



# SOUTH CAROLINA HUMAN AFFAIRS COMMISSION

## TECHNICAL SERVICES & TRAINING DIVISION

JULY 2024

## PREVENTION CORNER



Logo credit: ADA National Network (adata.org) 1-800-949-4232

### Americans With Disabilities Act of 1990, As Amended

July 26, 2024 is the 34th anniversary of the enactment of the Americans with Disabilities Act (ADA). This federal civil rights law prohibits discrimination against people with disabilities in everyday activities.

#### A person with a disability is someone who:

- Has a physical or mental impairment that substantially limits one or more major life activities.
- Has a history or record of such an impairment, or
- Is perceived by others as having such an impairment.



#### What does *major life activities* mean?

Major life activities are the kind of activities that people do every day. A few examples of major life activities are listed below.

- Movements like walking, standing, lifting, and bending.
- Actions like eating, sleeping, speaking, and breathing.
- Cognitive functions like thinking and concentrating.
- Sensory functions like seeing and hearing.
- Tasks like reading, working, learning, and communicating.

For more information about your employment rights, visit [Introduction to the Americans with Disabilities Act | ADA.gov](#).

Source: [ADA Anniversary Tool Kit; The Americans with Disabilities Act | ADA.gov](#)



# What Are the Titles of the ADA and How Do They Differ?

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The ADA has five sections or Titles that cover employment, state and local governments, public accommodations, private businesses, and telecommunications.

<p><b>Title I</b></p>	<p><b>Access to employment.</b></p> <ul style="list-style-type: none"> <li>• Title I requires employers with 15 or more employees to provide qualified individuals with disabilities an equal opportunity to benefit from the full range of employment-related opportunities available to others.</li> <li>• It also requires that employers make reasonable accommodation to the known physical or mental limitations of otherwise qualified individuals with disabilities, unless it results in undue hardship.</li> </ul>
<p><b>Title II</b></p>	<p><b>Access to state and local government.</b></p> <ul style="list-style-type: none"> <li>• Title II requires state and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities.</li> <li>• Public entities are required to make reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination, until doing so would fundamentally alter the nature of the service, program, or activity provided.</li> <li>• Title II also covers public transportation services.</li> </ul>
<p><b>Title III</b></p>	<p><b>Access to private business (Public accommodations).</b></p> <ul style="list-style-type: none"> <li>• Title III covers public accommodations: private entities who own, lease, lease to, or operate facilities such as restaurants, retail stores, hotels, theatres, medical centers, funeral homes, day care centers, recreation facilities, fitness clubs, and convention centers.</li> <li>• Transportation services provided by private entities are also covered by title III.</li> </ul>
<p><b>Title IV</b></p>	<p><b>Access to telecommunications.</b>  <b>Addresses telephone and television access for people with hearing and speech disabilities.</b></p> <ul style="list-style-type: none"> <li>• Title IV requires common carriers (telephone companies) to establish interstate and intrastate telecommunications relay services (TRS) 24 hours a day, 7 days a week.</li> <li>• TRS enables callers with hearing and speech disabilities who use TTYs, and callers who use voice telephones to communicate with each other through a third-party communications assistant.</li> <li>• Title IV also requires closed captioning of Federally funded public service announcements.</li> </ul>
<p><b>Title V</b></p>	<p><b>Miscellaneous provisions and relationships to other laws.</b></p> <ul style="list-style-type: none"> <li>• Title V includes miscellaneous provisions, requiring the U.S. Access Board to issue accessibility standards, requiring federal agencies to provide technical assistance, stating specifically that the illegal use of drugs is not a covered disability, and</li> <li>• Provides that state and local laws that mandate equal or greater protection to individuals with disabilities are not superseded or limited by the ADA.</li> </ul>

Source: [Frequently Asked Questions About the Americans With Disabilities Act and the ADA National Network | ADA National Network \(adata.org\)](https://adata.org)

# U.S. Department of Justice

## News & Notes

Press Release

April 8, 2024

### Justice Department to Publish Final Rule to Strengthen Web and Mobile App Access for People with Disabilities



Attorney General Merrick B. Garland signed a final rule in April 2024 under Title II of the Americans with Disabilities Act (ADA) to ensure the accessibility of web content and mobile applications (apps) for people with disabilities.

- **This final rule clarifies the obligations of state and local governments to make their websites and mobile applications accessible.**
- **Every day, people across the country use the web and mobile apps to access public programs and services, including emergency information, courts, healthcare providers, schools, voting information, parking, permit applications, tax payments, and transit updates.**

This final rule marks the Department of Justice's latest effort to ensure that no person is denied access to government services, programs, or activities because of a disability.

**Read the entire article at:** [Office of Public Affairs | Justice Department to Publish Final Rule to Strengthen Web and Mobile App Access for People with Disabilities | United States Department of Justice](#)

Source: [www.justice.gov/opa/pr/justice-department-publish-final-rule-strengthen-web-and-mobile-app-access-people](http://www.justice.gov/opa/pr/justice-department-publish-final-rule-strengthen-web-and-mobile-app-access-people)

## PREVENTION CORNER

### \*Resources & Tools\*

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#### U.S. Department of Justice (DOJ) ADA Homepage

[www.ada.gov](http://www.ada.gov)

- 1-800-514-0301 (voice).
- If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.
- The ADA Home Page includes many excellent resources for employers.
- The "[ADA Business Connection](#)" section of the site includes business briefs and tax incentive information.

Source: [www.ada.gov](http://www.ada.gov); <https://dol.gov/agencies/odep/publications/fact-sheets/americans-with-disabilities-act>

**EEO laws are designed to protect the rights of ALL individuals.**

**\*\*Please Note: This newsletter is not intended to be used as legal advice.**



**If you feel like you have experienced discrimination,  
contact us for help.**

**(800) 521-0725, Relay 711 or 803-737-7800**

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**The mission of the South Carolina Human Affairs Commission is to Prevent and Eliminate Unlawful Discrimination in Employment, Housing, and Public Accommodations.**

The South Carolina Human Affairs Commission strives to alleviate problems of discrimination through the enforcement of the SC Human Affairs Law (*including the SC Pregnancy Accommodations Act and the SC Lactation Support Act.*), the SC Fair Housing Law, and the SC Equal Enjoyment and Privileges to Public Accommodations Law.