers do not need to provide accommodations that impose an "undue hardship" on business operations.  
*Who needs to comply:*
- ✓ All employers with 25 or more employees must comply, effective July 26, 1992.
- ✓ All employers with 15-24 employees must comply, effective July 26, 1994.

## Transportation

- ✓ New public transit buses ordered after August 26, 1990, must be accessible to individuals with disabilities.
- ✓ Transit authorities must provide comparable paratransit or other special transportation services to individuals with disabilities who cannot use fixed route bus services, unless an undue burden would result.
- ✓ Existing rail systems must have one accessible car per train by July 26, 1995.
- ✓ New rail cars ordered after August 26, 1990, must be accessible.
- ✓ New bus and train stations must be accessible.
- ✓ Key stations in rapid, light, and commuter rail systems must be made accessible by July 26, 1993, with extensions up to 20 years for commuter rail (30 years for rapid and light rail).
- ✓ All existing Amtrak stations must be accessible by July 26, 2010.

### **III. Transportation**

#### **Public bus systems**

- New buses ordered on or after August 26, 1990, must be accessible to individuals with disabilities.
- Transit authorities must provide comparable paratransit or other special transportation services to individuals with disabilities who cannot use fixed route bus services, unless an undue burden would result.
- New bus stations must be accessible. Alterations to existing stations must be accessible. When alterations to primary function areas are made, an accessible path of travel to the altered area (and the bathrooms, telephones, and drinking fountains serving that area) must be provided to the extent that the added accessibility costs are not disproportionate to the overall cost of the alterations.
- Individuals may file complaints with the Department of Transportation or bring private lawsuits.

#### **Public rail systems**

- New rail vehicles ordered on or after August 26, 1990, must be accessible.
- Existing rail systems must have one accessible car per train by July 26, 1995.
- New rail stations must be accessible. As with new bus stations, alterations to existing rail stations must be made in an accessible manner.
- Existing “key stations” in rapid rail, commuter rail, and light rail systems must be made accessible by July 26, 1993, unless an extension of up to 20 years is granted (30 years, in some cases, for rapid and light rail).
- Existing intercity rail stations (Amtrak) must be made accessible by July 26, 2010.
- Individuals may file complaints with the Department of Transportation or bring private lawsuits.

#### **Privately operated bus and van companies**

- New over-the-road buses ordered on or after July 26, 1996 (July 26, 1997, for small companies), must be accessible. After completion of a study, the President may extend the deadline by one year, if appropriate.



# The Americans with Disabilities Act

The Americans with Disabilities Act (ADA) gives civil rights protections to individuals with disabilities that are like those provided to individuals on the basis of race, sex, national origin, and religion. It guarantees equal opportunity for individuals with disabilities in employment, public accommodations, transportation, State and local government services, and telecommunications.

## I. Employment

➤ Employers with 15 or more employees may not discriminate against qualified individuals with disabilities. For the first two years after July 26, 1992, the date when the employment provisions of the ADA go into effect, only employers with 25 or more employees are covered.

➤ Employers must reasonably accommodate the disabilities of qualified applicants or employees, unless an undue hardship would result.

➤ Employers may reject applicants or fire employees who pose a direct threat to the health or safety of other individuals in the workplace.

➤ Applicants and employees are not protected from personnel actions based on their current illegal use of drugs. Drug testing is not affected.

➤ Employers may not discriminate against a qualified applicant or employee because of the known disability of an individual with whom the applicant or employee is known to have a relationship or association.

➤ Religious organizations may give preference in employment to their own members and may require applicants and employees to conform to their religious tenets.

➤ Complaints may be filed with the Equal Employment Opportunity Commission. Available remedies include back pay and court orders to stop discrimination.