



THE AMERICANS WITH DISABILITIES ACT

with Marisa

HI, I'M MARISA!

- from South East Michigan
- live with Early Onset FSHD
- Full time power chair user since 2019
- Formally trained Zoologist
- ADA Coordinator Certification - 2023
- Currently work at Disability Rights Michigan on the Employment Team advocating for people in the Vocational Rehabilitation system.
- Disabled in Nature YT and IG



WHAT IS THE ADA?

Passed in 1990, the Americans with Disabilities Act, or ADA, is a monumental piece of civil rights legislation that provides protections for people with disabilities in the United States.





WHAT PROTECTIONS DOES IT PROVIDE?

- **Title I - Employment**
- Title II - State and local governments
- **Title III - Places of Public Accommodation**
- Title IV - Miscellaneous
- Title V - Telecommunications



WHAT IS A “DISABILITY” UNDER THE ADA?

- A person with a **physical or mental impairment** that affects one or more major life activities or bodily functions
 - includes things like walking, standing, sitting, self care, eating, seeing, hearing, learning, memory
 - encompasses people with ADHD, Autism, diabetes, cancer, epilepsy
 - There is no defined list!

TITLE I: EMPLOYMENT

No covered entity shall discriminate against a qualified individual on the basis of disability 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.



REASONABLE ACCOMMODATIONS



As our FSHD progresses, we may need accommodations to keep working. Good news! You're legally entitled to them while applying, interviewing, and maintaining your employment. They *may* look like:

- a flexible work schedule
- a flexible work location
- extended leaves
- work station adjustments
- anything that you think would make you more capable of performing your job duties!



OTHER IDEAS???

(AUDIENCE PARTICIPATION TIME!)

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HOW DO I GET ACCOMMODATIONS?

- No standard process
- “interactive process” - ask your supervisor/HR/hiring manager
- Employers can only deny accommodations if they can prove the accommodation would present an
 - **undue hardship** or
 - **direct threat.**
- Must be able to perform **essential functions** of the position



COMPLAINT PROCESS

The ADA is enforced through the complaints process, meaning it is the responsibility of the person experiencing the discrimination to do something about it. If you feel you have been discriminated against by an employer on the basis of disability, you can file a complaint with the **Equal Employment Opportunity Commission (EEOC)** or **your state's civil rights department**.



QUESTIONS ON TITLE I?

TITLE III

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 by any person who owns, leases (or leases to), or operates a place of public accommodation.





RESPONSIBILITIES

Places of public accommodation are any business or entity that serves the public. Title III provides that they:

- cannot deny, on the basis of disability, the participation in or benefit from the goods, services, facilities, privileges, advantages, or accommodations that they provide
- must provide these things in equal and integrated settings, providing the opportunity for Disabled individuals to participate in ways that are not separate or different

EXAMPLES

A small, stylized illustration of a person with dark hair, wearing a white dress, sitting in a wheelchair. The person is positioned in the middle of the word "EXAMPLES", specifically between the letters "P" and "L".

- Where stairs are the only option to enter a shop, a ramp must be provided
- When an art studio holds a painting class upstairs but has no elevator, the class must be moved to an accessible location on the first floor in the event that a Disabled person chooses to participate
- A music venue must provide Sign Language interpreters if requested by a d/Deaf attendee
- Movie theaters must provide closed captioning devices upon request
- A coffee shop cannot make its exterior doors so heavy that someone with limited upper arm strength could not open the door



OTHER EXAMPLES???

(AUDIENCE PARTICIPATION TIME!)

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“GRANDFATHER CLAUSE” MYTH

There is **no such thing as a “Grandfather Clause”** in the ADA, even for historic buildings. Places of public accommodation need to follow Title III even if they were built before 1990. They need to make their goods, services, and facilities accessible to people with disabilities. Structural changes that were “readily achievable” needed to be completed within a few years of the ADA passing (ie, 1992) and all new renovations must be compliant with the act. If someone tells you they can’t serve you because they are “Grandfathered in”, they are either misinformed or lying to you.

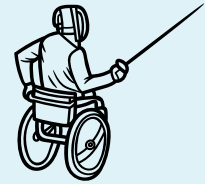
File a complaint.

COMPLAINT PROCESS

A small illustration of a person with brown hair, wearing a red top and red pants, sitting in a wheelchair. The wheelchair has orange wheels. The person is pointing upwards with their right hand.

Again, the ADA is **enforced through the complaints process**. If you feel you have been discriminated against by a place of public accommodation on the basis of your disability, you can file a complaint with your state's civil rights department or the Department of Justice (DOJ).

Not sure and want to talk to someone? Call your state's Protection & Advocacy organization. The Regional ADA Centers and local Centers for Independent Living (CILs) are also great resources!



**ANY LINGERING,
BURNING QUESTIONS?**