

STAY HEALTHY AT HOME WEBINAR SERIES WILL BEGIN AT 2 PM



NEW JERSEY SELF-ADVOCACY PROJECT



ADA FROM A-Z: AN OVERVIEW OF THE AMERICANS WITH DISABILITIES ACT

STAY HEALTHY AT HOME WEBINAR SERIES
JULY 7, 2020 FROM 2 - 3 PM

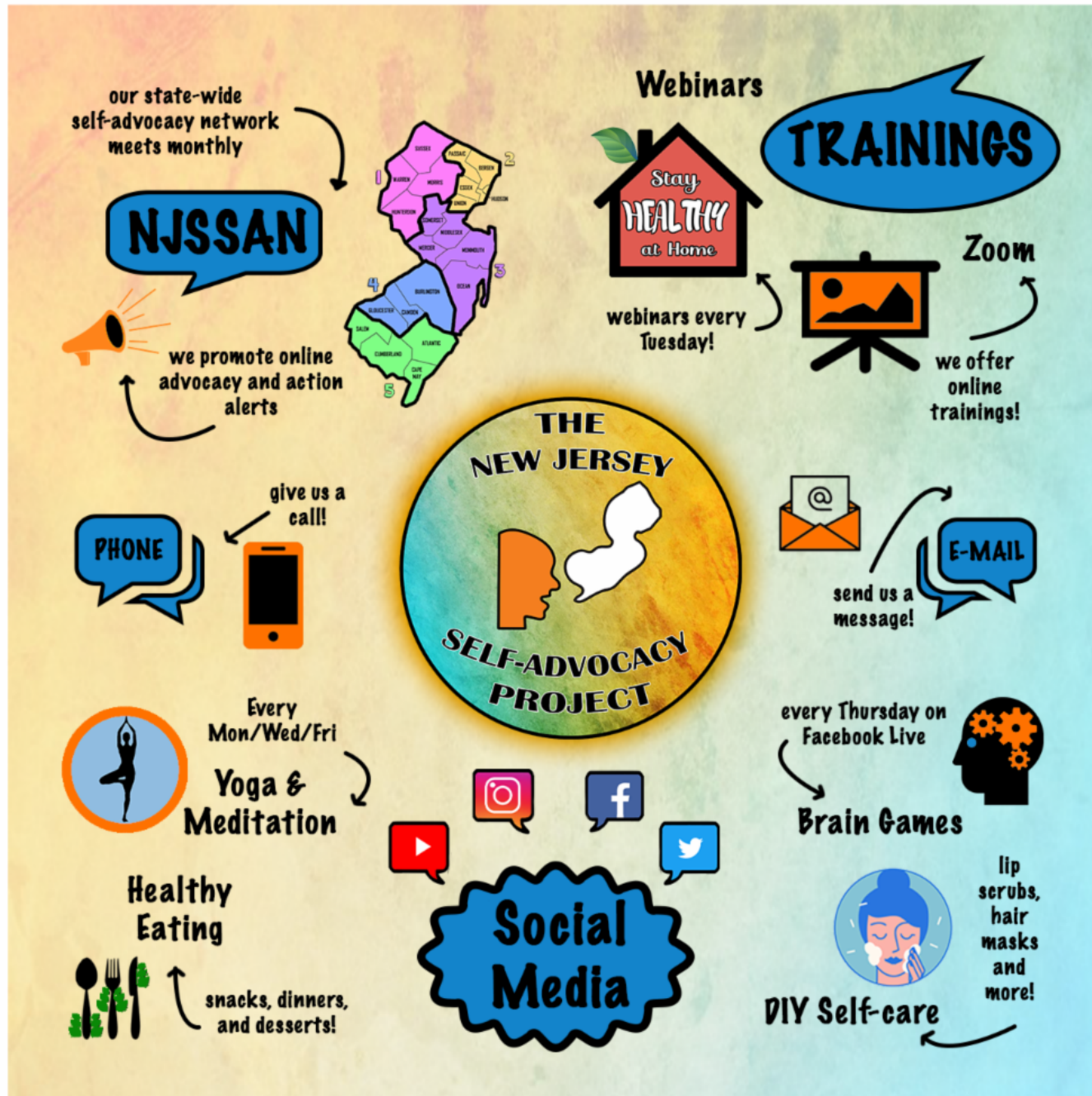
INTRODUCTION

- ▶ Ashley Ritchey, MSW, LSW and Director of the [New Jersey Self-Advocacy Project \(NJSAP\)](#)



- ▶ NJSAP has been a Division-funded program of The Arc of New Jersey since 1983
- ▶ NJSAP supports the state's largest network of individual self-advocates and self-advocacy groups
- ▶ NJSAP provides comprehensive training and resources to self-advocates, Direct Support Professionals, and agency personnel

NJSAP IS STILL HERE FOR YOU!



www.njsselfadvocacyproject.org / NJSAP@ArcNJ.org / 732-749-8514
Facebook/Instagram: @NewJerseySAP Twitter: @NJSAP
Youtube: www.arcnj.org/programs/njsap/videos.html

Healthy Lifestyles Project

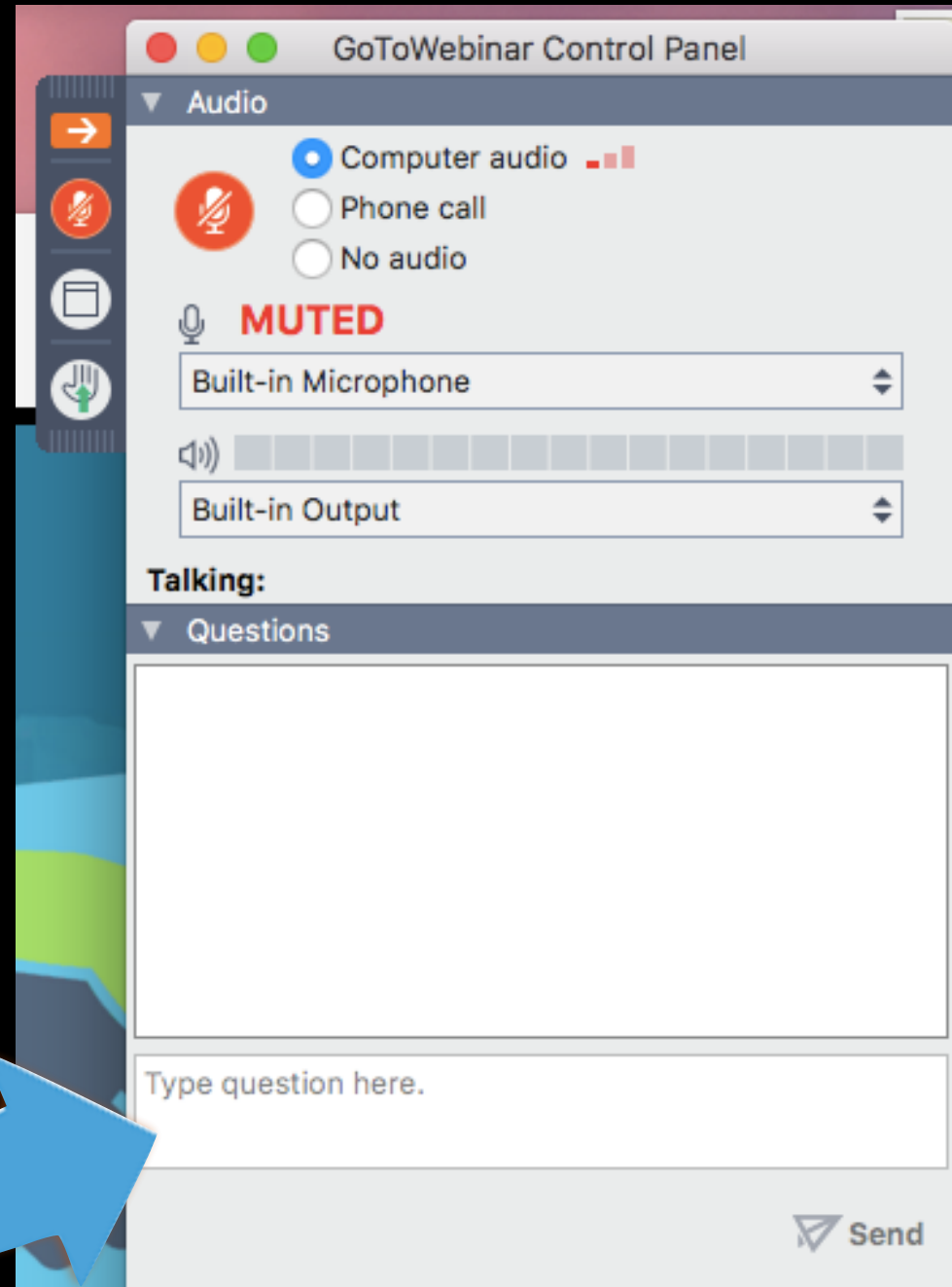
improving health, improving lives

The New Jersey Self-Advocacy Project has partnered with The Horizon Foundation for New Jersey to help you learn more about health, wellness, and being the best you! We are happy to tailor our presentation(s) to suit the needs of your group. The New Jersey Self-Advocacy Project Team will visit your location and provide free workshops on the following topics:



www.HealthyLifestylesProject.org for more information and resources

TYPE YOUR
QUESTIONS,
COMMENTS,
FEEDBACK
IN THE
**QUESTIONS
BOX**





Disability Rights NJ

Website: <https://www.drnj.org>

Phone: 1-800-922-7233 (in NJ only)

1-609-292-9742 (Voice)

1-609-633-7106 (TTY)



DRNJ DISABILITY RIGHTS
NEW JERSEY

OUR ELECTION HOTLINE WILL BE OPEN Tuesday, July 7 - Primary Election Day



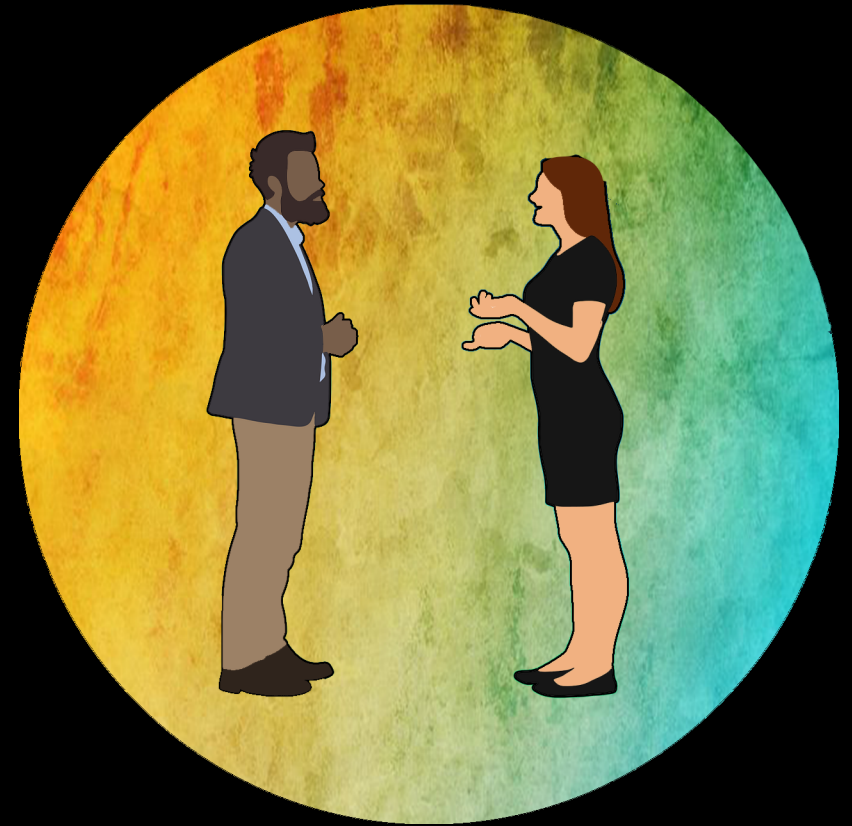
Questions concerning disability-related voting issues? Disability Rights New Jersey has answers to help you navigate voting in this year's election.

**Our Election Hotline Will Be Open
Tuesday, July 7
Primary Election Day
from 7:00 am - 8:00 pm**

If you experience accessibility or discrimination issues when voting, or if you want to report an inaccessible voting location, please contact Disability Rights New Jersey at:
1-800-922-7233 or advocate@drnj.org.

TODAY, WE WILL DISCUSS:

- The Americans with Disabilities Act (ADA)
- Each of the 5 titles of The ADA
- Advocacy efforts and ways to celebrate The ADA's 30th Anniversary



What is the ADA?

Americans with Disabilities Act (1990)

A civil rights law prohibiting discrimination based on a disability.

Provides equal access to all regarding public accommodations.

i.e. adding wheelchair ramps to entrances

Looks at "how programs, services, and activities are delivered".

"ADA Tool Kit: Chapter 1, Statutes and Regulations", ADA Best Practices Tool Kit for State and Local Government.

4 GOALS OF THE ADA:

EQUAL OPPORTUNITY,

FULL PARTICIPATION,

INDEPENDENT LIVING

& ECONOMIC

SELF-SUFFICIENCY.



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."

Yes No No Vote

PRESIDENT GEORGE H.W. BUSH SIGNED THE ADA INTO LAW ON JULY 26, 1990.

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)

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.

COVERED ENTITY:
Establishes the authority of the following:

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

COVERED ENTITIES IN FOREIGN COUNTRIES ARE EXPECTED TO FOLLOW THE POLICIES PUT IN PLACE THROUGH THE ADA.



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

QUALIFIED PERSON:

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



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.

EXECUTORS OF TITLE 1

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



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 ENTITY:

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



PARATRANSIT:

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



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

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 Title 2)

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.

TELECOMMUNICATION DEVICE FOR THE DEAF (TDD):

a communication system machine that uses images to express messages



RELAYED CONVERSATIONS CANNOT BE COMMUNICATED IN A WAY OTHER THAN ORIGINALLY INTENDED.

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

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.

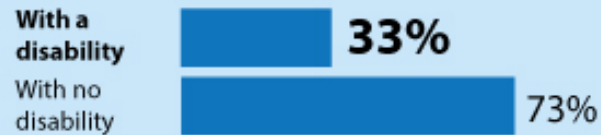
People with Disabilities

Total U.S. population:
303.9 million

People with disabilities:
56.7 million



People with disabilities are less likely to be employed



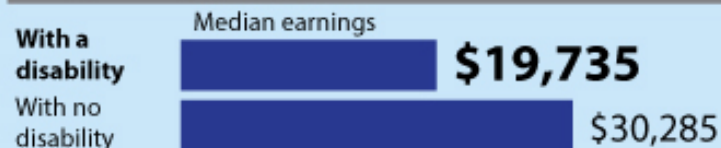
People with disabilities are more likely to be in poverty



People with disabilities are more likely to have health insurance



People with disabilities earn less



Source: *Americans with Disabilities: 2010* report, data from Survey of Income and Program Participation; and American Community Survey

United States
Census
Bureau

U.S. Department of Commerce
Economics and Statistics Administration
U.S. CENSUS BUREAU

There
is *still*
work
to be
done.

THE CAPITAL CRAWL

MARCH 12, 1990





Jennifer Keelan
Denver, CO

Source: <https://www.zinnedproject.org/news/tdih/capitol-crawl-for-ADA/>

“SOME PEOPLE MAY HAVE THOUGHT THAT IT WAS UNDIGNIFIED FOR PEOPLE IN WHEELCHAIRS TO CRAWL IN THAT MANNER, BUT I FELT THAT IT WAS NECESSARY TO SHOW THE COUNTRY WHAT KINDS OF THINGS PEOPLE WITH DISABILITIES HAVE TO FACE ON A DAY-TO-DAY BASIS.” - MICHAEL WINTER



JULY 26, 1990

"LET THE SHAMEFUL WALL OF EXCLUSION FINALLY COME TUMBLING DOWN."

PRESIDENT
GEORGE H.W. BUSH



LET'S DISCUSS
LIFE FOR PEOPLE
WITH DISABILITIES
BEFORE THE
ADA...





**THE ADA OFFERS LEGAL
PROTECTION AGAINST
DISCRIMINATION IN 5 AREAS:**

- 1. EMPLOYMENT**
- 2. GOVERNMENT FACILITIES
AND SERVICES**
- 3. PUBLIC ACCOMMODATIONS**
- 4. TELECOMMUNICATIONS**
- 5. TRANSPORTATION**

TITLE I: EMPLOYMENT



Disability:

The Americans with Disabilities Act requires employers to make reasonable accommodations to enable an otherwise qualified person with a disability to do his or her job.

AFL-CIO

Am I Qualified For The Job?

1. A qualified person meets the skills, education, experience, and other job related experience for the position.
2. A qualified person can perform the essential functions of the job, with or without a reasonable accommodation(s).

REASONABLE ACCOMMODATIONS



TITLE I: EMPLOYMENT



1 MINUTE POLL

A person with a disability can request a reasonable accommodation at any point during the interview or employment.

- True
- False
- I'm not sure

1 MINUTE POLL

A person with a disability can request a reasonable accommodation at any point during the application process or during employment.

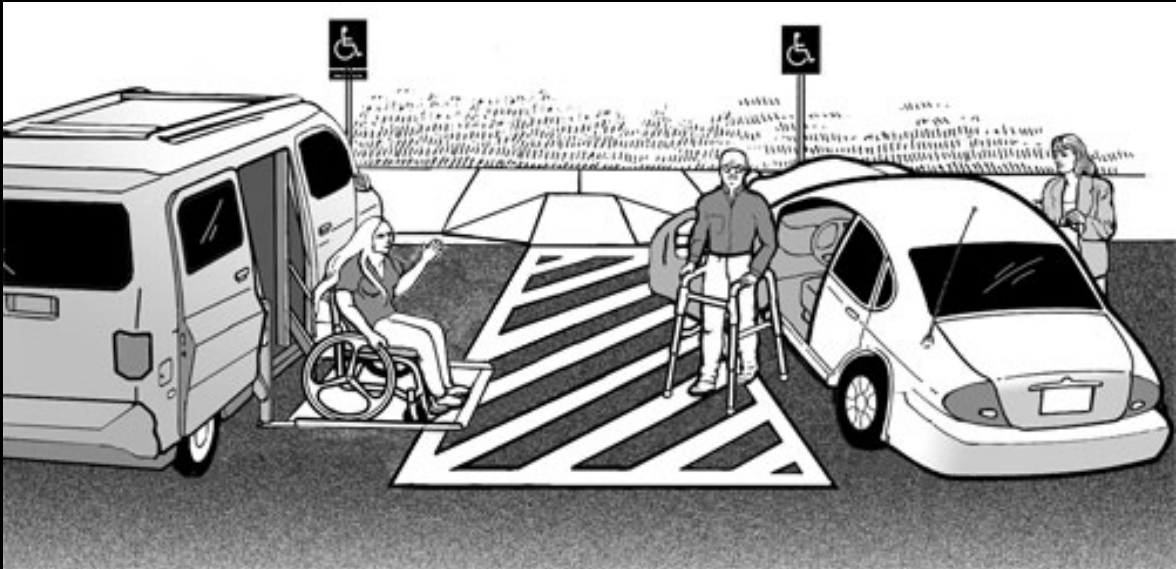
- True

TITLE II

GOVERNMENT FACILITIES & SERVICES



REASONABLE MODIFICATIONS



TITLE II

GOVERNMENT FACILITIES & SERVICES



1 MINUTE POLL

The ADA has a “grandfather clause” that shields certain towns or cities from complying with Title II of The ADA.

- True
- False
- I’m not sure

1 MINUTE POLL

The ADA has a “grandfather clause” that shields certain towns or cities from complying with Title II of The ADA.

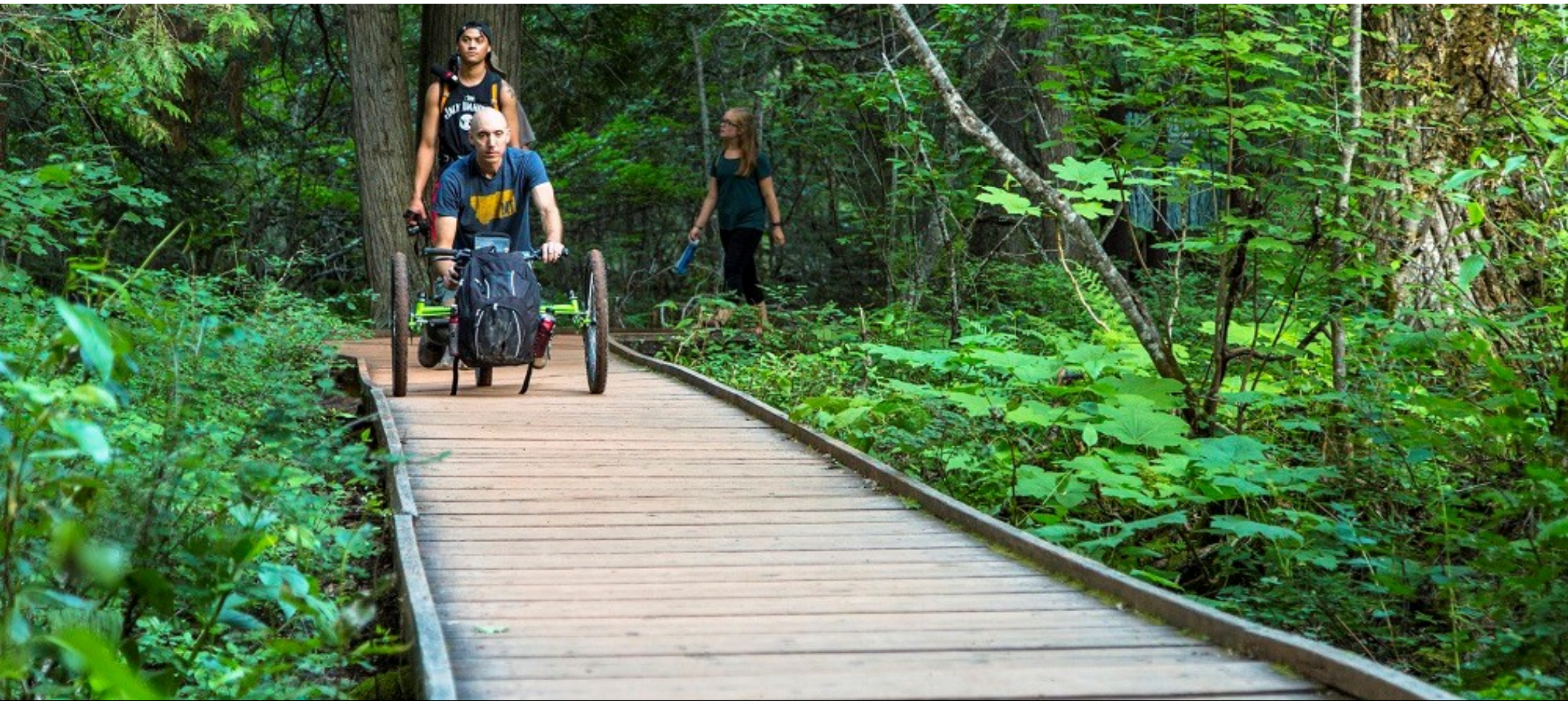
- **False**

TITLE II

GOVERNMENT FACILITIES & SERVICES INC. SCHOOLS AND OFFICES





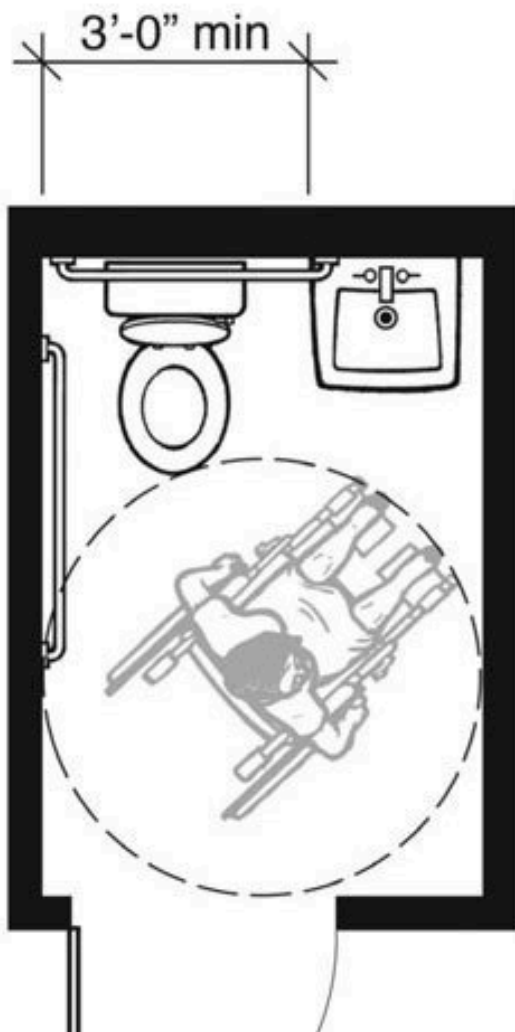


TITLE III PUBLIC ACCOMMODATIONS

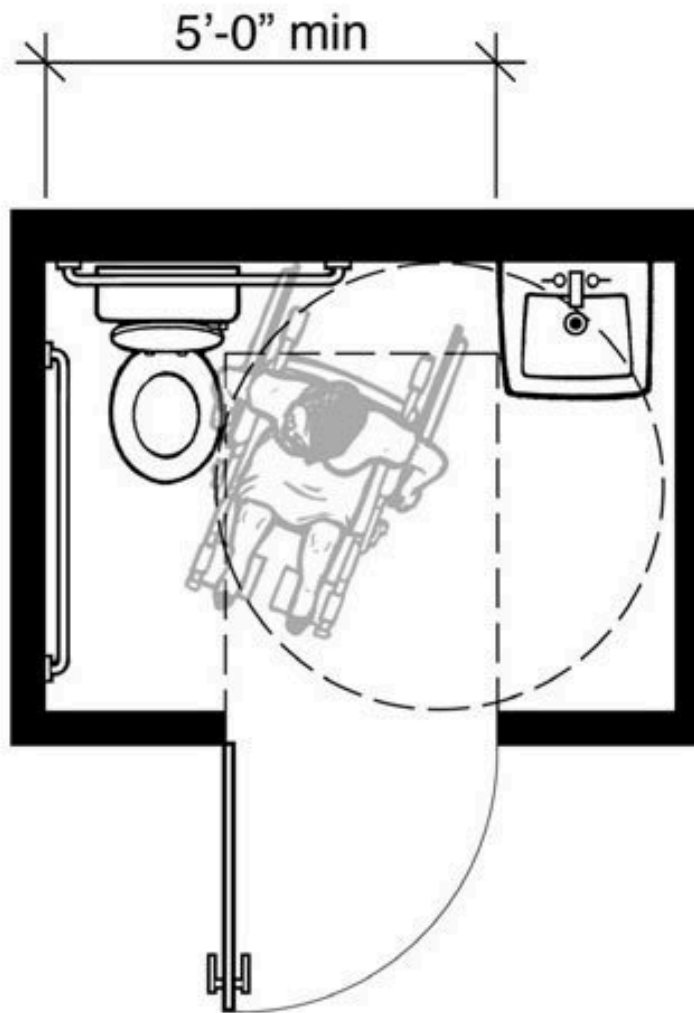


TITLE III- PUBLIC ACCOMMODATIONS INC. HOTELS

1991 Standards



2010 Standards



The diagrams above explain the change in requirements for toilet accessibility, with the 1991 standard on the left and the 2010 standard on the right.



TITLE IV TELECOMMUNICATIONS



Deaf person

1 ●SL user signs message into videophone or video device for computer.



Video Interpreter Call Center

2 Interpreter sees message and voices it to other user.



3 Other user hears message and responds.

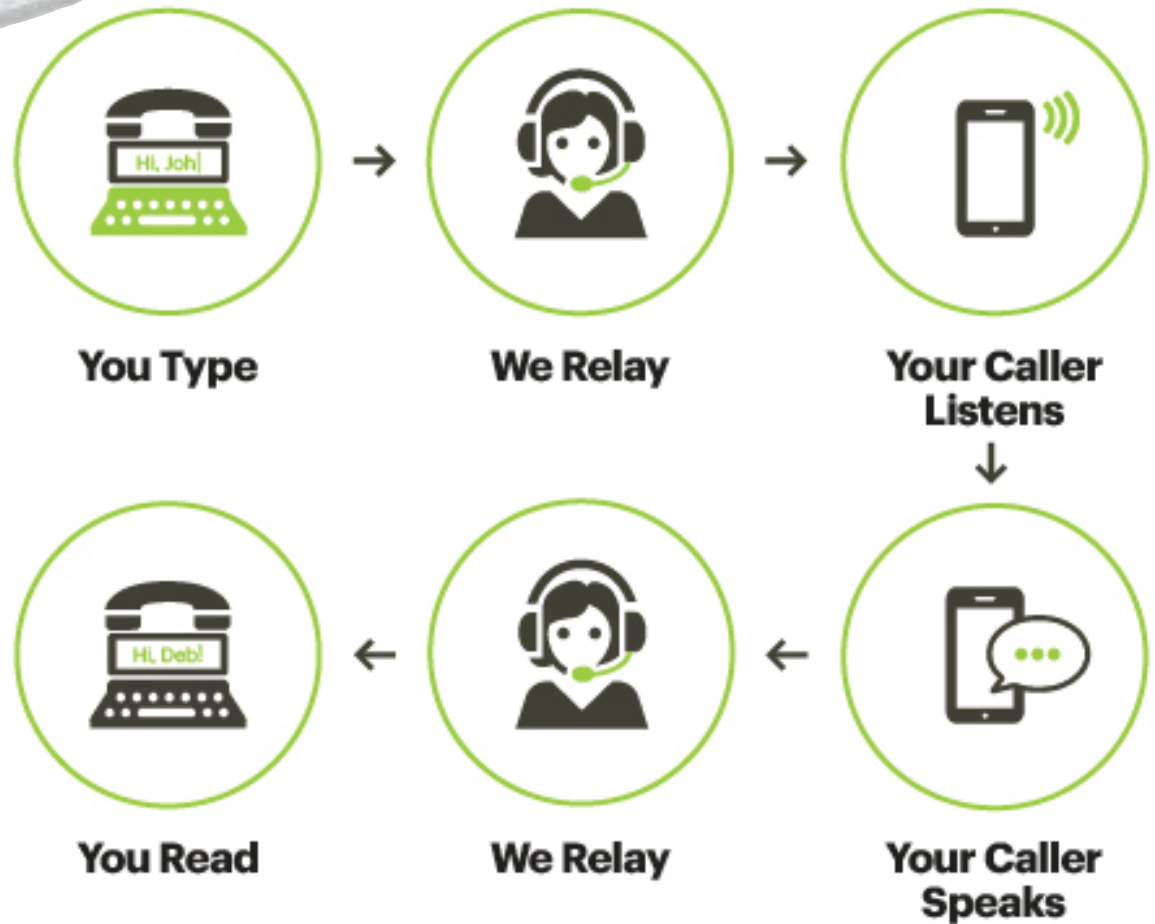
Hearing person



4 Interpreter hears spoken response and signs it to ●SL user.



A TELECOMMUNICATION DEVICE FOR THE DEAF (TDD)



TITLE V

MISCELLANEOUS



Technical assistance and additional guidance on using the ADA Standards is available from the:



U.S. Access Board

(800) 872-2253 (voice)

(800) 993-2822 (TTY)

ta@access-board.gov

www.access-board.gov



Department of Justice

(800) 514-0301 (voice)

(800) 514-0383 (TTY)

www.ada.gov



Federal Transit Administration

(888) 446-4511

FTA.ADAAssistance@dot.gov

www.fta.dot.gov



EXCEPTIONS TO THE ADA

PRIVATE RESIDENCES

RELIGIOUS ENTITIES

PRIVATE CLUBS

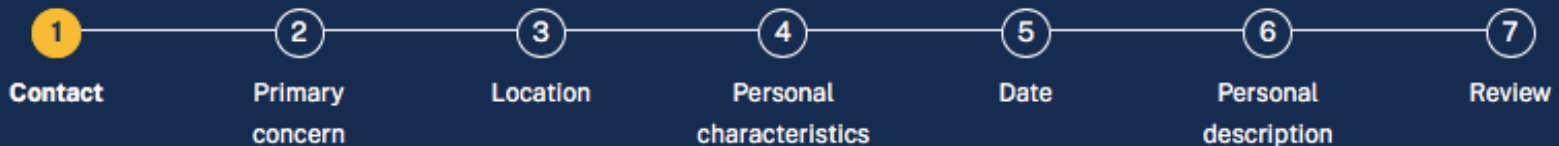
HISTORICALLY SIGNIFICANT PROPERTIES*

"SAFE HARBOR" MODIFICATIONS



United States Department of Justice

Contact the Department of Justice to report a civil rights violation



You can file an Americans with Disabilities Act (ADA) complaint alleging **disability discrimination** against a State or local government or a public accommodation (private business including, for example, a restaurant, doctor's office, retail store, hotel, etc.).

A complaint can be filed online using the link below, by mail, or by facsimile:

https://www.ada.gov/filing_complaint.htm

CAN A BUILDING BE "GRANDFATHERED IN" UNDER THE OLDER 1991 ADA STANDARDS?

- The ADA does *not* have a "grandfather clause".
- The 2010 ADA regulations do have a provision called "safe harbor" rules for businesses and state and local governments.
- For example, the 1991 ADA Standards permitted controls, such as light switches, to be 54 inches high. The 2010 ADA Standards lowered that to 48 inches maximum. If the light switch was installed before March 15, 2012 (the date the 2010 ADA Standards went into effect) it does not need to be lowered to 48 inches. This provision is applied on an element-by-element basis.
- However, if you *choose* to change features that were in compliance with the 1991 ADA Standards, the changed features *must* comply with the 2010 ADA Standards.

#ThanksToTheADA

← #ThanksToTheADA 29th Anniversary



29th Anniversary

 ADA National Network @ADANational

July 29, 2019

#ThanksToTheADA 29th Anniversary

July 26th we celebrated the Americans with Disabilities Act's (ADA) 29th Anniversary. We asked everyone to share what has been possible in their lives thanks to the ADA with [#ThanksToTheADA](#). Here are some of the wonderful stories that people shared.

Photo via @ADANational

Share your thoughts   

#ThanksToTheADA

#THANKS TO THE ADA



@newjerseySAP / @NJSAP
@thearcofnj

#Thanks to The ADA



New Jersey Self-Advocacy Project (NJSAP) on social media:

Twitter: twitter.com/NJSAP

Facebook: <https://www.facebook.com/NewJerseySAP/>

Instagram: <https://www.instagram.com/NewJerseySAP>



Independence
care system

Independence
care system

Independence
care system

Independence
care system

THE ADA
IS HERE
TO STAY

Independence
care system

Questions?

Comments?



RESOURCES FROM WEBINAR RECORDED ON JULY 7, 2020

US Department of Justice/The ADA:

Polling Place & Voting Accessibility: <https://www.ada.gov/votingchecklist.htm>

Guidance on the 2010 ADA Standards for Accessible Design: https://www.ada.gov/regs2010/2010ADAStandards/Guidance_2010ADAStandards.pdf

Filing a Discrimination Complaint: https://www.ada.gov/criminaljustice/cj_complaint.html

ADA Update: A Primer for Small Business: <https://www.ada.gov/regs2010/smallbusiness/smallbusprimer2010.htm#newcustomers>

Zinn Education Project: <https://www.zinnedproject.org/news/tdih/capitol-crawl-for-ADA/>

Disability Rights New Jersey: <https://www.drnj.org>

ADA Anniversary: <https://www.adaanniversary.org>

NJ Department of Human Services ADA resources: <https://www.nj.gov/humanservices/olra/policies/ada/>

United States Access Board: <https://www.access-board.gov/>

ADA Accessibility Guidelines: <https://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-ada-standards/background/adaag>

The Harkin Institute: <https://harkininstitute.drake.edu/resources/>

WheelchairTravel.org, "ADA design requirements for hotels": <https://wheelchairtravel.org/hotels/ada-design-requirements/>

US Department of Housing and Urban Development (HUD): <https://www.hud.gov/>

"Reasonable accommodations and modifications": https://www.hud.gov/program_offices/fair_housing_equal_opp/reasonable_accommodations_and_modifications

US Census Bureau, "Facts for Features: Anniversary of Americans with Disabilities Act": <https://www.census.gov/newsroom/facts-for-features/2013/cb13-ff15.html>

Title I resources: https://www.ada.gov/ada_title_I.htm

Title II resources: https://www.ada.gov/ada_title_II.htm

Disability Law Center, "Self-Advocacy Materials: Equal Access to Public Services Under Title II: <https://www.dlc-ma.org/wp-content/uploads/2018/06/Title-II-of-The-ADA.pdf>

Title III resources: https://www.ada.gov/ada_title_III.htm

Title IV resources: <https://www.fcc.gov/general/title-iv-ada>

Title V resources: <https://ada.wv.gov/general/Pages/TitleV-Miscellaneous.aspx>

[HTTPS://WWW.ARCNJ.ORG/PROGRAMS/NJSAP/WEBINARS.HTML](https://www.arcnj.org/programs/njsap/webinars.html)