

APPENDIX G

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The Americans With Disabilities Act (ADA) is an important Federal Civil Rights statute that was signed into law on July 26, 1990. It was enacted to provide a comprehensive prohibition of discrimination on the basis of disability. All state governmental units, as well as most businesses, are affected by the ADA, which imposes significant obligations on the Judicial Branch as an employer and as a provider of public services. Title II of the ADA, which covers public entities, became effective on January 1, 1992; it protects qualified individuals with disabilities from discrimination on the basis of disability in the services, programs or activities offered by the courts. It also prohibits discrimination in all employment related activities.

Of particular importance to the courts is the awareness that people with disabilities come before them as litigants, witnesses, lawyers, jurors, victims, employees and members of the public. All court personnel must recognize their responsibility to provide full participation in, and access to, court programs and services by individuals with disabilities.

Court personnel should be aware that they violate the ADA by not making reasonable accommodations to the known physical or intellectual limitations of qualified persons with disabilities. Such accommodations are required unless providing them would fundamentally alter the services or programs provided by the courts or result in undue financial and administrative burdens. The type and extent of accommodation that is required will vary with individual circumstances.

Although strong protections for persons with disabilities already exist under Massachusetts state law, the ADA is broader in scope. The Department of Justice, the Equal Employment Opportunity Commission, or other designated agency can pursue enforcement of the Act through private litigation or through administrative action. Remedies are the same as those available under the Civil Rights Act of 1964.

The ADA requires us to perform certain specific tasks as part of our efforts to ensure that persons with disabilities do not encounter discrimination. The ADA also requires the courts to designate an employee per court (the ADA Coordinator) to coordinate efforts to comply with the Act and to adopt and publish grievance procedures to provide resolution of complaints alleging discrimination prohibited by the Act.

Issues arising under the Act, including those concerning the scope of its requirements and those relating to the investigation of complaints from the public filed with the Office of Court Management and from those within the court system, will be reviewed by the Office of Court Management ADA Coordinators.