

THE ADA APPLIES TO YOU, DO NOT IGNORE IT

As public entities, you are subject to the Americans With Disabilities Act (“ADA”). The ADA is a complex area of federal law that requires public entities to make reasonable accommodations for individuals with disabilities. If a public entity fails to make reasonable accommodations, it can lead to extensive and costly litigation, including paying their attorneys’ fees. Put simply, the ADA can be a costly trap for the unwary.

The ADA is broad in scope and even the courts struggle with what is a disability and which accommodation requests are reasonable. This is because the ADA requires a fact-intensive analysis of each situation. As a public entity, it is vital to be aware that the ADA requires you to accommodate disabled individuals and ensure they are provided meaningful access to your programs and services.

Every disability is different and not all accommodation requests are created equal. Reasonable accommodations may include moving meetings to handicap accessible rooms, modifying employee work stations and schedules, providing a sign language interpreter or another auxiliary aid for the deaf, modifying an ordinance to allow service animals to accompany a disabled individual where animals are generally prohibited, and everything in between. There are numerous types of disabilities and accommodation requests that courts may consider reasonable.

Also, federal law prohibits you from asking invasive questions about the extent of an individual’s disability. The nature of questions you may ask depends on the situation, but initially, you should consider an individual’s claim of disability to be valid. If something appears suspicious, consult a lawyer with any questions you may have on how to proceed.

If you receive a request for accommodation, do not immediately disregard or reject it. First, try to fulfill the request. If you cannot fulfill the exact request, try to work with the disabled individual to see if an alternative accommodation or modification will allow them access to your service or program. However, if the requested accommodation or modification will result in a substantial expense or fundamentally alter the nature of the program or service you provide, and there is no other way to accommodate, you should contact a lawyer before you deny the request.

Public entities are common defendants in ADA lawsuits across the country. Awareness of the ADA, taking ADA requests seriously, and attorney consultation will best serve your public entity and your constituents.

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