

# Americans with disability act of 1990

[Health & Medicine](#), [Disability](#)



The American population of disabled workers previously had no protection of their employment or mandates pressed upon their employer to provide necessary work accommodations, to protect their livelihood, until the passage of the Americans with Disabilities Act of 1990 (ADA). The Americans with Disabilities Act is a civil rights law that prohibits employers to discriminate based on an employee's disability. This paper will demonstrate the components of the Americans with Disabilities Act of 1990, as well as provide relevant United States Supreme Court cases set out between employee and employer where the law was challenged or upheld.

The Americans with Disabilities Act of 1990 is an Act set out to “ establish a clear and comprehensive prohibition of discrimination on the basis of disability” (Americans with disabilities, 1990). The Act was introduced to the Senate by Senator Tom Harkin on May 9, 1989. The Act was passed by the Senate on September 7, 1989 by a vote of 76-8 and passed by a unanimous voice vote before the House of Representatives on May 22, 1990. The Act was enacted by the 101st United States Congress and signed into law by President George W. Bush on July 26, 1990 (Americans with disabilities, 1990). ADA Issue: Definition of Disability Under the American with Disabilities Act the term “ disability” refers to a “ physical or mental impairment that substantially limits a major life activity” (Americans with disabilities, 1990). The case between Toyota Motor Manufacturing, Kentucky, Inc. v. Williams was presented to the United States Supreme Court on November 7, 2001. The case primarily questioned how you determine whether an individual is substantially limited in the major life activity of performing manual tasks.

Under the American's with Disabilities Act of 1990, 104 Stat. 328, 42 U. S. C. 12101 et seq. (1994 ed. And Supp. V), a physical impairment that “substantially limits one or more...major life activities” is a “disability.” 42 U. S. C. 12102 (2) (A) (1994 ed. ). Respondent, Ella Williams, claimed to be disabled due to carpal tunnel syndrome and sued, petitioner, her former employer, Toyota Motor Manufacturing, Kentucky, Inc. , for failing to provide accommodations as required under the American with Disabilities Act. Toyota Motor Manufacturing, Kentucky, Inc. v. Williams, (00-1089) 534 U. S. 184 (2002). ] Ella Williams began employment at Toyota Motor Manufacturing in Georgetown, Kentucky, in August of 1990. She was placed on the engine fabrication assembly line, where her duties included work with pneumatic tools. Utilizing these tools over time caused pain in respondent's hands, wrists and arms. She was treated by her physician and found to have carpal tunnel syndrome and bilateral tendonitis.

Her physician released her to return to work with restrictions that included no lifting more than 20 pounds, she could not lift or carry objects weighing more than 10 pounds, must not engage in constant repetitive motion of the wrists and elbows and no overhead work or performing tasks utilizing vibratory or pneumatic tools. Toyota Motor Manufacturing responded to Williams' restrictions, for the next two years, by modifying her job responsibilities within the medical restriction guidelines. Despite this revision, Williams missed work for medical leave and she filed a claim under the Kentucky Worker's Compensation Act. Ky. Rev. Stat. Ann 342. 0011 et seq (1997 and Supp. 2000). The parties settled this claim and Williams returned to work. Williams was still not satisfied with petitioner's efforts to

accommodate her work restrictions and she filed suit against Toyota in the United States District Court for the Eastern District of Kentucky alleging that petitioner had violated the ADA by refusing to accommodate her disability. The suit was settled, and as part of the settlement, respondent was able to return to work in December of 1993. Upon Williams return, Toyota accommodated respondent by placing her in the Quality Control Inspection Operations Department.

The team's tasks included (1) "assembly paint", (2) "Paint second inspection"; (3) "shell body audit"; and (4) "ED surface repair". Williams was placed on a team that performed only two of these tasks and rotated between the two roles. In assembly paint, Williams would visually inspect painted cars moving slowly down the conveyor and then rotated every other week to the second piece of her role, which was to examine the cars by lifting the hoods and opening the doors. She was able to perform these duties as described.

There was a change in workflows in the Department of Quality Control where all employees must rotate between the four tasks of the quality operations. Williams attempted to perform all four duties as required, but began having increased pain, sought medical treatment was diagnosed with myotendonitis bilateral periscapular, inflammation of the muscles and tendons of the shoulder blades and forearms and thoracic outlet syndrome. Williams requested to return to only performing the two components of her position. The parties disagree on what happens next, Williams' states that Toyota refused her request.

Toyota states that the employee began missing work excessively and they were forced to terminate her position for poor attendance. Williams again sued under the Americans with Disability Act of 1990. During the court proceedings and on deposition Williams stated that she was “ disabled” as she was no longer able to perform activities of daily living that included (1) manual tasks; (2) housework; (3) gardening; (4) playing with her children; (5) lifting; and (6) working, all of which, she argued, constituted major life activities under the Act. [Toyota Motor Manufacturing, Kentucky, Inc. v. Williams, (00-1089) 534 U. S. 184 (2002). Under the ADA the claimant must show that the limitation on the major life activity is substantial 42 U. S. C. 12102 (2)(A). “ Substantially limits” was defined as unable to perform a major life activity that the average person in the general population can perform”. In determining whether an individual is substantially limited in a major life activity, the regulations instruct that the following factors should be considered: “ the nature and severity of the impairment; the duration or expected duration of the impairment; and the permanent or long term impact, or the expected permanent or long-term impact of or resulting from impairment. 1630. 2(j)(2)(i)-(iii) (Americans with disabilities, 1990).

The court concluded on January 8, 2002 that the respondent’s impairments substantially limited her in the “ major life activities” of performing manual tasks and was found to be “ disabled” as defined under the Americans with Disabilities Act, and therefore granted judgment to respondent on the basis that Toyota violated the Act by not accommodating her request as a disabled individual. [Toyota Motor Manufacturing, Kentucky, Inc. v. Williams, (00-1089) 534 U. S. 184 (2002). ADA Issue: Definition of Disability and Direct

Threat The Americans with Disabilities Act of 1990, under Title II, prohibits disability discrimination by all public entities.

Public entities must comply with the ADA regulations by the U. S. Department of Justice and includes granting access to all programs and services without disability discrimination. Under the ADA regulations there is also a “ direct threat” provision which protects facilities where an individual may pose a direct threat to the health or safety of others (Americans with disabilities, 1990). The U. S. Supreme Court Case No. 97-156, Randon Bragdon, Petitioner v. Sidney Abbott, Respondent, poses the question whether asymptomatic HIV infection is a disability under the ADA, and when determining whether an individual with HIV poses a direct threat to a health care provider, should the courts defer to the providers professional judgment [Bragdon v. Abbott (97-156) 107 F. 3d 934, (1998). ] Abbott is infected with HIV, but it had not manifested into the serious stages at the time of the incident. Abbott presented to her dental office and disclosed her HIV infection.

Rangdon Bragdon, her dentist, refused to treat her in his office setting and cited his policy on filling cavities on HIV patients. He was willing to treat her in the hospital for no extra charge, but she would be responsible for the hospital bill. She declined and filed suit under the American with Disabilities Act of 1990 (ADA), which prohibits discrimination against any individual... “ on the basis of disability in the ...enjoyment of the...services...of any place of public accommodation by any person who...operates [such] a place,” 42 U. S. C. 2182 (a), but qualifies the prohibition by providing: “ Nothing [herein]

shall require an entity to permit an individual to participate in or benefit from the... accommodations of such entity where such individual poses a direct threat to the health or safety of others,” 12182(b)(3) (Americans with Disabilities, 1990). The court ruled in favor of the respondent, Sidney Abbott, on June 25, 1998. Even though the respondent’s HIV had not progressed to the point of being symptomatic, HIV is a “ disability” under 12102 (2)(A), that is, “ a physical...impairment that substantially limits one or more of the major life activities.

The life activity upon which respondent relies, her ability to reproduce and to bear children, constitutes a “ major life activity” under the ADA. In affirming the summary judgment, the court did not cite sufficient material in the record to determine, as a matter of law, that respondent’s HIV infection posed no direct threat to the health and safety of others. The ADA’s direct threat provision, 12182 (b)(3), stems from *School Bd. Of Nassau Cty v. Arline*, 480 U. S. 273, 287. [*Bragdon v. Abbott* (97-156) 107 F. 3d 934, (1998)]. ADA Issue: Reasonable Accommodation and Undue Hardship Title I of the Americans with Disabilities Act of 1990 requires an employer to provide reasonable accommodation to qualified individuals with disabilities who are employees or applicants for employment, unless to do so would cause undue hardship.

An accommodation is typically any change in the workenvironmentthat allows an individual with a disability to enjoy equal employment opportunities (American with disabilities, 1990). The U. S. Supreme Court case *U. S. Airways, Inc. v. Robert Barnett* poses the question under “

Reasonable Accommodation”, when an employee with a disability seeks reassignment as an accommodation under the ADA, does the employees right to reasonable accommodation trump another employee’s seniority rights when the employer has a seniority system. Robert Barnett, respondent, obtained a back injury when he was a cargo handler for petitioner, US Airways, Inc. Following the injury, he transferred to the mailroom, which was less physically demanding.

The mailroom position later became open to a senior-based employee bidding under US Airways seniority system. US Airways gave the position to the most senior employee, refused Robert Barnett’s request to accommodate his disability, and Barnett lost his job. Robert Barnett sued US Airways, Inc. under the Americans with Disabilities Act of 1990, which prohibits an employer from discriminating against an employee with a “disability” who with “reasonable accommodations can perform the essential job functions, 42 U. S. C. 2112(a) and (b), unless the employer “can demonstrate that the accommodation would impose an undue hardship on the operation of [its] business”, 1211(b)(5)(A) (Americans with disability, 1990). US Airways presented that their seniority system had been in place for decades and governs over 14, 000 US Airways agents and the policy would trump all other requests. They had been consistent with the usage of the seniority system and allowing any other rationale to alter the policy would cause undue hardship to both the company and the non-disabled employees.



The court ruled on April 29, 2002 in favor of US Airways and stated that undermining seniority systems would cause a undue hardship on employers [US Airways v. Barnett, 535 US 394 (2002)]. ADA Issue: Scope of Title III Under Title III of the Americans with Disabilities Act of 1990 requires an entity operating “ public accommodations” to make “ reasonable modifications” in its policies to accommodate when necessary disabled individuals, unless the entity can demonstrate that making such modifications would alter the nature of their operations, 12182(b)(2)(A)(ii), (Americans with disabilities, 1990).

The case, PGA Tour, Inc v. Casey Martin tests the American with Disabilities Act of 1990 and questions whether Title III of the ADA protects access to professional golf tournaments by qualified entrant with a disability; and whether a contestant with a disability may be denied the use of a golf cart because it would fundamentally alter the nature of the tournament to allow him to ride when all other contestants must walk. Casey Martin, respondent, suffers from a degenerative circulatory disorder that prevents him from walking long distances on the golf course.

When Martin became a professional golfer he posed a request, which was supported by medical documentation, that while in tournaments he be accommodated by utilizing a golf cart. Petitioner, PGA Tour, Inc. refused and respondent filed suit under Title III of the ADA. The Supreme Court ruled in favor of Martin in a 7-2 decision on May 29, 2001. The Supreme Court found that the PGA Tour should be viewed as a commercial enterprise operating in the entertainment industry and not as a private club. In addition, Martin

should be provided a golf cart to utilize as a means of reasonable accommodations [PGA Tour, Inc. v.

Martin, 984 F. Supp. 1320 (2001). ] The Americans with Disability Act of 1990 has brought valuable protection and necessary accommodations to employees and applicants that otherwise may have been faced with discrimination, which was the principal goal of the legislation. The act has been instrumental in providing access to public programs and services that may have not been available to disabled Americans previous to the inception of the ADA. The ADA makes it possible for everyone to be treated as equals and prevents unethical discriminatory behaviors from being placed upon those individuals that suffer from disabilities.