

Selected Federal and State Laws that Assure Accessibility

Civil Rights Act (1964)

"All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, and privileges, advantages, and accommodations of any place of public accommodation ... without discrimination or segregation on the ground of race, color, religion, or national origin."

Rehabilitation Act (1973)

Prohibits discrimination on the basis of disability in:

- programs conducted by Federal agencies
- programs receiving Federal assistance
- Federal employment
- employment practices of Federal contractors

Section 504 (1978)

"no qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under" any program or activity that ...receives Federal financial assistance ...

Requires:

- reasonable accommodation for employees with disabilities
- program accessibility
- effective communication with people who have hearing or vision disabilities
- accessible new construction and alterations

Section 508 (1998)

Requires that when Federal agencies develop, procure, maintain, or use electronic and information technology, they must ensure that this technology:

- allows Federal employees to have access to and use of information and data that is comparable to access by coworkers who do not have disabilities
- provides for public consumers with disabilities who are seeking information or services from a Federal agency access to and use of information and data that is comparable to that provided to individuals who do not have disabilities.

Accessible Information Technology Systems

- can be operated in a variety of ways
- do not rely on a single sense or ability of the user

Examples:

- Output only in visual format may not be accessible to people with vision impairments.
- Output only in audio format may not be accessible to people who are deaf or hard of hearing.

Some individuals may need accessibility-related software or peripheral devices in order to use systems that comply with Section 508.

U.S. General Services Administration, Center for IT Accommodation:
www.section508.gov

Americans with Disabilities Act (1990)

- Title I - Employment
- Title II – State and Local Government Activities
- Title III – Public Accommodations
- Title IV – Telecommunications
- Title V – Miscellaneous Provisions

ADA Title II

State and local government entities, regardless of their size or receipt of Federal funding, are required to:

- give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities
- follow specific architectural standards in new construction and alteration of buildings
- relocate programs or otherwise provide access in inaccessible older buildings
- communicate effectively with people who have hearing, vision or speech disabilities

Public entities are not required to take actions that would result in undue financial and administrative burdens.

Policies, Practices and Procedures: Public entities are required to make reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination, unless they can demonstrate that doing so would fundamentally alter the nature of the service, program or activity being provided.

U.S. Department of Justice, ADA Home Page: <http://www.ada.gov/>

California Fair Employment and Housing Act (amended 2001)

California FEHA provides protection from harassment or discrimination in employment because of: Age (40 and over), Ancestry, Color, Creed, Denial of Family and Medical Care Leave, Disability (mental and physical) including HIV and AIDS, Marital Status, Medical Condition (cancer and genetic characteristics), National Origin, Race, Religion, Sex, Sexual Orientation

Legal Definitions

Disability

According to the **Americans with Disabilities Act**, *The term "disability" means, with respect to an individual -- (A) a physical or mental impairment that substantially limits one or more of the major life activities of such individual; (B) a record of such an impairment; or C) being regarded as having such an impairment.*

The **California Fair Employment and Housing Act** set a lower threshold for determining disability. Under FEHA an individual is protected if their impairment *limits a major life activity ... without regard to mitigating measures such as medications, assistive devices, prosthetics or reasonable accommodations unless the mitigating measure itself limits a major life activity.* The FEHA definition of major life activities is *broadly construed and includes physical, mental, and social activities and working.*

Major Life Activity

From the Job Accommodations Network, *"Major life activities include functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. This list is not an exhaustive list of all major life activities. Instead, it is representative of the types of activities that are major life activities. The term substantially limits means unable to perform or significantly restricted in performing a major life activity that the average person in the general population can perform.*

The following factors should be considered in determining whether an individual is substantially limited in a major life activity: the nature and severity of the impairment; the duration or expected duration of the impairment; and the actual or expected permanent or long-term impact of the impairment."

Qualified Individual

The **ADA** states, *The term "qualified individual with a disability" means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.*

Reasonable Accommodation

The **ADA** states, *The term "reasonable accommodation" may include -- A) making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and (B) job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.*