

Understanding the Americans with Disabilities Act (ADA): Titles I and II

Cory Paradis, Deputy ADA Coordinator

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Disclaimer

The information provided in this presentation does not, and is not intended to, constitute legal advice. The content is for general informational purposes only.

Definition of Disability

- A physical or mental impairment that substantially limits one or more major life activities, including major bodily functions
- A record of such an impairment
- Being regarded as having such an impairment

Major Life Activities

- Communicating
- Thinking
- Learning
- Reading
- Concentrating
- Working
- Performing manual tasks
- Seeing
- Hearing
- Walking
- Breathing
- Interacting with others
- Immune system functions
- Normal cell growth
- Digestive functions
- Bladder functions
- Neurological functions
- Respiratory/Circulatory functions

This is a non-exhaustive list!

ADA of 1990

- Civil rights law that prohibits discrimination based on disability
- Five titles:
 - **Employment (Title I)**
 - **State and Local Government (Title II)**
 - Public Accommodations (Title III)
 - Telecommunications (IV)
 - Miscellaneous Provisions (V)

ADA of 1990, Title I

- Title I
 - Enforced by the Equal Employment Opportunity Commission (EEOC)
 - Employers with 15 or more employees
 - Protects individuals from discrimination based on disability in all employment practices
 - Requires employers to make reasonable accommodations unless doing so creates an undue hardship

What are Reasonable Accommodations?

Workplace modifications that:

- Enable a qualified individual with a disability to perform essential job functions or participate in the application process;
- Do not create an undue hardship for the employer; and
- Ensure that an individual with a disability enjoys the same rights and privileges as other employees

Determined on a case-by-case basis

Examples of Reasonable Accommodations

- Shift change, modified schedule
- Reallocation of marginal tasks to another employee
- Uninterrupted work time
- Work from home, or alternative work area
- Leave
- Providing interpreters
- Reassignment to a vacant position

Requests for Disability-Related Accommodations

- Employees and applicants can make a request for accommodation at any time.
- Employees do not have to initiate a request prior to employment.
- Employees can initiate a request when encountering barriers in the workplace or after developing performance challenges.
- Interactive process between an employee, supervisor, and Employee Relations Consultant
- Follow the University's Procedures for Employees with Disabilities to Request Workplace Accommodations.

ADA of 1990, Title II

- Title II
 - Enforced by the Department of Justice (DOJ)
 - Applies to state and local agencies - UVA
 - Program access – covers any programs/services provided by the university

Program Access Examples

- Physical space – classrooms, recreational facilities, dining, etc.
- Parking
- Access to educational opportunities
- University Events
- Digital Access (Online Environment)
 - Section 508 of the Rehabilitation Act of 1973
 - Web Content Accessibility Guidelines (WCAG)

ADA Coordinator Office

- Our office helps to ensure equal access to educational and employment opportunities for qualified individuals with disabilities, in compliance with the Americans with Disabilities Act of 1990 (ADA), as amended, and Section 504 and 508 of the Rehabilitation Act of 1973 (Section 504 and 508), as well as other applicable state and local laws and University policy.

How we can help

- Provide guidance and recommendations in the workplace accommodation procedures process
- Coordinate with Facilities Management and others to help identify and remove physical barriers (Report A Barrier)
- Provide information on ADA-related, university policies
- Provide guidance for planning accessible events
- Provide guidance on removing digital barriers to access, in coordination with various IT departments

Resources

- [ADA Coordinator Home Page](#)
- [Procedures for Employees with Disabilities to Request Workplace Accommodations](#)
- [Report A Barrier](#)
- [Digital Accessibility Page](#)

University of Virginia's Office for Equal Opportunity and Civil Rights

Melvin Mallory

ADA Coordinator

(434) 924-3295

mm6b@virginia.edu

Brooke Bailey

Digital Accessibility Coordinator

434-924-2799

bob5h@virginia.edu

Cory Paradis

Deputy ADA Coordinator

(434) 243-6623

cjp4ha@virginia.edu

General Contact Email

adacoordinator@virginia.edu

Questions?