



AMERICANS WITH DISABILITIES ACT

The purpose of this publication is to make available to industry the results of research conducted by the Construction Industry Institute (CII). The publication does not necessarily represent the views of CII member companies, but is offered as a contribution to the industry.

CII was founded in 1983 to improve the cost effectiveness of the nation's largest industry. The members, who represent a broad cross-section of owners and contractors, believe that many of the problems that limit cost effectiveness are common ones, and that real improvements can be best accomplished in a cooperative environment with the benefits being shared by the construction industry at large.

CII uses the acronym TOPICS to describe the research effort. TOPICS signifies the six research thrust areas: Technology, Organization, People, Information, Controls, and Sigma (meaning others). The research teams for each area are listed below.

Technology

- Advanced Technological Systems
- Computer Integrated Design & Construction
- Design for Safety
- Environmental Remediation Technology
- Technology Strategy

Organization

- Partnering II
- Project Change Management
- Project Organization II
- Pre-Project Planning
- Project Team Communications

People

- ADA Impacts
- Continuing Supervisory Education

Information

- 3D CAD Link
- International Construction
- Owner Engineering Organization

Controls

- Change Order Impacts
- Contracting, Phase II
- Dispute Prevention and Resolution
- International Standards
- Predictive Tools
- Quality Performance Measurement
- Schedule Reduction
- Total Quality Management

Sigma

- Barriers to Implementation
- Piping Function
- Retrofit Projects
- U.S. Navy Demonstration Project
- Workers Compensation

The Construction Industry Institute
The University of Texas at Austin
3208 Red River
Suite 300
Austin, Texas 78705-2650
(512) 471-4319
FAX (512) 499-8101

Not printed with state funds.

Americans with Disabilities Act

**Prepared by the
Construction Industry Institute
Americans with Disabilities Act Impact Task Force**

**Publication 50-2
May 1994**

© 1994 Construction Industry Institute™.

The University of Texas at Austin.

CII members may reproduce and distribute this work internally in any medium at no cost to internal recipients. CII members are permitted to revise and adapt this work for the internal use provided an informational copy is furnished to CII.

Available to non-members by purchase; however, no copies may be made or distributed and no modifications made without prior written permission from CII. Contact CII at <http://construction-institute.org/catalog.htm> to purchase copies. Volume discounts may be available.

All CII members, current students, and faculty at a college or university are eligible to purchase CII products at member prices. Faculty and students at a college or university may reproduce and distribute this work without modification for educational use.

Printed in the United States of America.

Table of Contents

<i>Chapter</i>	<i>Page</i>
Executive Summary	v
1. Introduction	1
2. General Findings	4
3. Title I: Employment	7
4. Title III: Public Accommodations and Commercial Facilities	10
5. Conclusions	13
References	16

Executive Summary

This publication is a summary of CII Special Publication 50-1, *Americans with Disabilities Act: Key Issues for the Design and Construction Industry*, which was produced by the CII ADA Impact Task Force. Special Publication 50-1 contains general reference information on ADA, specific information on industry concerns including alternative industry approaches toward those concerns, compliance flow charts for each major title of ADA, and a reference list, all in a format that can easily be utilized as a training tool or quickly understood by senior executives. Readers should use Special Publication 50-1 for further information and as a guide for implementation.

The Americans with Disabilities Act represents landmark anti-discriminatory legislation on behalf of the disabled community. Previous civil rights legislation protects individuals from discrimination based on race, color, national origin, age, sex, and religion. In a similar manner, ADA gives civil rights protection to individuals with disabilities. ADA will open the workplace to an expanded work force and make facilities more universally accessible to the entire population.

Of the 43 million Americans with disabilities, two-thirds are not working. Many of these are willing and able to work given the opportunity. These individuals have disabilities ranging from hearing or mobility impairments to alcoholism. ADA requires that a good faith effort be made to comply with its intent. It is a law that encourages employers and employees to communicate with one another to mutually develop accommodations. Greater public awareness and more training are required to bring about ADA compliance.

Facility owners and members of the design and construction industry have become concerned about the potentially far-reaching implications of the law. Until awareness of the law increases and legal precedent is established, facility owners and employers are at increased risk of litigation or may compromise design (and incur increased costs) to respond to ADA issues. This CII summary publication is intended as an overview of ADA.

Introduction

The ADA Impact Task Force was established by CII to investigate a new law and the apparently high potential or significant impact on owners, contractors and suppliers. The task force was charged with:

- analyzing the Act to identify its impact on the construction process.
- determining whether there will be an impact on CII's goals for the Year 2000.
- developing an ADA implementation strategy that optimizes compliance with the intent of the Act while minimizing its negative effects.
- developing relationships with the enforcing agencies for the Act to present the construction industry's viewpoint.

Initial efforts by the task force were focused on providing a general reference publication for both member and non-member companies. The task force felt that there was a need to develop a user-friendly publication that would open a dialogue between task force members and the industry to help identify and resolve critical issues. Special Publication 50-1 is the product of the task force's initial research efforts.

The construction industry as referenced throughout the work of the task force encompasses the entire process including conceptual planning, design, procurement, construction, and start-up. Projects include both new and renovated facilities. All of these areas are affected by ADA.

Titles of ADA

The five Titles of ADA are:

Title I: Employment

Title II: Public Services and Transportation

Title III: Public Accommodations/Commercial Facilities

Title IV: Telecommunications

Title V: Miscellaneous Provisions

Title I requires employers to give qualified individuals with disabilities the same consideration for employment that individuals without disabilities are given. A qualified individual with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the position. However, employers are not required to endure an undue hardship due to an accommodation or to pose a direct threat to the health and safety of the individual, co-workers, or the public.

Title II requires public entities (state and local governments) to operate each service, program or activity such that, when viewed in its entirety, it is readily accessible and usable by individuals with disabilities.

Title III requires that persons with disabilities be provided access to goods and services within places of public accommodation and new or altered commercial facilities equal to or similar to that available to the general public.

Title IV contains specific requirements for any transmittal by wire or radio.

Title V contains various requirements and includes provisions for mediation of claims, non-retaliation towards those asserting their rights under ADA, specifically allows drug testing, and provides for attorney fees.