

ADA Turns 20: Look How Far We've Come

July 26, 2010 marked the 20th anniversary of the Americans with Disabilities Act (ADA), signed into law by George H.W. Bush in 1990. For younger individuals with a disability in our community, this occasion might not have induced a jubilant celebration. For those who remember the days prior to the ADA's enactment, though, it was truly a day worth celebrating.

For most of us, curb cuts and ramps are not something we think much about. But for some individuals, they have substantially improved their quality of life. Pre-ADA life was quite restrictive to individuals in terms of public access. Many in our local communities of Berks and Lancaster Counties were unable to visit libraries, restaurants, stores, and even local government buildings. Getting around in a downtown area could be all but impossible.

Other aspects of life our readers might not think of were also affected, such as vacationing. Annual visitors to the shore likely remember days without wheelchair ramps. This often meant those in wheelchairs faced great difficulty in getting to the ocean. As a personal example, a relative of mine could rarely go on the beach because the sand prohibited her wheelchair from moving. If she were here today, she could take advantage of the ramps many beaches now have and sit by the ocean with the rest of the family.

The ADA did not only grant public access to many, but it also protects those with disabilities from discrimination. In the early years after its enactment, what qualified as a disability for protection from discrimination was anything but clear. As case law developed and with the new ADA Amendments Act (ADAAA), it is becoming easier for employers and individuals to understand what a disability is and what sorts of accommodation are required.

For example, there was a time when considering whether a condition was a disability meant analyzing the condition and its limitations by taking mitigating measures into account, such as medication or prosthetics. Under the new ADAAA, these can no longer be considered (with the exception of ordinary eyeglasses and contact lenses), providing even more protection for individuals with disabilities.

Opportunities of employment also continue to grow. On the ADA's anniversary, President Obama signed an executive order aimed at increasing federal hiring of persons with disabilities. The order establishes mechanisms such as mandatory training for hiring managers and requires agencies to prepare strategic plans to be approved by the Office of Personnel Management and the Office of Management and Budget. In addition, the order requires OPM to develop model guidelines and assistance for hiring people with disabilities.

Although more progress will be needed, it is nice to take a minute and look at the strides we have made since the enactment of such an important piece of legislation. It is also refreshing to note the positive attitude so many have on the law. Many business owners in the Reading area see public access as the

cost of doing business, making required improvements without complaint. Removing obstacles in terms of both access and employment has positive effects on all of us, as we're able to share so many aspects of what we call everyday life with those who at one point in time, could not.

This article is authored by attorney Samantha S. Bononno and is intended for educational purposes and to give you general information and a general understanding of the law only, not to provide specific legal advice. Any particular questions should be directed to your legal counsel or, if you do not have one, please feel free to contact us at www.h-dlaw.com.