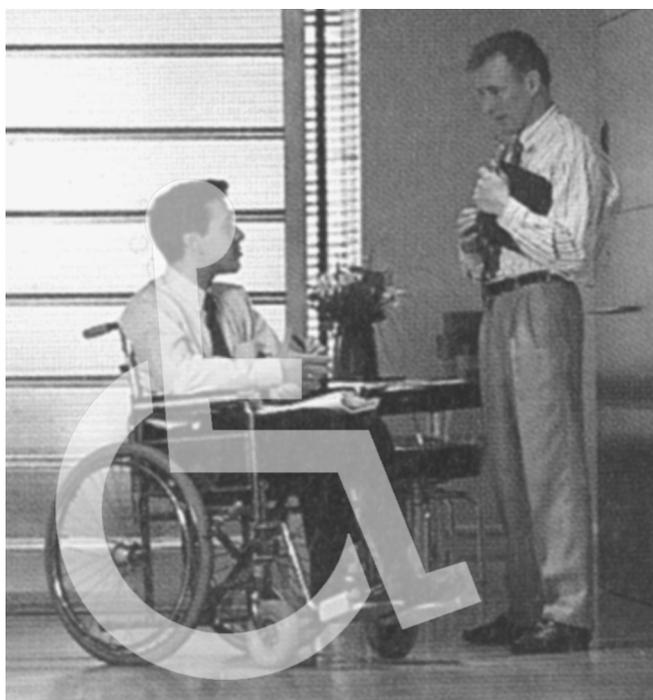




The Americans With Disabilities Act and Private Clubs



Club Managers Association of America
Premier Club Services® Department
1733 King Street
Alexandria, Virginia 22314-2720
(703) 739-9500
FAX (703) 739-0124
e-mail cmaa@cmaa.org

The Americans With Disabilities Act and Private Clubs

This guide is provided as an informational piece only. The contents are presented with no warranty either expressed or implied by the Club Managers Association of America, the writers of this pamphlet or the person(s) making it available as an information service. No legal responsibility is assumed for the accuracy of the information contained herein or for the outcome of decisions, contracts, commitments or obligations made on the basis of this information.

The summaries contained herein are intended for general information purposes only and are not to be interpreted as dispositive of any given situation. If you are faced with a question concerning the Americans With Disabilities Act, or any other law, you should contact your legal counsel for the specific application of the law to your situation.

Updated, edited and written by:

Cynthia Evans

Alyson Austin

Kathi Driggs

Tamara Tyrrell

Legal Consultant:

Shawn R. Lillie of Allen, Scruggs, Sossaman & Thompson

Table of Contents

What is the ADA?	5
History of the ADA	5
Effective Dates for Implementing the ADA	7
What is a Disability?.....	8
Private Club Status and the ADA	10
Test for Compliance.....	13
Public Accommodations Under the ADA.....	14
Public Accommodations Accessibility Checklist	18
Employment Regulations Under the ADA.....	22
Commonly Asked Questions About the ADA.....	26
Glossary of Common Terms.....	33
Resources for ADA Compliance	36

Dear CMAA Member:

In August of 1990, Congress passed the landmark Americans With Disabilities Act (ADA), which took effect for most businesses in January, 1992. Passage of this bill made it clear that Americans can no longer overlook the needs of the physically and mentally disadvantaged in our society. In 1992, CMAA published a handbook to specifically address issues faced by private clubs with regard to the ADA. With this law now in effect for more than five years, CMAA has updated this guide and expanded upon the information previously provided.

A recent survey of CMAA members revealed a significant lack of information available to help managers comply with the ADA. Many of our members felt that CMAA was their only resource for providing information on this law as it relates to the private club industry. Our goal for this revised ADA handbook is to address those areas of concern for our managers while also providing additional resources to help with specific questions our members may have.

As you are aware, private clubs that are tax-exempt under Federal Code 501(c)(7) are also exempt from ADA regulations. However, these clubs account for less than two-thirds of all CMAA clubs (approximately 70 percent). While we continue to oppose excessive regulatory measures and undue litigation to enforce this law, the club industry has always been a leader in accommodating people with disabilities whenever possible. With the average age of club members continuing to rise, an increasing number of clubs are finding that many of the accommodations used to aid people with disabilities are also utilized by elderly members. Any attempts to make your facilities accessible to disabled members, guests and employees contribute to promoting the image of the private club industry as hospitality at its finest. Furthermore, treating people with disabilities in a dignified and respectful manner is simply the right thing to do.

The two areas of the ADA that specifically apply to CMAA members are public accommodations requirements and employment provisions. This guide provides general information and examples of how ADA policies may be implemented. However, we strongly urge you to contact one of the agencies listed in the resources section of this handbook and to consult with your own attorney on specific areas of concern as you proceed with actual implementation.

I strongly encourage each of you to learn how the ADA affects your club and support its provisions. Look at your facilities and explore the creative, simple and inexpensive changes you can make. Talking with your disabled members and employees will provide the most insight on the types of accommodations that will best fit their needs. We sincerely hope the information provided in these pages will help you continue to provide the very best in hospitality and service to your members, their guests and your employees.

Sincerely,



James B. Singerling, CCM, CEC

Executive Vice President

What Is the ADA?

The purpose of this publication is to provide an overview of the Americans With Disabilities Act (ADA) as it pertains to the private club industry. The law has two essential provisions that affect the operation of clubs associated with the Club Managers Association of America: employment and public accommodations. Bona fide, tax-exempt private clubs are exempt from complying with the public accommodations as well as employment provisions of the ADA.

A Brief History of the ADA

On July 26, 1990, Former President George Bush signed into law the Americans with Disabilities Act (ADA). This expansive new civil rights law protects individuals who have either physical or mental disabilities from discrimination. The ADA makes it unlawful to discriminate in employment practices, state and local government services, public accommodations, transportation and telecommunications.

The provisions relating to public accommodations went into effect for most businesses on January 26, 1992. A business with 25 or fewer employees and gross receipts of \$1,000,000 or less was subject to the public accommodations provisions on July 26, 1992. Businesses with 10 employees or fewer and gross receipts of \$500,000 or less were subject to the provisions on January 26, 1993. After January 26, 1993, all public accommodations were covered, regardless of the number of employees or receipts of the business.

ADA provisions regarding employment practices went into effect July 26, 1992, for businesses with 25 or more employees and July 26, 1994, for those companies with 15 or more employees.

The Americans with Disabilities Act was patterned after the Rehabilitation Act of 1973. Specifically, Section 504 of the Rehabilitation Act prohibited recipients of federal financial assistance from discriminating against people with disabilities. The ADA extended the above provisions from recipients of federal funds to those in the private sector. During the legislative negotiations, great pains were taken to assure that the ADA would parallel all existing civil rights laws and that it would not introduce new concepts or provisions that had not been previously established through similar decrees. The ADA's stipulations that are currently law for both the public and the private sector have been tested through years of experience. Now, several years after its implementation, the ADA has a track record, both in terms of litigation before its inception and through numerous cases tried since it became law.

Tips on Language Sensitivity^{1}

While the ADA's general purpose is to provide equal access to individuals with disabilities, it is important to not overlook the more subtle forms of discrimination and stereotyping. As with the civil rights and women's liberation movements, the ADA has allowed people with disabilities to determine how they should and should not be addressed and presented. Being conscious of derogatory or insensitive phrases and descriptions can be just as important as installing a ramp or providing an interpreter. For better or worse, the language you use can convey your club's true attitude on accommodating people with disabilities.

Folklore (and some history) suggests that the word "handicap" comes from the English phrase "cap in hand" and was used in reference to beggars with disabilities who were officially licensed to beg following the Boer War because of their disabilities. These people were given special caps in which to collect money.

Instead of the word "handicap," use the word "disability" and its derivatives, and then, use it only as an adjective, never as a noun such as in the terms "the blind" or "the handicapped." Also, it is best to place the adjective after the noun, such as "person with a disability." This emphasizes the individual as being the important entity, not the disability.

Avoid words and phrases such as "spastic," "crippled," "afflicted with epilepsy" or "victim of cancer." Although these are descriptive, these terms connote negative perceptions of dependency and disease. Terms such as "confined to a wheelchair," "limited to using crutches" and "restricted to using a guide dog to get around" emphasize limitations rather than functions. Instead, use "Joe uses a wheelchair," "Joe uses crutches" or "Joe has a guide dog."

Keep these tips in mind when developing policies and procedures on issues regarding the disabled. Doing so will help your club show its desire to embrace the spirit of the ADA, not merely comply with its rules and regulations.

^{1} Adapted from "A Compliance Guide to the Americans With Disabilities Act," The Employment Foundation, 1991.

Effective Dates for Implementing the ADA

Effective January 26, 1992: Organizations with public accommodations were required to take steps to assure that people with disabilities are not denied goods or services and have access to existing public areas. There are various limitations placed on the organizations' responsibilities. New buildings and renovations undertaken after this date must meet more stringent requirements for accessibility.

Effective July 26, 1992: Employers with 25 or more people on the payroll must make sure that people with disabilities are not discriminated against in any employment practice, whether in hiring and promotions or compensation and fringe benefits. An employer must also take reasonable steps to reasonably accommodate a person's disability so that the person can perform the essential functions of the job. This same provision took effect July 26, 1994, for companies with 15 or more employees; those with fewer than 15 employees are exempt from the ADA but may be covered by similar state laws.

Effective July 26, 1993: States were required to provide unrestricted telephone service through relay systems for individuals who use telecommunication devices for the deaf (TDDs) or similar devices so that such service is available to hearing-impaired or speech-impaired individuals.

Effective July 26, 1995: Providers of commuter rail transportation were required to have at least one passenger car per train that is readily accessible to and usable by individuals with disabilities.

What Is a Disability?

In order to be covered under the ADA, a person must:

- **Have** a disability, defined as a “physical or mental impairment that substantially limits a major life activity.” A substantial, as opposed to minor, impairment is one that significantly limits or restricts actions such as breathing, hearing, seeing, walking, lifting, caring for oneself and working; or
- Have a **record** of a disability; or
- Be **regarded** as having a disability. Anyone who appears disabled due to severe disfigurement or the use of hearing aids is likely to be covered under the ADA. In addition, individuals who have a range of medical conditions (i.e., epilepsy, cerebral palsy, AIDS and diabetes) are also covered.

Individuals who are NOT covered under the ADA include:

- Anyone currently using illegal drugs. While alcoholics and former illegal drug users are covered under the ADA, employers may prohibit alcohol and/or illegal drug use that occurs in the workplace. Generally speaking, an employer may fire someone whose alcohol abuse disrupts work performance; however, employees who currently use illegal drugs may be terminated, regardless of job performance.
- Most individuals with temporary ailments such as fractured bones, influenza and other temporary, non-chronic illnesses or injuries; and
- Anyone who poses a direct threat to the health or safety of other employees, other customers or to themselves. This standard does not exclude people with non-communicable diseases, such as HIV infection and epilepsy.

Myths and Facts About Disabilities

Cancer and heart disease are illnesses, not disabilities.

FALSE: Both cancer and heart disease are considered disabilities under the ADA.

AIDS is not a condition covered under the ADA.

FALSE: AIDS and HIV infection are both considered disabilities under the ADA.

People with physical disabilities are helpless.

FALSE: With proper accommodations, people with physical disabilities can perform as well as others in many situations.

Emotional problems such as stress and fatigue are covered under the ADA.

FALSE: Mental illnesses such as schizophrenia, manic-depression and other mental illnesses that substantially impair major life activities such as eating, walking, breathing and caring for oneself are covered illnesses. However, symptomatic illnesses such as headaches, stress, tension and fatigue are not covered under the ADA.

Private Club Status and the ADA

The impact of the ADA on the lives of people with disabilities has been strong and beneficial. Access to employment opportunities and the enjoyment of public events and accommodations are now guaranteed under a comprehensive civil rights law. The ADA has opened doors that were once shut and provides legal grounds for prosecution of non-compliance. From a number of perspectives, it is crucial that private clubs understand how the ADA affects them.

This document does not provide a comprehensive legal analysis of the ADA and its coverage of private clubs. Rather, it is designed to assist CMAA members in working to achieve the overall goal of the ADA — to remove barriers for people with disabilities that have denied such individuals opportunities in the past. In working toward the removal of barriers to people with disabilities, CMAA members will be achieving a worthwhile social goal and avoiding possible litigation.

The definition of the term “private club” is the cornerstone to the exemptions established under the ADA. This definition is somewhat difficult to discern because history and the proliferation of case law on this topic continues to shape it. However, based on a review of the current law and recent court decisions, a “bona fide private club” is loosely defined as:

- (1) a club in the ordinary sense of the word,
- (2) open only to members and their guests, and
- (3) having a meaningful condition of membership.

Your club must be certain of its status in order to determine whether or not you are bound to comply with ADA regulations. In order to make this determination, your club should speak with its legal counsel specifically concerning this issue.

Do not wait until it is too late. A person has the right to sue if he or she believes that they are **about** to be discriminated against. Remember that a good faith effort to comply with the regulations, regardless of exemptions from the ADA, will certainly be most helpful in avoiding troublesome legal questions.

Myths and Facts About the ADA and Private Clubs

All private clubs are exempt from ADA compliance.

FALSE: Only bona fide private clubs that are open to only members and their guests, do not regularly hold public events and are tax-exempt under the Internal Revenue Service's 501(c)(7) code are exempt from ADA regulations. In addition, any club, no matter what its status, can be subject to litigation over the issue of exemption, whether or not the club ultimately prevails on that issue.

Providing accommodations to disabled employees, members and guests is extremely expensive and burdensome for most private clubs.

FALSE: While some accommodations such as architectural enhancements and barrier removal may be costly, there are many accommodations that can be made for individuals much less expensively. Examples may include rearranging a room's layout or providing simple auxiliary aides for the hearing- or visually-impaired. Typically, the law does not require that the most expensive accommodation be made, just an effective one.

The Legal History and Facts of "Exemptions"

Under Title I of the ADA (Employment), a current exemption is established for "a bona fide private membership club (other than a labor organization) that is exempt from taxation under Section 501(c)(7) of the Internal Revenue Code." Within Title III (Public Accommodations), a current exemption is granted for "private clubs or establishments exempted from coverage under Title II of the Civil Rights Act of 1964."

The Civil Rights Act of 1964 exempts private clubs from the provisions of that legislation. However, the interpretation of this exemption has been tested in courts and has, therefore, developed since 1964. Over this time period, court decisions have narrowed the scope of the "bona fide" private club exemption and established limitations on its use. Most legal experts agree that the courts will interpret the ADA exemptions in the same manner that they have considered exemptions under the Civil Rights Act of 1964; therefore, CMAA members who customarily have activities or events open to the public may want to seriously work toward meeting the ADA requirements.

In addition, some state laws prohibit disability discrimination, but do not contain an exemption for private membership clubs. As a result, clubs located in such states should maintain compliance with all applicable laws concerning disability discrimination.

A Test for Compliance

	Yes	No
Is your club a 501(c)(7) or (3)— a non-profit, private club?	<input type="checkbox"/>	<input type="checkbox"/>
Is your club exempt from coverage under Title II of the Civil Rights Act of 1964?	<input type="checkbox"/>	<input type="checkbox"/>
Is your club only open to members and their guests?	<input type="checkbox"/>	<input type="checkbox"/>
Does your club have a policy that excludes it from hosting public events such as tournaments, community affairs, political fundraisers, etc.?	<input type="checkbox"/>	<input type="checkbox"/>
Is your club truly “private” and is certain criteria maintained?	<input type="checkbox"/>	<input type="checkbox"/>

If you answered “yes” to all of the above questions, you may well be considered a “bona fide” private club and exempt from coverage under the ADA. **Your attorney should specifically review the ADA as well as state and local laws before you rely on your “exemption.”** Remember, your club should either take steps to preserve and protect its ADA exemption or comply with the guidelines of the ADA.

Public Accommodations Under the ADA

The ADA affects privately-owned companies, state and local governments, employment agencies and labor unions. The majority of the legislation that concerns public accommodations has evolved for nearly 20 years, under the enactment of the Rehabilitation Act of 1974. The ADA public accommodations section is enforceable in private clubs that are not tax exempt. Approximately 30 percent of CMAA's membership is composed of taxable clubs.

For public accommodations, the ADA requires changes to existing structures (either architecturally or in communications) where “**readily achievable.**” Readily achievable means that the changes are **easy to accomplish and able to be carried out without much difficulty or expense.** Examples of possible readily achievable changes include:

- Placing a ramp over one to three steps;
- Adding curbcuts to private sidewalks and entrances;
- Rearranging tables, chairs and display racks;
- Lowering telephones or adding accessible telephones;
- Moving partitions in toilet stalls to create more room;
- Lowering towel dispensers in restrooms; and
- Installing full-length mirrors in bathrooms.

Of course, asking your members for ways to accommodate their special needs may be the simplest and most effective way to discover what is appropriate. Whether an action is considered to be “without much difficulty or expense” depends on the size and financial resources of the clubs — the bigger the club, the more physical access changes you will be required to make. However, major changes that cost a great deal of money (i.e., installing an elevator or constructing a ramp system that costs \$80,000) will not be required.

The ADA also requires clubs to modify policies or procedures that may operate to keep people with disabilities out. For example, you would need to modify a “no-pets rule” to allow a person with a seeing-eye or service dog to use the facilities. You do not have to modify a policy if doing so would “fundamentally alter” the nature of the goods or services you are providing. For example, a club does not need to increase the lighting in its restaurant to enable a person with a vision impairment to see if that would fundamentally alter the ambience the club is seeking to create in the restaurant.

Clubs should provide “auxiliary aids and services.” These are devices that allow people with hearing, vision or speech impairments to enjoy the goods and services of the club. These services may include simple items such as a waiter or waitress who reads the menu aloud, or a more expensive item, such as an interpreter. There is a limit to this requirement, however. If providing the device or aid would impose an undue burden — that is, a significant difficulty or expense to the club — it need not be provided. Factors such as club size, resources and services provided would be evaluated by courts or federal authorities to determine an individual entity's obligations.

In addition, alterations and new construction must be designed to be accessible for people with disabilities. This applies even to those parts of the club that are not open to the public. It is generally very inexpensive to ensure that new construction is accessible. **Be wary of companies and contractors who try to use ADA compliance requirements as a means of contracting expensive and unnecessary architectural renovations and additions.**

The federal government offers a number of options for tax deductions and credits for businesses, clubs, associations and others that seek to renovate for accessibility. A deduction of up to \$15,000 of expenses related to the access renovation is allowed. **Small businesses** have a choice of either a 50 percent tax credit for modifications up to \$10,000 or the same deduction offered to the larger businesses. Small business is defined as **gross income under \$1 million and less than 31 employees**. The tax code also provides for deductions and credits for the purchasing of auxiliary aids. See your tax advisor for details.

Although not legally bound to the provisions of the public accommodations section for its members, a non-profit club must lawfully provide accessible facilities for people with disabilities at any "public" event it sponsors, such as golf or tennis tournaments. Any area to be occupied by non-members, including rest rooms, dining rooms and spectator sections must be made accessible up to the "readily achievable" requirements, and must be equipped with auxiliary aids up to the law's requirement. The language written into the ADA is somewhat ambiguous in order to allow for judicial interpretation. Clubs should consult with their own legal counsel to determine their necessary measures for compliance.

Tips for Dining Room Service — What to Say When You Can't Say Yes^{2}

The ADA requires dining establishments to take reasonable steps to offer service to people with disabilities on the same basis as other customers. Situations may arise at your club, however, where members or guests request a service that the staff is unable to provide. It is important to conduct an in-house analysis of what accommodations are available and where the lines are drawn — in other words, when you can't say yes. This is especially important if your club is not exempt from ADA compliance. For example, a customer may ask whether you have the menu available in Braille. If your club has decided to have staff read the menu rather than offer it in Braille, staff need to be trained to say "No, I'm sorry, we do not have a Braille menu, but I'd be happy to read the menu to you."

Some requests may cross over into the area of personal service and may not be appropriate for staff to provide. For example, a member or guest may request assistance cutting food, but staff should not be expected to provide feeding assistance to an individual. Similarly, a person may request directions to the bathroom, but staff *would not* be expected to provide assistance in using the rest room.

Staff should also recognize that accommodations provided may differ among types of dining facilities depending on size, resources and management decisions adopted by your club. Thus, if a member or guest asks, "Why don't you have a Braille menu, they have one at the _____ Club downtown?" it is appropriate to respond, "Our club offers alternative accommodations such as server assistance or cassettes. We considered Braille menus, but believe that these alternatives are more in keeping with our service style."

As with any group of individuals, people with disabilities have diverse personalities; some may be impatient, some may be rude and others will be easy to accommodate. Think of them as people first, with the disability secondary and let your consistent quality service follow.

^{2} Adapted from "Americans With Disabilities — Answers for Foodservice Operators," National Restaurant Association, 1992.

Myths and Facts About Public Accommodations

Club dining room staff are expected to feed, dress and provide restroom assistance for a disabled person.

FALSE: Services of a personal nature are not required.

A person may not sue a club that hasn't made any accommodations until after he or she has visited the facilities.

FALSE: A person may sue a club after he or she has been discriminated against or if the person believes that he or she is about to be discriminated against. This means that physical access changes and readiness to provide auxiliary aids must be made even if there are no current members or guests who are disabled.

A public sporting tournament that is sponsored by a club and generates funds is not covered under the ADA.

FALSE: Any public event that includes non-members will be subject to the ADA's regulations.

A sporting tournament between two private clubs must follow ADA guidelines.

FALSE: Events between bona fide private clubs are exempt from the ADA. If non-members are involved or are in attendance, the event may well be subject to the ADA's regulations.

Public Accommodations Accessibility Checklist

Here is a helpful checklist of ideas to help you modify your club's structure and services for maximum accessibility. Remember, you are not required to provide assistance in the way of personal needs such as eating, dressing, using the rest room, etc.

	Have Completed	Still Need To Complete
Outdoor facilities	<input type="checkbox"/>	<input type="checkbox"/>
Parking Provide a drop-off zone in front of the entrance and designate "handicapped parking only" spaces close to every entrance.	<input type="checkbox"/>	<input type="checkbox"/>
Paths Provide smooth paths for wheelchairs and, as a special service, staff to assist members in wheelchairs.	<input type="checkbox"/>	<input type="checkbox"/>
Ramps Provide ramps that cut into curbs and steps.	<input type="checkbox"/>	<input type="checkbox"/>
Golf As a special service, you could provide a golf cart suitable for use by a disabled golfer.	<input type="checkbox"/>	<input type="checkbox"/>
Events Provide seating with easy access for disabled people.	<input type="checkbox"/>	<input type="checkbox"/>

Public Accommodations Accessibility Checklist (continued)

	Have Completed	Still Need To Complete
Indoor facilities	<input type="checkbox"/>	<input type="checkbox"/>
<p>Doorways Make sure doorways are at least 32 inches wide in order to allow wheelchairs to pass and check to see that doors open easily.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Stairways Install ramps and elevators where possible.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Carpeting Install smooth carpeting instead of plush for wheelchair mobility.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Equipment Make sure that public telephones are low enough to be used by a person in a wheelchair; consider installing phones usable by speech- or hearing-impaired people.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Counters Have your reception desk low enough for a person in a wheelchair.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Safety Provide flashing fire alarms in addition to sounding alarms.</p>	<input type="checkbox"/>	<input type="checkbox"/>
Dining		
<p>Seating Make sure that there are at least 36 inches between tables for wheelchair accessibility.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Menus Have a waiter or waitress read the menu to a blind person and provide a speech- or hearing-impaired person with a pad and pen for communication.</p>	<input type="checkbox"/>	<input type="checkbox"/>

Public Accommodations Accessibility Checklist (continued)

	Have Completed	Still Need To Complete
<p>Eating Have the kitchen staff cut food into smaller pieces for patrons with motor difficulties; if requested, servers could remove covers from straws, open sugar packets and provide other incidental assistance.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Restrooms</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Doorways Make sure that the doorways are least 32 inches wide.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Stalls Provide five feet in a circular space and three feet in a T-shaped space for proper wheelchair movement.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Grab bars Provide grab bars on both sides of the stall.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Sink Provide 30 inches of open space for wheelchair access and ensure that sinks are at an appropriate height.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Towels Provide towel dispensers that are no more than 48 inches from the floor.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Mirrors Install full-length mirrors.</p>	<input type="checkbox"/>	<input type="checkbox"/>

Examples of Public Accommodations in Private Clubs

Scenario #1

Mr. Jones, a long-time club member, has called to reserve a table for himself and a guest who uses a wheelchair. The reservation has been made, but you wonder how you will be able to accommodate the guest. Since your club is exempt from ADA compliance, your dining facilities were not constructed to allow for wheelchair access. However, you don't want to tell your member that he cannot bring his friend. Examples of simple accommodations that could be made include:

- Instructing a doorman or greeter to assist Mr. Jones and his guest from the vehicle to the restaurant and back. Some people feel all the more self-conscious if others treat them as being "helpless" so it would be best to offer assistance politely and discreetly.
- Clearing a path from the restaurant entrance to the reserved table beforehand, allowing for easy access.
- Having another staff member offer to show the guest around to other areas of the club that are wheelchair accessible.

Using these accommodations presents a very service-oriented image of your club, which, in turn, makes the member and his guest feel welcome. This also provides the necessary accommodations without being overly intrusive or bringing unwanted attention to the person with the disability.

Scenario #2

A new marketing strategy has been implemented at your club whereby members can invite a guest to use some of the club's facilities for one full day for a nominal fee. This allows guests to check out your club's facilities and provides you with excellent leads for prospective members. A visually-impaired guest of a member appears at the club and wishes to use your swimming pool. You are in the process of restructuring some of the club's facilities to meet ADA regulations, but at present, your pool area does not have any special accommodations. Here, again, "service" is the key:

- Have a staff member show your guest to the locker room area. You *would not* be responsible for helping the guest change clothes or assisting with any other personal care, but having a "guided tour" of the facility would be a reasonable accommodation.
- Alert your aquatics director that this guest will be using the pool area and ask him or her to provide assistance if needed. Remember not to over-extend your offer to help the guest as this may make him or her uncomfortable or defensive.

In both of the above scenarios, remember to fit the accommodation with the disability. The guest in the wheelchair would not appreciate having the menu read aloud to him as though he were blind; similarly, the guest who is blind would be equally offended having people speak more loudly than normal as if he were deaf. Remember that, above all else, you are providing service to a person, not just a disability.

Employment Regulations Under the ADA

All private clubs that employ more than 25 people are subject to the ADA, **except those that are exempt under the law**. Starting July 26, 1994, employers with 15 or more employees were encompassed as well. The ADA prohibits discrimination **in all clubs** against disabled people who can perform the necessary job functions with or without a reasonable accommodation in the following areas:

recruitment	training
hiring	firing
promotions	lay-off
salary	benefits
leave	all other activities relating to employment

Title I of the ADA protects both those with disabilities and anyone with a family, business, social or other “association” with a person with a disability. Under the law, a person may sue a company if he/she believes that they have been discriminated against. As an employer, knowledge of your responsibilities is crucial to ensure your compliance. Your club should consult with legal counsel in order to confirm your compliance with all regulations.

Recruitment

Although not required, it is advisable that you should publish and make readily available an extensive job description that details exactly what kinds of essential activities will be required of any employee. To determine this, consider the following questions:

1. What is the importance of a particular activity to a position?
2. What is the possibility of re-assigning the task?
3. What is the degree of skill or expertise necessary to perform the function?
4. What are the actual activities of the current employees in this position?

By making your needs and expectations clear, you have documentation that allows you and potential employees to determine their suitability for the position. To ensure that you comply with all ADA regulations, re-evaluate your club's hiring practices such as applications and interview procedures.

Interviewing

An employer may not ask if a person is disabled either in an interview or on an application form. You may ask about the person's ability to perform specific types of tasks. To ensure that you do not discriminate, it is best to ask the same questions of all applicants, regardless of disability. If an applicant has a disability known to the employer, the employer may inquire how he or she can perform job functions, or whether a reasonable accommodation will be needed. A pre-employment medical exam to determine an applicant's suitability for a job may be conducted only **after** a conditional job offer has been extended to the applicant, and only if the medical exam is required of all employees in the same job category. After employment, all medical exams must be job-related, necessary and strictly confidential. Please Note: Drug testing is not considered a medical exam under the ADA. All medical records obtained from an applicant must remain in separate, confidential medical files.

Reasonable Accommodations

The ADA prohibits discrimination against anyone who can perform essential job functions with or without a reasonable accommodation. Reasonable accommodations are changes such as:

- Job restructuring, modification of work schedule for access to transportation and re-assignment to vacant positions;
- Providing or modifying equipment or devices, adjusting exams, training or policies and providing readers and interpreters; and
- Making existing and new facilities accessible to people with disabilities (see the accessibility checklist).

All facilities must be accessible to every employee such as the lounge, vending machines and restrooms. Limitations to reasonable accommodations are possible if any changes or modifications place an "undue hardship" on a club. Undue hardship is "any action requiring significant difficulty or expense." As with public accommodations, factors such as company size, resources and services provided will be evaluated to determine an individual club's obligation.

Benefits

An employer must provide every employee with the same benefits. For employees with disabilities, the same benefits must be provided as are extended to similarly situated, non-disabled employees. With regard to insurance, the employer must ensure that employees with disabilities have access to some insurance. However, some restrictions in insurance policies that are justified based on actuarial data may be allowed. You should consult your benefits advisor for more details and specific counsel.

Examples of Employment-Related Issues and the ADA

Scenario # 1

John works as a part-time cashier in the pro shop of a private club. As a result of an accident in his youth, John suffers from neurological damage on the right side of his body. Although not paralyzed, he does require the use of a cane and has scheduled physical therapy sessions three times a week.^[3]

When John first applied for the position, there was concern that he would not be able to carry out some of the duties of his position which occasionally required carrying heavy packages and stocking shelves. However, his experience and enthusiasm persuaded the golf pro to offer him the job. Through open communication with his supervisors and co-workers, several accommodations were arranged which included:

- Scheduling his work hours to accommodate his medical appointments;
- Making adjustments to his job description so that most of his work would center around assisting customers with purchases; most of the stock room duties were delegated to the inventory clerk;
- Purchasing a tall stool which allowed him to work the cash register while seated.

Scenario # 2

Sara is an office assistant in the administrative office of a private yacht club. She is hearing-impaired and unable to speak. Although she is efficient, organized and an excellent worker, several accommodations were made to help her in her position at the club:

- Several auxiliary aides were added to her office including a TTY telephone, an intercom system with flashing lights and a special screen-saver for her computer that alerts her to important e-mail messages. Sara also uses a vibrating pager with a small message screen.
- The club also added flashing lights to its fire alarm and security systems.

Employing individuals with disabilities need not be a burdensome task when handled properly. Open communication, sound judgment and a willingness to explore new ideas can go a long way in helping individuals with disabilities and clubs to work together.

^[3] John may also be covered by the provisions of the Family and Medical Leave Act (FMLA) of 1993.

Myths and Facts About Employment Policies

An employer must give preference to a disabled applicant over a non-disabled one.

FALSE: An employer has the right to hire the most qualified person for the job. If a disabled person types 50 wpm and another applicant types 75 wpm, then the employer has the right to hire the faster typist, provided that typing is an essential part of the job.

Under the ADA, quotas are to be established to determine the number of disabled employees to be hired.

FALSE: The ADA does not require any type of affirmative action in hiring disabled people; it simply prohibits discrimination and requires employers to provide reasonable accommodations.

An employer must provide a disabled employee with personal use items, such as eyeglasses or hearing aids.

FALSE: An employer is not required to provide personal use items to disabled employees.

An employer must lower quality and production standards as an accommodation for disabled employees.

FALSE: An employer is not required to lower standards or quality to accommodate a disabled employee. However, an employer must consider alternate methods to accommodate a disabled employee so that he or she can meet the quality and production standards of the position.

Questions and Answers

The following section provides general information on some of the guidelines of the ADA. Always consult with your club's attorney for specific guidelines and procedures.

General

Question: What is meant by the term "substantially limits one or more major life activities?"

Answer: The effect which an impairment has on an individual determines whether this impairment is considered a disability under the ADA. "Major life activities" refers to those functions most people do on a regular basis without much difficulty. These include walking, standing, sitting, breathing, hearing, seeing, reading, learning, caring for oneself and working. In general, the impairment must "substantially limit" one or more of these activities. There are three factors which are considered in determining the effect of an impairment:

- (1) Its nature and severity;
- (2) How long the impairment is expected to last; and
- (3) Its permanent or long-term effect(s).

*Question: Who is **not** covered under the ADA?*

Answer: The ADA states that individuals with the following **conditions are not** covered under the ADA:

- Current users of illegal drugs;
- Homosexuals or bisexuals;
- Individuals with sexual behavior disorders;
- Compulsive gamblers, kleptomaniacs or pyromaniacs; or
- Individuals with psychoactive substance use disorders resulting from current illegal use of drugs.

Additionally, certain **characteristics are not** covered under the ADA, such as:

- Simple physical characteristics such as blue eyes, black hair or left-handedness;
- Pregnancy (however, pregnant individuals are protected by other civil rights laws);
- Merely being overweight (morbid obesity, however, has been found to be a disability);
- Advanced age, in and of itself (although conditions commonly associated with age such as hearing loss or arthritis could be covered under the ADA);
- Environmental, cultural or economic disadvantages;
- Personality traits such as quick temper; and
- Characteristic predisposition to illness or disease.

ADA Compliance

Question: Is our club required to abide by the ADA?

Answer: Unless you are a “bona fide” private club, and have had your legal counsel analyze this issue thoroughly, you need to abide by the ADA. If you are not legally required to comply, your club may want to consider voluntary compliance in order to avoid potential problems with club members and their guests in the future. You may also be covered by state laws similar to the ADA.

Question: How do I determine what is a reasonable accommodation or an appropriate auxiliary aid?

Answer: Usually, the person requesting an accommodation or aid will suggest ways in which you can assist them with their needs. For example, you may simply ask, “How can we, as your club host, make your experience better?” to achieve this goal. To determine effectiveness, make sure that the accommodation or aid enables the person with a disability to perform the job function or enjoy the service. The employer has discretion in choosing options to allow for effective work performance.

Question: Will the ADA require me to endure potentially damaging results to our club or property in order to comply with the law?

Answer: The ADA establishes limits on the types of modifications required. It does not require modifications to policies that would substantially alter the nature of the business, nor does it require modifications that pose a threat to the health or safety of others. For example, a golf club whose greens would be ruined by the use of a wheelchair or other devices, and where there is no modification available as an alternative such as allowing a partner to “putt through,” does not have to modify its policy of restricting access to the greens for such devices.

The ADA and Employment

Question: How are the employment provisions of the ADA being enforced?

Answer: For employment provisions, the law is enforced under the same procedures now applicable to race, sex, national origin and religious discrimination. Complaints are generally filed with the Equal Employment Opportunity Commission or designated state human rights agency prior to any court action. Some state laws allow disabled individuals to bypass the EEOC or state human rights agency and file a lawsuit directly.

Question: What is considered “discrimination” under the ADA?

Answer: The following are examples of actions that may constitute discrimination under the ADA:

- Classifying a job applicant or employee in a way that adversely affects employment opportunities for the applicant or employee;
- Participating in a contract or other arrangement that subjects an applicant or employee to discrimination;
- Denying employment to an individual because of his/her relationship with a disabled person;
- Refusing to make reasonable accommodations to the known disabilities of a qualified applicant or employee, unless the accommodations would pose undue hardship on the employer;
- Using employment tests, standards or other selection criteria that tend to screen out individuals with disabilities, unless they are job-related or necessary for business;
- Using employment tests in ways that do not measure skills and aptitude; and
- Retaliating against an employee or applicant who has filed a complaint, testified, assisted or participated in an investigation, hearing or proceeding on the enforcement of the ADA.

Question: What are the specific details of the coverage regarding illegal drug use?

Answer: The ADA states that anyone may be excluded from employment for his/her current illegal use of drugs. However, an addict who formerly used drugs, but does not consume drugs currently, is protected under the ADA.

Question: Are alcoholics covered by ADA?

Answer: Yes. While a current illegal user of drugs is not protected by the ADA, a person who currently uses alcohol is not automatically denied protection. An alcoholic is considered a person with a disability and is protected by the ADA if he/she is qualified to perform the essential functions of the job. An employer may be required to provide an accommodation to an alcoholic. However, an employer can discipline, discharge or deny employment to an alcoholic whose use of alcohol adversely affects job performance or conduct. An employer also may prohibit the use of alcohol in the workplace and can require that employees not be under the influence of alcohol while at work.

Question: Does the ADA have limitations on medical examinations and inquiries about a disability?

Answer: An employer may not ask or require a job applicant to take a medical examination before making a job offer. It cannot make any pre-employment inquiry about a disability or the nature or severity of a disability. An employer may, however, ask questions about the ability to perform specific job functions and may, with certain limitations, ask an individual with a disability to describe or demonstrate how he/she would perform these functions.

An employer may make a conditional job offer on the satisfactory result of a post-offer medical examination or medical inquiry if this is required of all entering employees in the same job category. A post-offer examination or inquiry does not have to be job-related and consistent with business necessity.

If an individual is not hired because a post-offer medical examination or inquiry reveals a disability, however, the reason(s) for not hiring must be job-related and consistent with business necessity. The employer also must show that no reasonable accommodation was available that would enable the individual to perform the essential job functions, or that the accommodation would impose an undue hardship. A post-offer medical examination may disqualify an individual if the employer can demonstrate that the individual would pose a “direct threat” in the workplace (i.e., a significant risk of substantial harm to the health or safety of the individual or others) that cannot be eliminated or reduced below the “direct threat” level through reasonable accommodation. Such a disqualification is job-related and consistent with business necessity. A post-offer medical examination may not disqualify an individual with a disability who is currently able to perform essential job functions because of speculation that the disability may cause a risk of future injury.

After a person starts work, a medical examination or inquiry of an employee must be job-related and consistent with business necessity. Employers may conduct employee medical examinations where there is evidence of a job performance or safety problem, examinations required by other federal laws, examinations to determine current “fitness” to perform a particular job and voluntary examinations that are part of employee health programs.

Information from all medical examinations and inquiries must be kept apart from general personnel files as a separate, confidential medical record, available only under limited conditions.

Tests for illegal use of drugs are not medical examinations under the ADA and are not subject to the restrictions of such examinations. If the results of a drug test reveal the presence of a lawfully prescribed drug or other medical information, such information must be treated as a confidential medical record.

Question: When can an employer ask an applicant to “self-identify” as having a disability?

Answer: Federal contractors and subcontractors who are covered by the affirmative action requirements of section 503 of the Rehabilitation Act of 1973 may invite individuals with disabilities to identify themselves on a job application form or by other pre-employment inquiry, to satisfy the section 503 affirmative action requirements. Employers who request such information must observe section 503 requirements regarding the manner in which such information is requested and used, and the procedures for maintaining such information as a separate, confidential record, apart from regular personnel records. No individual may be forced to provide such information.

A pre-employment inquiry about a disability is allowed if required by another federal law or regulation such as those applicable to disabled veterans and veterans of the Vietnam era. Pre-employment inquiries about disabilities may be necessary under such laws to identify applicants or clients with disabilities in order to provide them with required special services.

Question: Does the ADA require employers to develop written job descriptions?

Answer: No. The ADA does not require employers to develop or maintain job descriptions. However, a written job description that is prepared before advertising or interviewing applicants for a job will be considered as evidence in the event of a lawsuit along with other relevant factors. If an employer uses job descriptions, they should be reviewed and updated periodically to make sure they accurately reflect the actual functions of a job. A job description will be most helpful if it focuses on the results or outcome of a job function, not solely on the way it customarily is performed.

Question: What kinds of documents must an employer have as evidence of "undue burden"?

Answer: The Act requires that an employer must have solid evidence to show undue burden. The employer must provide documents, data, records and financial information to prove his/her claim of undue burden. It is advisable for the employer to estimate the costs of generating such proof before claiming undue burden.

Question: How does the ADA affect workers' compensation programs?

Answer: Only injured workers who meet ADA's definition of an "individual with a disability" will be considered disabled under the ADA, regardless of whether they satisfy criteria for receiving benefits under workers' compensation or other disability laws. A worker also must be "qualified" (with or without reasonable accommodation) to be protected by the ADA. Work-related injuries do not always cause physical or mental impairments severe enough to "substantially limit" a major life activity. Also, many on-the-job injuries cause temporary impairments which heal within a short period of time with little or no long-term or permanent impact. Therefore, many injured workers who qualify for benefits under workers' compensation or other disability benefits laws may not be protected by the ADA. An employer must consider work-related injuries on a case-by-case basis to know if a worker is protected by the ADA.

An employer may not inquire into an applicant's workers' compensation history before making a conditional offer of employment. After making a conditional job offer, an employer may inquire about a person's workers' compensation history in a medical inquiry or examination that is required of all applicants in the same job category. However, even after a conditional offer has been made, an employer cannot require a potential employee to have a medical examination because a response to a medical inquiry (as opposed to results from a medical examination) shows a previous on-the-job injury unless all applicants in the same job category are required to have an examination. Also, an employer may not base an employment decision on the speculation that an applicant may cause increased workers' compensation costs in the future. However, an employer may refuse to hire, or may discharge an individual who is not currently able to perform a job without posing a significant risk of substantial harm to the health or safety of the individual or others, if the risk cannot be eliminated or reduced by reasonable accommodation.

An employer may refuse to hire or may fire a person who knowingly provides a false answer to a lawful post-offer inquiry about his/her condition or workers' compensation history.

An employer also may submit medical information and records concerning employees and applicants (obtained after a conditional job offer) to state workers' compensation offices and "second injury" funds without violating ADA confidentiality requirements.

Question: What financial assistance is available to employers to help them make reasonable accommodations and comply with the ADA?

Answer: A special tax credit is available to help smaller employers make accommodations required by ADA. An eligible small business may take a tax credit of up to \$5,000 per year for accommodations made to comply with the ADA. The credit is available for one-half the cost of "eligible access expenditures" that are more than \$250 but less than \$10,250.

A full tax deduction, up to \$15,000 per year, also is available to any business for expenses of removing qualified architectural or transportation barriers. Expenses covered include costs of removing barriers created by steps, narrow doors, inaccessible parking spaces, restroom facilities and transportation vehicles. Information about the tax credit and the tax deduction can be obtained from your local IRS office or by contacting the Office of Chief Counsel, Internal Revenue Service.

Consult with your club's attorney for information on your club's eligibility.

The ADA and Public Accommodations

Question: How are public accommodation requirements enforced?

Answer: Private individuals may bring lawsuits to obtain court orders to stop discrimination. The Attorney General may also bring suits in grievous cases of discrimination and can seek monetary damages and civil penalties. The law capped civil penalties at \$50,000 for the first offense and \$100,000 for any subsequent violations.

Question: What kinds of modifications are necessary in order to comply with the law?

Answer: For an existing facility, the modifications are mostly simple, such as the ramping of steps, the installation of grab bars in rest rooms, the lowering of a pay telephone and other similar, modest adjustments. If a club has a growing population of members who are senior citizens, these modifications may, in fact, be in their best interest. According to the ADA, there are more than 40 million Americans with disabilities, some of whom may already be members of your club and others who may be related to or friends of existing members.

Question: What factors are considered when determining if an accommodation would pose an “undue hardship” on a private club?

Answer: The ADA leaves many questions unanswered about undue hardship. For example, the ADA states that undue hardship will be judged on the basis of the resources of the facility involved in the case. This provision's intention was to ensure that large firms with many small facilities are not held to an unreasonably high standard of compliance just because of their size. The ADA, however, only states that financial resources and local resources will be “looked at” and “weighed” to determine the reasonability of the “undue hardship” claim. When evaluating the claim of an undue burden, the Department of Justice considers the following factors:

- The overall size and type of the club, number and type of sites and facilities, number of workers and the size of budget;
- Nature and cost of the accommodation needed;
- Effect of the action on expenses and resources;
- Legitimate safety requirements that are necessary for safe operation;
- Impact of the action upon the operation of the site or facility;
- Geographic placement, number and type of sites and facilities; and
- Any parent company's overall financial resources, size and number of employees.

Question: Will clubs need to install elevators?

Answer: Clubs are not required to retrofit their facilities to install elevators unless such installation is readily achievable, which is unlikely in most cases.

Question: What does the ADA require in new construction?

Answer: The ADA requires that all new construction of places of public accommodation, as well as of “commercial facilities” such as office buildings, be accessible. Elevators are generally not required in facilities under three stories or with fewer than 3,000 square feet per floor, unless the building is a shopping center or mall; the professional office of a health care provider; a terminal, depot or other public transit station; or an airport passenger terminal. The Department of Justice has published regulations concerning the specifications which buildings must meet in order to be “accessible.”

Glossary of Common Terms

Auxiliary Aids and Services—devices or services that accommodate a functional limitation of a person with a communications disability. The term includes qualified interpreters and communication devices for persons who are deaf or persons who are hard of hearing; qualified readers, taped texts, braille or other devices for persons with visual impairments; and adaptive equipment or similar services and actions for people with other communication disabilities.

Compensatory Damages—monetary compensation for losses suffered through discrimination which can include direct, out-of-pocket expenses like lost wages and medical bills as well as compensation for emotional distress.

Covered Entity—entities recognized under the ADA such as an employer, employment agency, labor organization or joint labor/management committee.

Direct Threat—a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodations.

Equitable Relief—monetary compensation which may include back pay and benefits, but not damages for emotional distress. In addition to compensatory and punitive damages, a successful plaintiff is entitled to injunctive and equitable relief under Title I of the ADA, including attorneys' fees.

Essential Job Functions—the fundamental job duties of the employment position that the individual with a disability holds or desires. The term “essential functions” does not include marginal functions of the position.

Injunctive Relief—an order by a judge requiring a party to do, or not to do, some action that does not involve monetary compensation to the individual with a disability. Examples include reinstatement in a job or removal of an architectural barrier.

Major Life Activity—basic activities that the average person in the general population can perform with little or no difficulty including caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

Physical Impairment—any disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine. The term includes, but is not limited to, such conditions as orthopedic, visual, speech and hearing impairments; cerebral palsy; epilepsy; Human Immunodeficiency Virus (HIV—the virus which causes ARC and AIDS); heart disease; cancer; diabetes; and paralysis.

Mental Impairment—a disorder or condition that severely limits an individual’s mental or emotional functioning and adversely affects their ability to perform one or more major life activities. Examples include mental retardation; specific learning disabilities; drug addiction; alcoholism; and schizophrenia.

Public Accommodations—the following private entities are considered public accommodations for purposes of the ADA, if the operations of such entities affect commerce:

- a) an inn, hotel, motel or other place of lodging, except for an establishment located within a building that contains not more than five rooms for rent or hire and that is actually occupied by the proprietor of such establishment as the residence of such proprietor;
- b) a restaurant, bar or other establishment serving food or drink;
- c) a motion picture house, theater, concert hall, stadium or other place of exhibition or entertainment;
- d) an auditorium, convention center, lecture hall or other place of public gathering;
- e) a bakery, grocery store, clothing store, hardware store, shopping center or other sales or rental establishment;
- f) a laundromat, dry-cleaner, bank, barber shop, travel service, shoe repair service, funeral parlor, gas station, office of an accountant or lawyer, pharmacy, insurance office, professional office of a health care provider, hospital or other service establishment;
- g) a terminal, depot or other station used for specified public transportation;
- h) a park, zoo, amusement park or other place of recreation;
- i) a nursery, elementary, secondary, undergraduate or post graduate private school or other place of education;
- j) a day care center, senior citizen center, homeless shelter, food bank, adoption agency or other social service center establishment; and
- k) a gymnasium, health spa, bowling alley, golf course or other place of exercise or recreation.

Punitive Damages—funds the defendant pays the plaintiff in order to punish discriminatory conduct and deter future discrimination.

Qualified Individual With a Disability—an individual with a disability who, with or without reasonable accommodations, can perform the essential functions of the employment position that such individual holds or desires.

Readily Achievable—easily accomplished and able to be carried out without much difficulty or expense. In determining whether an accommodation is readily achievable, the following factors will be considered:

- a) the nature and cost of the accommodation needed under the ADA;
- b) the overall financial resources of the facility or facilities involved which also takes into account the effect or expense of the accommodation, the number of people employed at the facility and the general impact on the facility's operations such an accommodation would impose; and
- c) the type of operation or operations of the covered entity including the composition, structure and functions of the workforce of such entity, the geographic separateness, administrative or fiscal relationship of the facility or facilities in question to the covered entity.

Reasonable Accommodations—under the ADA, a reasonable accommodation is defined as:

- a) modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for a desired position;
- b) modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable qualified employees with disabilities to perform the essential functions of the position;
- c) modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities; or
- d) modifications or adjustments to allow customers or consumers to utilize an organization's products or services.

Remedies—awards to which a wronged party is entitled if the law has been violated; what a plaintiff gets if the administrative action or judicial lawsuit is won.

Undue Hardship—an action that is not readily achievable, requiring significant difficulty or expense.

List of Resources for ADA Compliance

Agencies That Can Help

There are a number of agencies with the capacity to help you find solutions and advise you of your rights and the rights of people with disabilities. Included is a partial listing:

For Consultation and General Accommodation Information:

Architectural and Transportation Barriers Compliance Board

1331 F Street, NW

Suite 1000

Washington, DC 20004-1111

(800) 872-2253 Technical Assistance Line

(202) 272-5434 General Information

(202) 272-5447 FAX

9 a.m. - 5 p.m., EST

This board is able to advise you on minimum accessibility requirements and offers alternatives to construction issues.

Equal Employment Opportunity Commission (EEOC)

1801 L Street, NW

Fourth Floor

Washington, DC 20507

Help line: (800) 669-3362

8:30 a.m. - 5 p.m., EST.

This agency is responsible for enforcement of ADA employment rules and will provide assistance to employers.

Internal Revenue Service

Contact your state IRS office.

The IRS provides information on tax credits, deductions for removal of architectural barriers, provisions of auxiliary aids and targeted jobs for tax credit.

Job Accommodation Network

West Virginia University

P.O. Box 6122

Morgantown, WV 26506-6122

(800) 526-7234, (800) 526-4698

8 a.m. - 5 p.m., EST.

This network provides advice on how to accommodate workers with disabilities. (A service of the President's Committee on Employment of People with Disabilities.)

President's Committee on Employment of People with Disabilities

1331 F Street, NW

Washington, DC 20004-1107

(202) 376-6200

9 a.m. - 5 p.m., EST.

This committee provides general information on employment issues, public accommodations and other issues relating to the needs of the disabled.

State vocational rehabilitation offices

See listings in local phone book.

U.S. Department of Justice

Office of ADA

P.O. Box 66118

Washington, DC 20035-6118

(202) 514-0301

11 a.m. - 5 p.m., EST.

This agency is responsible for enforcing ADA's public accommodations regulations.

Regional Disability and Business Technical Assistance Centers

The following centers provide ADA information, assistance and copies of ADA documents supplied by the Equal Employment Opportunity Commission and the Department of Justice:

Toll-free number for reaching any of the following centers:

(800) 949-4232

Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut

(207) 874-6535

New York, New Jersey, Puerto Rico

(609) 392-4004

Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, West Virginia

(703) 525-3268

Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Florida

(404) 888-0022

Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota

(312) 413-7756

Arkansas, Louisiana, Oklahoma, Texas, New Mexico

(713) 520-0232

Iowa, Missouri, Nebraska, Kansas

(314) 882-3600

North Dakota, South Dakota, Montana, Wyoming, Colorado, Utah

(719) 444-0252

Arizona, Nevada, California, Hawaii, Pacific Basin

(800) 949-4232

Idaho, Oregon, Washington, Alaska

(360) 438-4116

Businesses and Organizations That Can Help

The following organizations offer products, services and information to help businesses accommodate individuals with various disabilities.

Ameritech Special Needs Center

Hitec Group International
8160 Madison Avenue
Burr Ridge, IL 60521
(708) 654-9200

Provides communications devices for those with hearing, speech, vision and motion difficulties.

HumanWare, Inc.

6245 King Road
Loomis, CA 95650
(800) 722-3393 Phone
(916) 652-7296 FAX
e-mail: info@humanware.com

Provides computer hardware and software for the visually-impaired.

Mobile-Tech

P.O. Box 2326
Hutchinson, KS 67504-2326
(800) 835-5007 Phone

Provides wheelchair and wheelchair lift accessories.

National Easter Seal Society

70 East Lake Street
Chicago, IL 60601
(312) 726-6200 Phone
(312) 726-1494 FAX

Provides information, referral services and a catalog of publications addressing the needs of disabled individuals.

Physically Impaired Association

600 West Maple Street
Lansing, MI 48906
(517) 487-0883 Phone

Provides information and publications on accommodating most forms of physical impairments.

Potomac Technology

One Church Street

Suite 101

Rockville, MD 20850-4158

(800) 433-2838 Phone

(301) 762-1892 FAX

Provides a wide range of assistive devices for individuals with various disabilities.

TeleSensory

455 North Bernardo Avenue

Mountain View, CA 94043-5237

(415) 960-0920 Phone

(415) 960-0464 FAX

Internet Address: tele@netcom.com

Provides computer-related and braille products for the visually impaired.

Ultratec

450 Science Drive

Madison, WI 53711

(800) 482-2424 Phone

(608) 238-3008 FAX

Manufacturer of teletype telephones (TTYs).