



The Americans with Disabilities Act

Past-Present-Future

Presenter: Tom Johnson MHS

Department of Human Resources

Training and HR Solutions



Our Agenda



Goal

- Provide an overview of history of the Americans with Disabilities Act



Objectives:

1. Review the history of disabilities in the United States
2. Discuss the Americans with Disabilities Act (ADA) and the Amendment Act 2008
3. Define a disability
4. Explore diversity and inclusion of the ADA

Which Of These Two Nice People Could Qualify For A Disability?

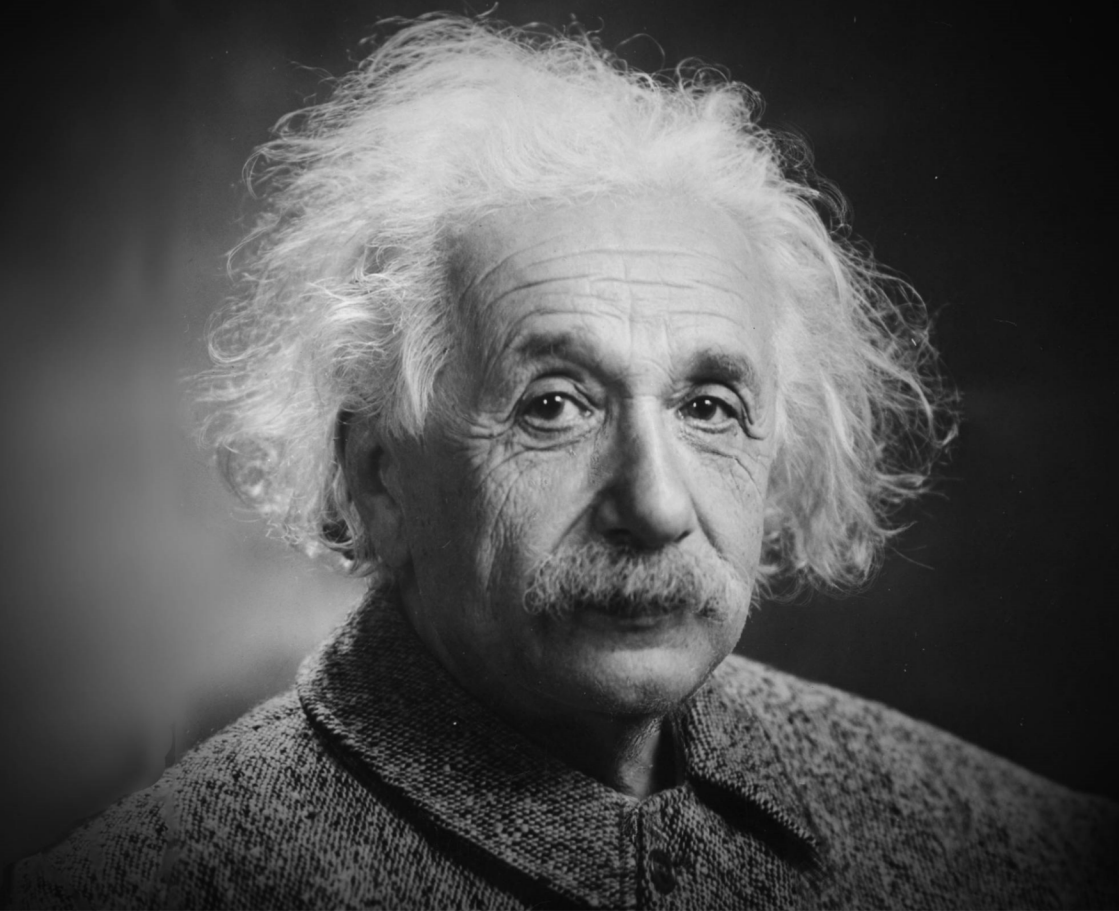




Nearly anyone
can qualify for a
disability!

Did you know disabilities are actually quite common?
Want proof? Let's play a game.

Who has a disability Quiz?



Albert Einstein

Selma Hayek:
Living with
Dyslexia





Abraham
Lincoln:
Lived with
Major
Depression

Montel
Williams:
Living with
MS





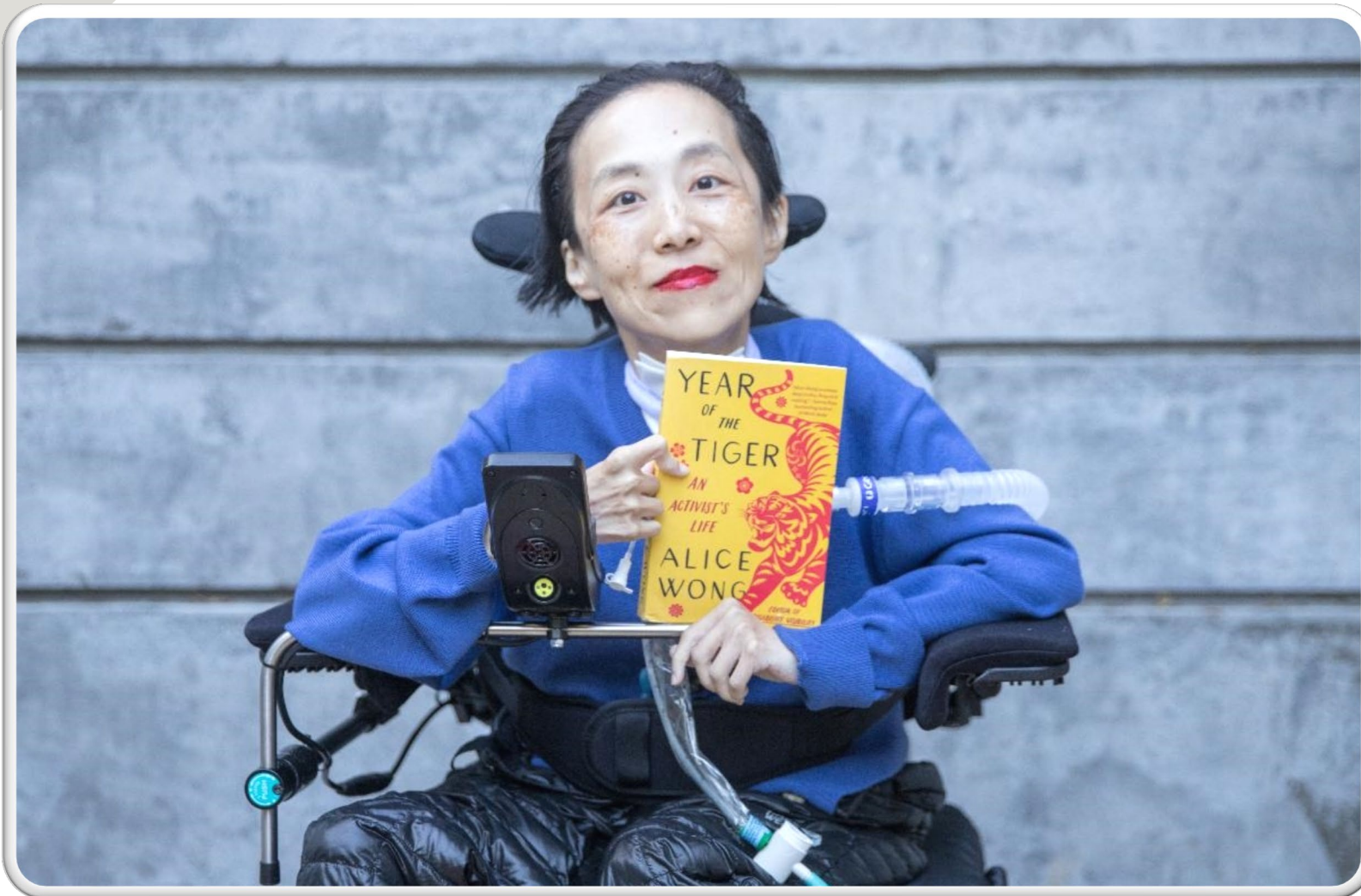
Angelina Jolie:
Living with
Borderline
Personality
Disorder and
Depression

Tom Cruise:
Living with
Dyslexia



Leonardo
DiCaprio:
Living with
Obsessive
Compulsive
Disorder





Alice Wong:
Lived with
Spinal
muscular
atrophy



We all must overcome barriers.

But, perhaps none more than people with disabilities. Let's take a leaping overview of their history in the US.



1700's

- Marginalized and hidden
- Deemed possessed
- Punishments from God
- Excluded from hospitals or shelters for the poor.
- Those without family support were forced to live unhoused and beg for food and money.

The History Of The ADA

1880's -Eugenics Movement

- US invention-Nazi adaptation: people with disabilities viewed as “sick”
- State sponsored segregation, sterilization and institutionalization





- Farms failures
- Massive migration from the South and Midwest
- **Question:** What happened when people from rural areas interfaced with the people in the big cities?

Early 1900's: US Industrial Revolution

The History Of The ADA



U.S. Industrial culture:

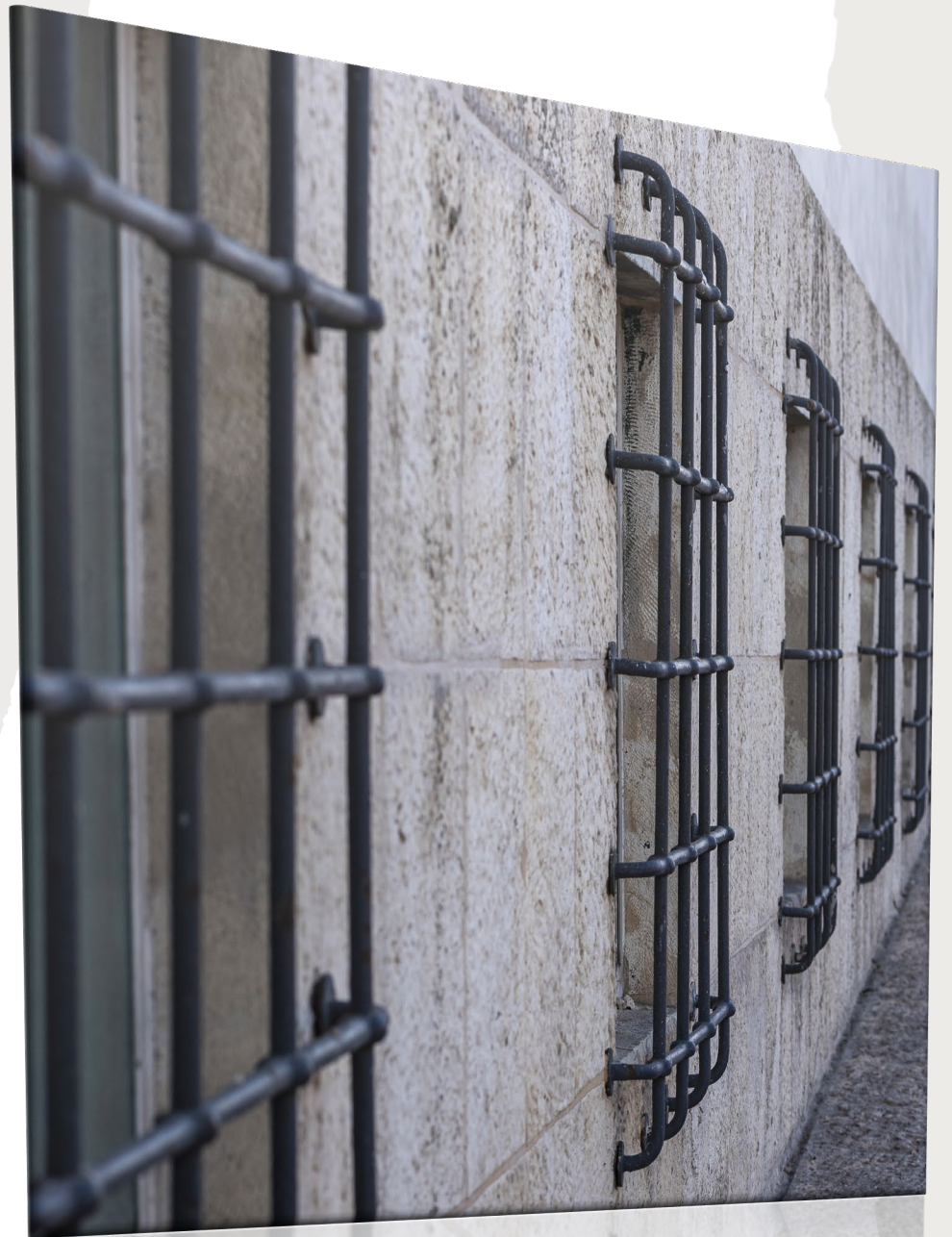
- “Fit in” & N.I.M.B.Y
- **Question:** What do you think society “*desired for*” people who didn’t fit in?

The History Of The ADA

- Society demanded those that didn't "fit" to be removed from society allegedly "for their own safety."

Jails, Prisons & Institutions throughout the US were filled with the disabled at no fault of their own...

Pennhurst 1922
Bryce Hospital 1861
Searcy Hospital 1828
Willow brook 1947
Sonoma Developmental Center (SDC) 1883
Morningside Hospital 1904



First Positive Change Disabled Rights Activism

The 1964 Civil Rights Act

Question: Did the 1964 Civil Rights act
help people with disabilities?

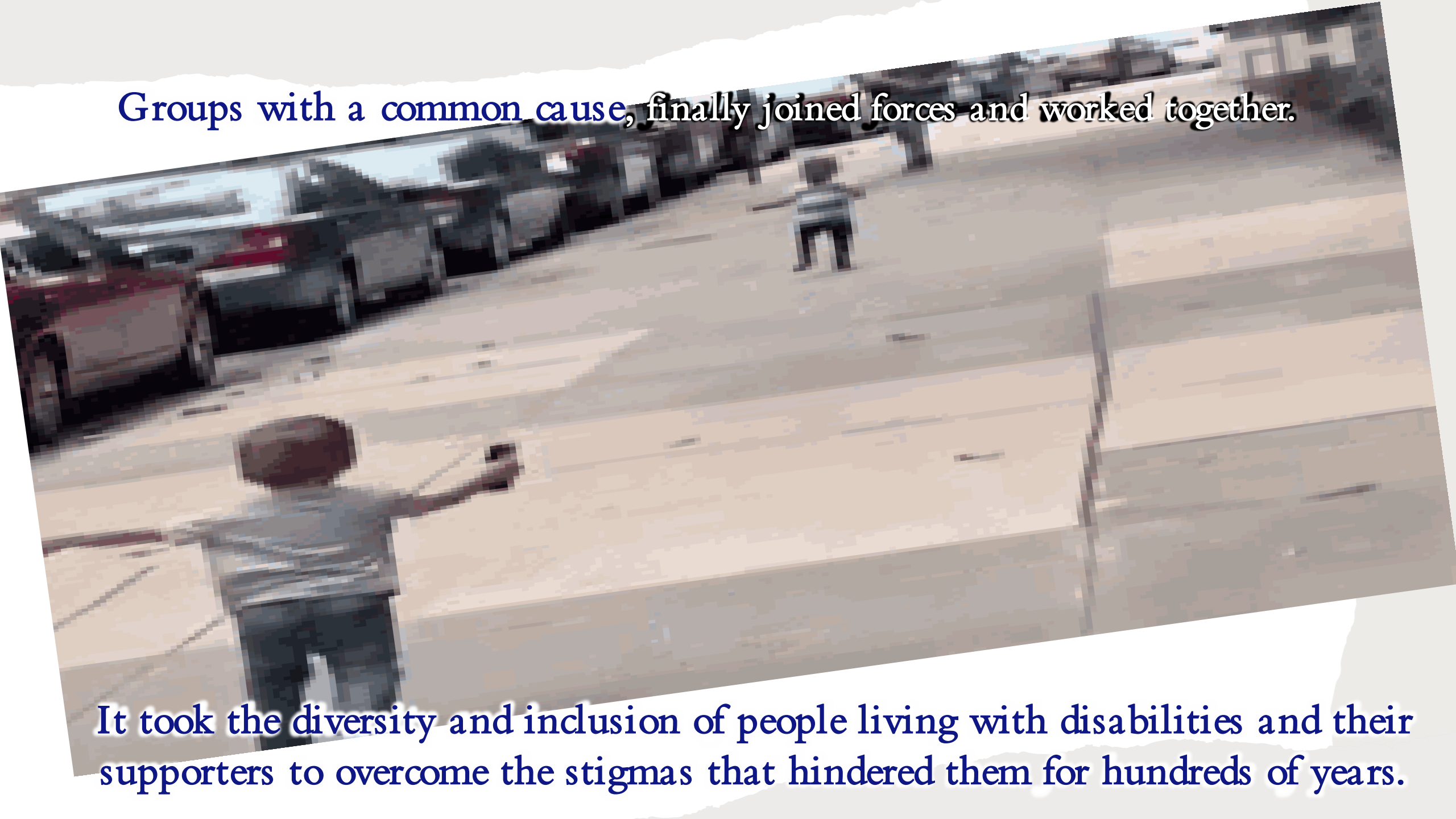
Only as an inspiration to activism...


























Hey, what's the secret?
What changed!?
How did people with
disabilities suddenly gain
societal acceptance and
ADA protection?

Groups with a common cause, finally joined forces and worked together.



It took the diversity and inclusion of people living with disabilities and their supporters to overcome the stigmas that hindered them for hundreds of years.

The Disability Rights Movement *unified* and changed the perception Americans towards people living with disabilities: See just a few of the groups below:

	United Cerebral Palsy	▼		AAIDD	▼		Access Board
	TASH	▼		Disabled Peoples' Intern...	▼		Autistic Self Advocacy N...
	ADAPT	▼		American Foundation for...	▼		National Spinal Cord Inju...
	American Council of the ...	▼		Equip For Equality	▼		National Association of t...
	United Spinal Association	▼		National Disability Rights...	▼		Disabled in Action
	World Institute on Disability	▼		Rehabilitation International	▼		National Federation-The ...
	National Alliance on Men...	▼		National Disability Rights...	▼		Disability.gov

Key Contributors To The ADA

Access Wasn't Always a Civil Right: Meet the Revolutionaries



Justin Dart Jr. is considered the “Godfather” of the Americans with Disabilities Act.

After collecting stories of discrimination based on disability from Americans around the country, Dart worked to help draft legislation that would later become the ADA.



**Evan Kemp
(Shaped it)**



**Sandra Swift Parrino:
(Helped conceive it)**



**ADA Supporters
and President Bush**



**Arlene B. Mayerson
(Drafting Attorney)**

There are too many people to credit for the creation of the ADA. Here are some of the best-known.

ADA TIMELINE 1964-2008

Inspired by the
1964 Civil Rights
Act

People with disabilities and
their supporters grew bolder
and more visible,
demanding support!

The Americans with
Disabilities Act was
signed on July, 26
1990

Activism!

Rehabilitation
Act 1973

Collaborations
of Activists
Groups!

Congress
Lobbyist

The ADA!

**ADA
Amendment
Act 2008**

1973 Rehabilitation Act
protected people with
disabilities from
discrimination in
federally funded facilities.

Political pressure
throughout the 1980's
pushed the States and the
Federal Government to
take-action.

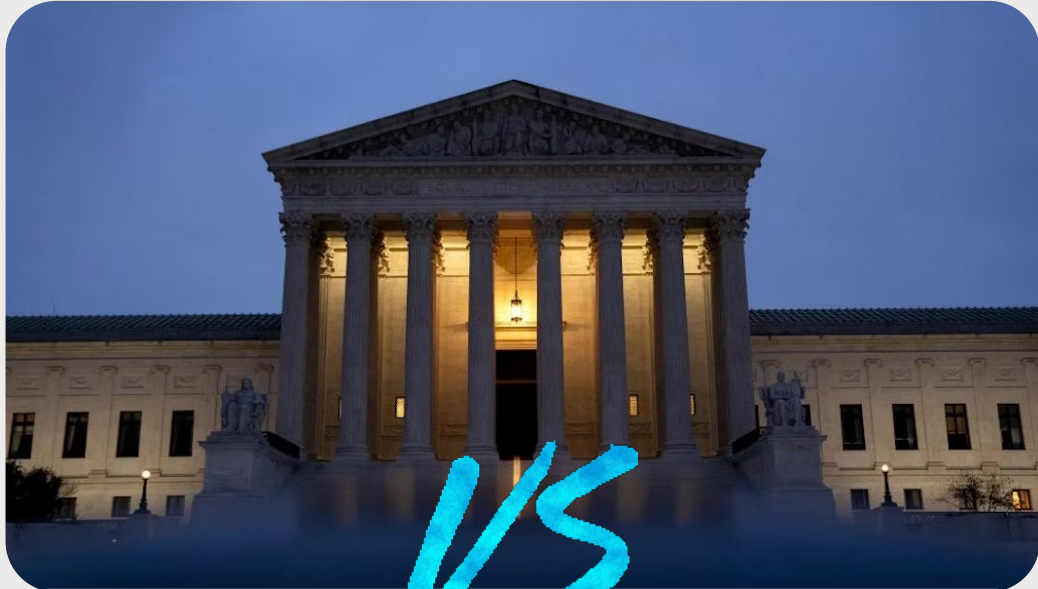
Congress redefined
the definition of the
ADA

*W*ell, Is That It?

Question: Hey, now that people living with disabilities have the ADA. Isn't that enough?



The Americans with Disabilities Amendment Act of 2008



VS



Congress vs the Supreme court

- Congress vs the Supreme Court
- Congress broadened the protections of the ADA
- It included periodic harms like cancer, diabetes, asthma, migraines, epilepsy etc.

wait
WHAT?!



Question: What's the percentage of people that qualified under the ADA in 1990 as compared to the Amendment Act of 2008?

Did you know:

- ✓ The ADA of 1990 only covered 15% of Americans.
- ✓ But the ADA Amendment Act of 2008 covers over 50% of us, maybe even you!!!

Question?

- What is the ADA
- How many areas does it cover?
- What is a disability under the ADA?
- Who qualifies for the ADA?
- What is the ADA Amendment Act of 2008?

We must celebrate disability as diversity and creating a world where there is true acceptance and belonging of everyone.

DIVERSITY SPOTLIGHT

Yvonne Fleener

MSU Sociology and Psychology Alumna

President and CEO, Disability Network Southwest Michigan.

JULY 26TH

**DISABILITY
INDEPENDENCE
DAY**

ADA Amendment Five Titles to the ADA

- **Title I - Employment** prohibits job discrimination against qualified individuals with disabilities in the workplace.
- **Title II - State and Local Government Services:** ensures equal access to state and local government services, programs, and facilities
- **Title III - Public Accommodations:** mandates accessibility for public accommodations re: hotels, stores, restaurants etc...
- **Title IV - Telecommunications** requires telephone and TV companies provide relay services for people with hearing or speech impairments.
- **Title V** - enhanced protection of the rights of people with disabilities, including provisions related to retaliation and attorney's fees.



The American's with Disabilities Act



- Federal law (original ADA signed into law July 1990)
- Prohibits discrimination by employers
- Protects “Qualified” individuals with “disabilities”
- No minimum hour or number of years worked
- Let’s talk about the ADA

Quick Question: What is a disability?

ADA Terms We Should Know

Disability

- ✓ A known physical or mental impairment that substantially limits one or more major life activities
- ✓ Having a record of a disability
- ✓ Being regarded as having a disability

Quick Question: Is having a disability the same as qualifying for a disability?

“Qualified Individual with a known disability”

- Satisfy skill, experience, education, other job-related requirements
- Can perform essential job functions, with or without reasonable accommodation

Substantially Impaired

- Permanent or chronic impairments to major bodily functions
- Restricts performing major life activities
- Effects conditions, manner, or duration which can be performed by most people

What are some bodily functions?

- Immune system
- Normal cell growth
- Digestive, Bowel, Bladder
- Neurological, Brain
- Respiratory, Circulatory, Cardiovascular
- Endocrine, Reproductive Functions
- Musculoskeletal
- Conditions that are minor and temporary (cold or flu) don't count as disabilities.
- However, a short-term illness or other impairment **may** qualify as a **disability** if it is severe, even if it is not permanent.



What are “major life activities”?

Functions that are important to most
people's daily lives

Quick Question: Name some!

Major Life Activities include, but are not limited to:

- ✓ Breathing
- ✓ Bending
- ✓ Caring for oneself
- ✓ Mobility (i.e. Walking)
- ✓ Seeing
- ✓ Communicating
- ✓ Eating
- ✓ Standing
- ✓ Hearing
- ✓ Performing manual tasks
- ✓ Thinking/learning
- ✓ Lifting
- ✓ Reading
- ✓ Concentrating
- ✓ Sleeping
- ✓ Speaking

➤ Question: Did we miss any important ones?

“Another One Of Our Major Life Activities”



Working!

Quick Question: What if I break my leg skying. Would I qualify as being disabled?

The ADAAA of 2008 the Definition of Disability and Substantial Limitations were Expanded

- Limitations That Are **Episodic** or in Remission Will Be Considered - If Active...
- **Mitigating Measures** Are Not Considered (personal use)...
- **Temporary Impairments** Typically Do Not meet the Definition of Disability...

Mental Health Disorders

- ✓ Can Be Episodic
 - ✓ Conditions May Involve Changes in Emotion, Thinking or Behavior
 - ✓ Must Meet Definition of a Disability to receive a Reasonable Accommodations
- **Anxiety disorders**, including panic disorder, obsessive-compulsive disorder, and phobias.
 - **Depression, bipolar disorder**, and other mood disorders.
 - **Personality disorders**
 - **Psychotic disorders** including **schizophrenia**.
 - **Post Traumatic Stress Disorder (PTSD)**

What are some disorders?



Did You Know?

- According to the Centers for Disease Control (CDC): mental health concerns in the US increased 44% during and after the pandemic.



**CENTERS FOR DISEASE™
CONTROL AND PREVENTION**



➤ Now that we've finished looking at the ADA and the Amendment Act.

➤ **Question:** Is There Anything More “We” Need To Do?



“We need to make every single thing accessible to every single person with a disability.”

— Stevie Wonder



"DIVERSITY IS BEING INVITED TO THE PARTY;
INCLUSION IS BEING ASKED TO DANCE."

VERNA MYERS, DIVERSITY AND INCLUSION EXPERT



- ✓ Transformation through Unity
- ✓ America is evolving from hiding, jailing and institutionalizing people with disabilities.
 - ✓ But there is still more work to do...
- ✓ Together we can accept nothing less than **fairness** for all people living with disabilities in American society.
 - ✓ So we should all be included in the dance.

SUMMARY

Together There's No Barrier Too High

Thank You!

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