
SUBJECT: AMERICANS WITH DISABILITIES ACT

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ADA - THE AMERICANS WITH DISABILITIES ACT

Cass County Government, in keeping with its mission, intends to implement the "spirit" of the Americans with Disabilities Act (ADA).

It is vital during this process of implementation that all units, committees and employees within Cass County Government keep foremost in their planning the basic intent of the law as agency efforts are made to ensure compliance with all requirements.

The Americans with Disabilities Act (ADA), was enacted into law in July of 1990. The effective date for the ADA is July 26, 1992, for a covered employer with 25 or more employees. Therefore, it is important to be aware of the provisions of the ADA and to lay the groundwork to comply with the law and avoid potential lawsuits. For covered employers with 15 to 24 employees, the Act becomes effective July 26, 1994.

It is estimated that there are approximately 43 million Americans today with one or more physical or mental disabilities. The ADA together with the Rehabilitation Act of 1973 and related state legislation such as the North Dakota Human Rights Act, NDCC 14-02.4, have been enacted in an effort to combat discrimination against such individuals in employment and other areas.

A. COVERAGE OF ADA.

Although the ADA has five titles, those of most concern to personnel professionals are Title I, dealing with employment, and Title V containing some miscellaneous provisions related to employment. The ADA has been codified at 42 U.S.C. 12101 et seq. Regulations have been promulgated and can be found at 29 C.F.R. 1630.

The ADA prohibits discrimination "against a qualified individual with a disability because of the disability of such an individual 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." 42 U.S.C. 12112(a). The regulations provide that "other terms, conditions, and privileges of employment" include:

- 1) recruitment, advertising and job application procedures;
- 2) hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;
- 3) rates of pay or any other form of compensation and changes in compensation;