



The Harkin Institute  
CONNECTING PEOPLE WITH POLICY

# ADA

THE AMERICANS WITH DISABILITIES ACT



# Senator Tom Harkin's Legacy

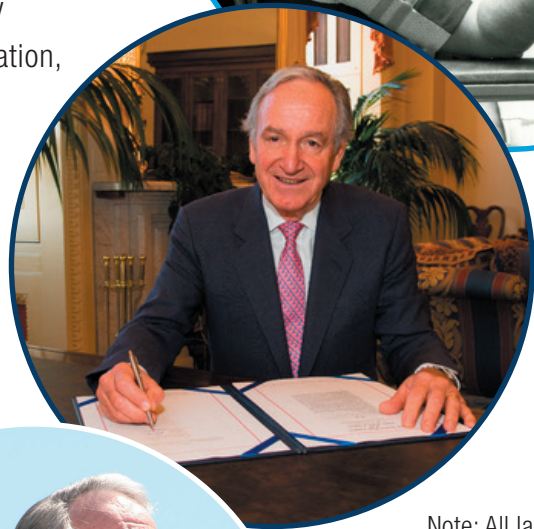
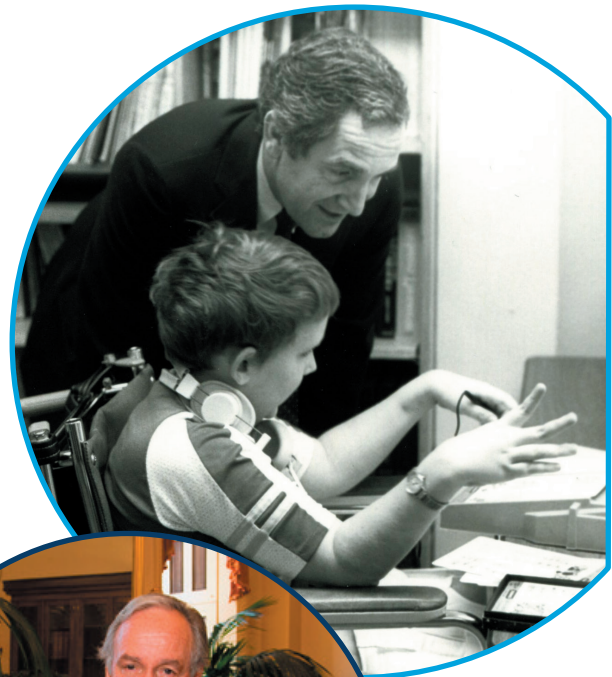
*A lifetime dedicated to the rights of people with disabilities.*

Inspired by his brother Frank, who was deaf, Senator Tom Harkin made expanding the rights of people with disabilities his life's work and one of his top priorities in Congress. By the time he retired from the U.S. Senate in 2015, Senator Harkin had amassed an unparalleled record of legislative achievement in disability rights. He is still well known across America and internationally as a leading advocate for people with disabilities. He has always insisted that people with disabilities be included during the drafting of legislation and that they be treated as partners in decision-making when laws are implemented. The disability advocacy rallying cry "nothing about us without us" became a principle according to which U.S. disability policy is centered upon.

The Americans with Disabilities Act (ADA), which is explained in detail throughout the following pages, has four overarching goals: equal opportunity, full participation, independent living, and economic self-sufficiency. The legislation is divided into five subsections, referred to as titles, each of which instructs a specific industry or entity on how it must accommodate people with disabilities. Together, these five titles make the four goals of the ADA achievable. One remarkable note about the ADA is that it is truly bipartisan in nature and has been supported by every administration, regardless of party affiliation, since its passage in 1990.

*"Before the ADA, millions of Americans were denied access to their own communities - and to the American dream. We've come so far as a country since the passage of the ADA. But our work is far from over."*

**-Senator Tom Harkin**



Note: All language in the following pages is taken directly from the ADA.

# The Americans with Disabilities Act



## The Four Goals of the ADA

- 1 Equal Opportunity
- 2 Full Participation
- 3 Independent Living
- 4 Economic Self-Sufficiency

The ADA is also referred to as the *“Emancipation Proclamation for the Disabled.”*

## Title 1: Employment

*Highlights the necessary accommodations that are to be made for individuals in the workplace.*

No covered entity or employer shall discriminate against a qualified individual because of a disability.

### Qualified Person:

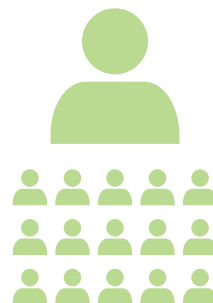
an individual with a disability who can perform the essential functions of the employment position that the individual is seeking



### Covered Entity:

*Establishes the authority of the following:*

- Employer
- Employment Agency
- Labor Organization
- Joint Labor-Management Committee



### Employer:

an individual with 15 or more employees. Exceptions include the United States, a corporation wholly owned by the United States, an Indian Tribe, or a tax exempt private membership club.

### Executors of Title 1

- Equal Employment Opportunity Commission
- The Office of Federal Contract Compliance Programs
- Attorney General



### Direct Threat:



a significant risk to the health or safety of an employee that cannot be eliminated with reasonable accommodations. Can be grounds for refusal to hire.

*Covered entities in foreign countries are expected to follow the policies put in place through the ADA.*



# Title 2: Public Services

Addresses the availability of public services to individuals with disabilities.

Under this section, it is considered discrimination for a public entity to purchase a new bus or vehicle that is not equally accessible to all individuals.

*Public entities that operate on a fixed route system must provide paratransit services.*

## Paratransit:

wheelchair and door-to-door accessible transportation provided at request by public entities for those needing special accommodations.



## Public Entity:

state or local government, department, agency, special purpose district, and National Railroad Passenger Corporation.

## Categories of Transportation:

*\*Mode of transit may fit into more than one*



Demand responsive system (anything providing public transit not on a fixed route)



Designated public transportation (transportation by bus, rail, or any other conveyance)



Fixed route system (anything providing public transit on a fixed route and schedule)



Public school transportation



Rail passenger car (single and bi-level cars on intercity rail transportation)

## Paratransit services must be provided to:

1

Any individual with disabilities, physical or mental, unable to utilize any vehicle on the system

2

Any individual with disabilities who needs the assistance of a wheelchair lift or boarding assistance device

3

Any individual with disabilities who has an impairment-related condition

## The bill does not require:



Space to fold and store a wheelchair.



A seat to transfer from a wheelchair.



## Title 3: Public Accommodations and Services Operated by Private Entities

Outlines the responsibilities of private entities for public accommodations and services.

No person should be discriminated against based on a disability in the full use and equal enjoyment of goods and services at any place of public accommodation.

### Private Entity:

any entity that is not, by definition, a public entity. (See prior page)



### Commercial facilities:

structures or buildings not intended for residential use or with operations that will affect commerce and must include public accommodations.



### Public Accommodation

*May include one of the following:*

- places of lodging
- food establishments
- places of entertainment
- sales establishments
- public displays
- social service centers
- places of exercise
- other such locations

## Title 4: Telecommunications

Addresses changes to telecommunications made to accommodate various disabilities.

The Equal Employment Opportunity Commission established regulations that set forth minimum standards and created rules for positions such as relay operators who are part of telecommunications systems.

### Telecommunication Device for the Deaf (TDD):

a communication system machine that uses images to express messages



All public service announcements that are produced or funded by the Federal Government must have closed captioning of all verbal content in the announcement.

*Relayed conversations cannot be communicated in a way other than originally intended.*





# Title 5 : Miscellaneous

Works to establish regulations related to individuals with disabilities that are not discussed in other titles of the ADA.

*"Disability" is defined differently in every section of the ADA but*

## The ADA does not include:



Kleptomania



Compulsive gambling



An individual engaging in the illegal use of drugs



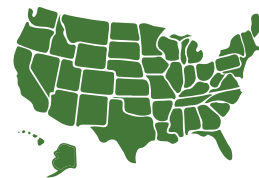
Among others

The Attorney General, in consultation with experts, formed a plan to assist entities covered by the ADA.

*Discrimination because of a person's opposition to the ADA is not allowed.*

## Wheelchair:

a device to be used by a mobility-impaired person for movement



*States can be found in violation of the ADA.*

## Vote Count



Yes



No



No Vote

### House (Roll no. 228)

July 12, 1990



377 (145 Republicans, 232 Democrats)

28 (23 Republicans, 5 Democrats)

27 (8 Republicans, 19 Democrats)

### Senate (record vote no. 152)

July 13, 1990

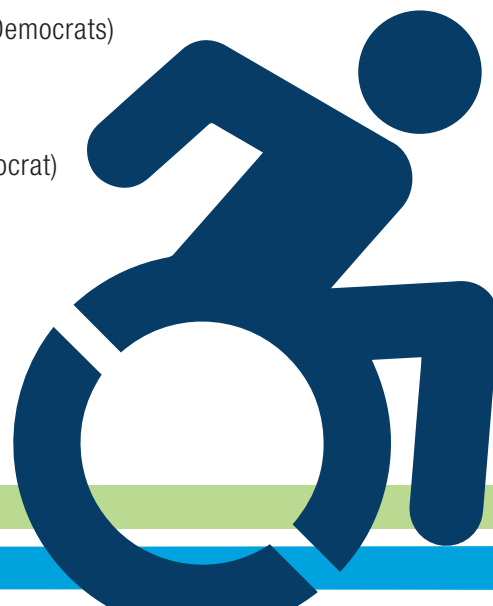


91 (37 Republicans, 54 Democrats)

6 (6 Republicans)

3 (2 Republicans, 1 Democrat)

President George H.W. Bush signed the ADA into law on July 26, 1990.





# Harkin International Disability Employment Summit

The Harkin International Disability Employment Summit was established in 2016 to create great opportunities for competitive, integrated employment for people with disabilities. In developing countries as well as industrialized nations, people with disabilities are the least likely to be employed and least likely to have economic independence. For the vast majority of those with disabilities, a job seems unattainable—not due to inability, but because of the lack of opportunity and access. The Harkin Summit gathers leaders in disability employment every year to define and create strategies to ensure people with disabilities have not only supported lives, but employed lives, including all the benefits that come with having a job and a career.

Senator Tom Harkin is perhaps best known for his legacy of fighting for the rights of people with disabilities. Celebrated nationally as the lead sponsor of the Americans with

Disabilities Act in the U.S. Senate, Senator Harkin was also instrumental – throughout his 40 years in Congress – in paving the way for people with disabilities to access the education and support services needed to thrive in the labor market. In 2014, Senator Harkin led the reauthorization of the Rehabilitation Act as part of the Workforce Innovation and Opportunity act, ensuring young people with disabilities could access fair employment.

The presence of numerous global disability inclusion leaders at the annual Harkin Summit is an uplifting and motivating demonstration of international commitment to increasing the employment of people with disabilities. Each year, the summit's agenda is designed to create opportunities for attendees to learn from each other and work together to increase employment opportunities for the more than one billion adults with disabilities around the world.

[Harkinsummit.org](http://Harkinsummit.org)

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## The Harkin Institute informs citizens, inspires creative cooperation, and catalyzes change on issues of social justice, fairness, and opportunity.

Building on the legacy established by Senator Tom Harkin during his 40 years in public office, The Harkin Institute offers programming and experiences surrounding issues faced by people with disabilities. The Institute is a hub for disability policy research, believing that good public policy is best achieved when policymakers have access to high quality information, political processes are open and well-understood, and citizens are informed and active participants.

Along with people with disabilities, The Harkin Institute's programming focuses on three more areas that defined Senator Harkin's career: retirement security, wellness & nutrition, and labor & employment. The Harkin Institute hosts public events and lectures, conducts policy research, provides scholarships, and teaches courses from Drake University in Des Moines, Iowa.