



# INDEPENDENT LIVING CHOICES

*Opening doors for people with disabilities*

## ADA MEANS INCLUSION

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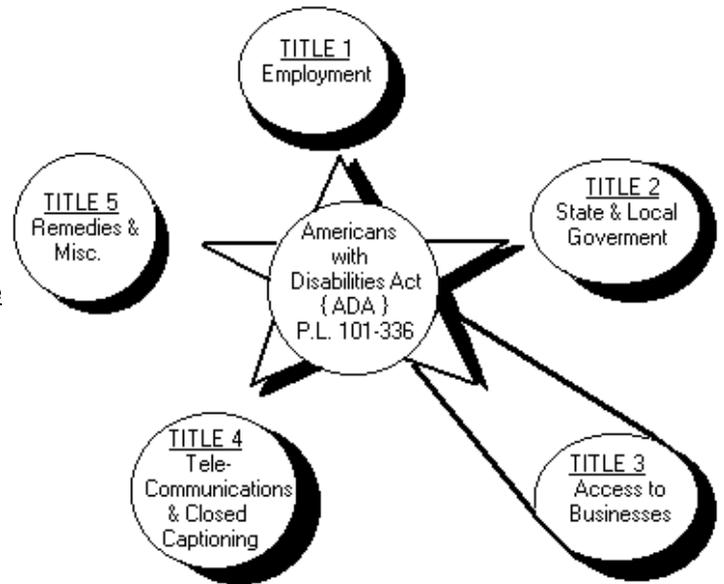
**TITLE 1- EMPLOYMENT:** “Reasonable Accommodation” of a person’s known disability. Not affirmative action. 15 or more employees. The idea is to “eliminate” a person’s disability using common sense and technology, and hire them based solely upon their abilities and qualifications.

**TITLE 2- GOVERNMENTS:** Non-discrimination and inclusion applies to anything a local government does, regardless of funding source. Local governments are held to an “**Undue Burden**” standard with regard to costs, which is a significantly higher standard than that of private businesses.

**TITLE 3- PRIVATE BUSINESS:** Must remove those barriers which are “**readily achievable and easily accomplishable**” to remove. Imagine sitting down with the Department of Justice and the Internal Revenue Service, and explaining why you have not removed barriers to your business. If you are comfortable with your reasons you are probably LK. If not, you should begin removing barriers.

**TITLE 4- TELE-COMMUNICATIONS:** Telephone relay services to operate 24 hours a day, seven days a week. All televisions greater than 13” are to contain a closed captioning chip.

**TITLE 5- REMEDIES & MISCELLANEOUS:** This title spells out complaint procedures, which agencies have jurisdiction, and aspects of society not covered under the other titles, such as access to federal wilderness areas.



## *HISTORY OF INCLUSION FOR PEOPLE WITH DISABILITIES*

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- 1964- CIVIL RIGHTS ACT
- 1973- SECTION 504, REHABILITATION ACT
- 1975- EDUCATION FOR ALL HANDICAPPED CHILDREN’S ACT
- 1977- FINAL REGULATIONS AND MONEY FOR 504  
DEREGULATION THREATENED
- 1986- AIR CARRIERS ACCESS ACT
- 1988- CIVIL RIGHTS RESTORATION ACT
- 1988- FAIR HOUSING AMENDMENTS ACT
- 1990- AMERICANS WITH DISABILITIES ACT (ADA)
- 1994- ALL SIGNIFICANT ADA DEADLINES EXPIRE

**EMPLOYMENT:**

(A) **Prohibited examination and inquiries.** A covered entity shall not require a medical examination and shall not make inquiries of an employee as to whether such employee is an individual with a disability or as to the nature of severity of the disability, unless such examination or inquiry is shown to be job-related and consistent with business necessity.

(B) **Acceptable examinations and inquiries.** A covered entity may conduct voluntary medical examinations, including voluntary medical histories, which are part of an employee health program available to employees at that work site. A covered entity may make inquiries into the ability of an employee perform job-related functions.

**EXISTING BUSINESSES:**

**SECTION – 36.304 Removal of barriers**

Examples of steps to remove barriers include, but not limited to, the following actions—

- Rearranging tables, chairs, vending machines, display racks, and other furniture
- Installing ramps
- Making curb cuts in sidewalks and entrances
- Widening doors; Installing offset hinges to widen doorways
- Installing accessible door hardware
- Installing grab bars in toilet stalls
- Rearranging toilet partitions to increase maneuvering space
- Insulating lavatory pipes under sinks to prevent burns
- Installing a raised toilet seat
- Installing a full-length bathroom mirror
- Repositioning the paper towel dispenser in a bathroom
- Repositioning shelves
- Repositioning telephones
- Adding raised markings on elevator control buttons
- Installing flashing alarms lights
- Eliminating a turnstile or providing an alternative accessible path
- Creating designated accessible parking spaces
- Installing an accessible paper cup dispenser at an existing inaccessible water fountain
- Removing high pile, low density carpeting
- Installing vehicle hand controls

**SECTION– 36.305 Alternatives to Barrier Removal**

(A) **General.** Where a public accommodation can demonstrate that barrier removal is not readily achievable, the public accommodations shall not fail to make its goods, services, facilities, privileges, advantages, or accommodations available through alternative methods, if those methods are readily achievable.

(B) **Examples.** Examples of alternatives to barrier removal include, but are not limited to the following actions:

1. Providing curb service or home delivery
2. Retrieving merchandise from inaccessible shelves or racks
3. Relocating activities to accessible locations
4. Multi-screen cinemas. If it is not readily achievable to remove barriers to provide access by persons with mobility impairments to all of the theaters of a multi-screen cinema, the cinema shall establish a film rotation schedule that provides reasonable access for individuals who use wheelchairs to all films. Reasonable notice shall be provided to the public as to the location and time of accessible showings.

**SECTION– 36.306 Personal Devices and Services**

This part does not require a public accommodation to provide its customers, clients, or participants with personal devices, such as wheelchairs; individually prescribed devices, such as prescription eyeglasses or hearing aids; or services of a personal nature including assistance in eating, toileting, or dressing.

***For Technical Assistance***

***Call:***

**Independent Living Choices**

800-947-3770

(605) 362-3550

**Meeting the Challenge**

(800) 949-4232

**Federal Access Board**

(800) 872-2253

(202) 272-5434