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KNOW YOUR RIGHTS:

A Simple Guide to Key Disability Legislation



"KNOWING MY RIGHTS EMPOWERS ME AND STRENGTHENS MY CONFIDENCE TO ASK FOR THE CHANGES I SEEK."

**IAN RUDER (OR)
UNITED SPINAL EMPLOYEE AND ADVOCATE
EDITOR, NEW MOBILITY MAGAZINE**



THE AMERICANS WITH DISABILITIES ACT (ADA)



Since 1990, the ADA has prohibited discrimination on the basis of disability. In 2008, the Americans with Disabilities Amendments Act (ADAAA) reframed the ADA's definition of disability and broadened the scope of coverage. As it stands, the ADA defines a person with a disability as an individual with physical or mental impairment that substantially limits one or more major life activity. The ADA is divided into 5 titles:

- **Employment (Title I).** Requires employers to provide reasonable accommodations to people with disabilities who are applicants or employees. It also prohibits discrimination on the basis of disability in all aspect of employment.
- **Public Services (Title II).** States that public services, like public transportation, cannot deny service or participation to a person with a disability.
- **Public Accommodations (Title III).** States that all newly constructed and modified facilities, such as restaurants, grocery stores, commercial stores, and hotels, must be accessible to people with disabilities.
- **Telecommunications (Title IV).** Requires telecommunications companies offering services to the general public to provide telephone relay services to people who use telecommunication devices.
- **Miscellaneous (Title V).** Prohibits coercing, threatening, or retaliating against people with disabilities asserting their rights under the ADA.

ADDRESSING ADA VIOLATIONS

Examples of ADA violations

Failure to install a wheelchair ramp where necessary, inadequate restroom accommodations, lack of handrails, walkways that are too narrow or steep, problematic elevator or escalator systems, insufficient accessible parking, employment discrimination, websites that do not meet the needs of those with disabilities, inaccessible public spaces and transportation etc.

What to do/where to go for help

If you believe that you or another person has been discriminated against by an entity covered by the ADA, you may file a complaint with the Disability Rights Section (DRS) in the Department of Justice.

[Click here for additional resources or to file a complaint.](#)





AFFORDABLE CARE ACT (ACA)

Since being signed into law by President Barack Obama on March 23, 2010, the ACA (in full, known as The Patient Protection and Affordable Care Act (PPACA) together with the Health Care and Education Reconciliation Act of 2010 amendment, represents the U.S. healthcare system's most significant regulatory overhaul and expansion of coverage since the passage of Medicare and Medicaid in 1965. Regulations include:

- Insurers cannot deny coverage to individuals due to pre-existing conditions;
- Premiums must be the same for everyone of a given age, regardless of pre-existing conditions;
- Essential Health Benefits (EHB) must include: ambulatory patient services; emergency services; hospitalization; maternity and newborn care; mental health and substance use disorder services, including behavioral health treatment; prescription drugs; rehabilitative and habilitative services and devices; laboratory services; preventive and wellness services and chronic disease management; and pediatric services, including oral and vision care.
- Annual and lifetime coverage limits on EHB prohibited.
- Additional preventive care and screening for women;
- Creation of health insurance exchanges in all fifty states. The exchanges are regulated, largely online marketplaces, administered by either federal or state government, where individuals and small businesses can purchase private insurance plans



ADDRESSING ACA VIOLATIONS

Examples of ACA violations

As with all things, you must monitor what your plan covers. Read and familiarize yourself with your plan's benefits very closely and speak out if you are receiving discriminatory services or inappropriate benefits such as:

- fewer therapy visits than listed in your plan
- specialists in your network that do not align with your needs
- denying your enrollment into a plan
- denying savings based on your income level

What to do/where to go for help

- you can submit an appeal to your plan
- contact your state Health Department ombudsperson/ administrative personnel or leadership (varies between states)
- contact your local, state or Federal legislators

Click below for additional resources

[ACA Plans and Benefits](#)

[Private Insurance Options](#)

[Want to contact your local, state, or federal legislators?](#)



AIR CARRIER ACCESS ACT (ACAA)

Since 1986, the ACAA has prohibited commercial airlines from discriminating against passengers with disabilities. Some of your rights under the ACAA include:

- All domestic and foreign American air carriers are required to have accessible websites and kiosks.
- You have a right to timely enplaning, deplaning, and connection assistance. You also have a right to be provided equipment (e.g., wheelchairs and aisle chairs) and personnel (e.g., individuals to propel wheelchairs and aisle chairs and individuals to assist in carrying and stowing their baggage).
- Airlines must allow passengers to safely stow their wheelchairs or parts of wheelchairs in the overhead bins or under seats.
- Airlines must ensure there is a space for at least one passenger with a disability to stow a folding wheelchair in the cabin of the airplane if the aircraft has 100 or more seats on board.
- Service animals must be allowed to accompany passengers with disabilities and to sit in close proximity to the passenger as long as they do not block the aisle.
- Those providing wheelchair service while traveling may not charge for service or ask for a tip for their service.

Potential ACAA violations include:

Wheelchair damage, bodily harm, excessive wait times, inaccessible ticketing site, service animal denial, etc.

AIR CARRIER ACCESS AMENDMENTS ACT (2017)

There are many working groups, along with United Spinal Association's Government Relations and Advocacy and Policy teams, that serve to advocate for actions to enhance accessibility in air travel. Some of these continuing efforts have led to the passing of the **Air Carrier Access Amendments Act of 2017**, which led to incorporate accountability measures regarding accessible air travel including:

- The formation of the Air Carrier Access Act Advisory Committee
- Increasing penalties for damages to mobility aids or injuries to travelers with disabilities
- A study conducted by the United States Access Board to determine the ways in which individuals with significant disabilities who use wheelchairs, including power wheelchairs, can be accommodated through cabin wheelchair restraint systems. Further, DOT will put forward minimum guidelines consistent with the findings.

In 2018, Roll on Capitol Hill advocates lobbied for support of further ACAA reform, namely the Air Carrier Access Amendments Act, assisting in the passage of the **Federal Aviation Administration Reauthorization Act** requiring:

- Increased civil penalties for bodily harm to passengers, equipment, or mobility aids
- Review and revise regulations to ensure passengers receive dignified, timely and effective assistance
- Creation of Advisory Committee on the Air Travel Needs of Passengers with Disabilities
- Development of Airline Passengers with Disabilities Bill of Rights



ADDRESSING ACAA VIOLATIONS

What to do/where to go for help

- Contact the airline with which you are traveling. Many employ designated disability customer service agents. When possible, speak with someone at the airport
- Speak with a Complaint Resolution Officers (CRO) who will have disability related procedure and resolution training and are available in all US airports in person or by phone 24/7
- Follow-up any ACAA violation by **filing an incident report with the Department of Transportation** or with the airline.
- [Click here for more information on the U.S. Department of Transportation \(DOT\) Civil Rights Enforcement and Awareness](#)
- [Click here for more information on travel tips and more information from the Federal Aviation Administration \(FAA\)](#)
- **[Click here to visit the United Spinal Association website for information on reporting transportation issues.](#)**

ADVOCATES IN ACTION: SKY-HIGH STANDARDS

KENNY SALVINI (WA) **UNITED SPINAL ADVOCATE AND CHAPTER LEADER** **2019 FINN BULLERS CO-ADVOCATE OF THE YEAR AWARD**



After facing not only one, but two, heavily damaged wheelchairs caused by airline mishandling during his travels to Roll on Capitol Hill's 2016 and 2017 events, Kenny ran chair first into an advocacy discussion he could not ignore.

"This is just the beginning of a larger conversation about accessible travel that must be had. Because I'm paralyzed from the neck down, these chairs are more than just my legs, they are also my arms and extensions of my brain; they are how I control my telephone, access my home and run my business. In short, they are my life, and that should not be put at risk every time I want to travel and do life," said Salvini.

In 2018, Kenny and other attendees spent several days advocating for increased air travel rights and protections included in the Air Carrier Access Amendments Act (ACAA). Fueled with education and an empowered voice, Kenny spoke out. After sharing his story on social media, he wrote a poignant piece on the subject for New Mobility magazine, winning honorable mention in the Ruderman Awards for Excellence in Reporting on Disability. Beyond his pen, Kenny continues to use his voice as an advocate and advisor, working with Alaska Airlines to share his story and facilitate improved equipment handling.





FAIR HOUSING ACT (FHA)

The Fair Housing Act protects people from discrimination when they are renting, buying, or securing financing for any housing. The prohibitions specifically cover discrimination because of race, color, national origin, religion, sex, disability and the presence of children.

The Civil Rights Act of 1968, more commonly known as the Fair Housing Act, was the third major civil rights law passed in the 1960s. In general, the FHA applies broadly to all sorts of housing, public and private, including single family homes, apartments, condominiums, mobile homes, and others. The act's coverage also extends to the secondary mortgage market.

FAIR HOUSING AMENDMENTS ACT

Since 1988, the FHA Amendments Act (FHAA) has extended Title VIII of the Civil Rights Act of 1968, which prohibits discrimination on the basis of race, color, religion, sex or national origin in housing sales, rentals or financing to include protection to persons with a disability. It was amended to prohibit discrimination on the additional grounds of physical and mental handicap, as well as familial status.

FHAA requires two types of reasonable accommodations to make existing housing more accessible to persons with disabilities. These accommodations consist of structural modifications and policy changes:

Structural modifications: Housing providers must permit reasonable modifications of existing premises if such modifications are necessary for a person with a disability to be able to live in and use the premises. The cost of the modification is to be paid by the resident with a disability.

Policy changes: FHAA requires that the housing provider make reasonable modifications in rules, policies, practices or services necessary to give persons with disabilities equal opportunity to use and enjoy the dwelling.

ADDRESSING FHAA VIOLATIONS

Examples of FHAA violations

Landlord denial based on disability, race, religion, or familial status, failure to provide reasonable accommodation to a dwelling, unfair mortgage practices, exclusionary advertising, etc.

What to do/where to go for help

The Office of Fair Housing and Equal Opportunity is the agency responsible for administering and enforcing federal fair housing laws. If you feel you have faced an FHAA violation, you can contact FHEO to file a complaint or visit your local Housing and Urban Development office.

Click below for additional resources

[Understanding the Fair Housing Act](#)

[Understanding the Fair Housing Amendments Act](#)

[Filing a complaint with the U.S. Department of Housing and Urban Development](#)





THE REHABILITATION ACT

In 1973, the Rehabilitation act replaced the Vocational Rehabilitation Act with reforms including:

- Expansion and revision of grants to states for vocational rehabilitation services, with special emphasis on services to individuals with the most severe disabilities
- Broadening federal responsibilities and research and training programs with respect to individuals with disabilities
- Providing linkage between state vocational rehabilitation programs and workforce investment activities carried out under title I of the Workforce Investment Act of 1998
- Establishing special responsibilities for the Secretary of Education for coordination of all activities with respect to individuals with disabilities within and across programs administered by the federal government

Potential Rehabilitation Act violations

Unfair hiring practices, discrimination, unmet employment assistance needs, refusal to provide adaptive technology, etc.

Where to go for help/file a complaint

Complaints can be filed with the U.S. Equal Employment Opportunity Commission or state Fair Employment Practice Agencies can be used for claims that inform locally specific worker protection laws. [Click here for additional guidance.](#)

VIETNAM ERA VETERAN'S READJUSTMENT ASSISTANCE ACT

Since 2003, the VEVRAA has required that businesses with a federal contract or subcontract in the amount of \$100,000 or more entered into on or after December 1, 2003, take affirmative action to employ and advance qualified protected veterans.

Veterans covered by VEVRAA are those who receive VA disability compensation, were recently separated from active duty, served on active duty during a war or in a campaign or expedition for which a campaign badge was authorized, and those who an armed forces service medal was awarded.

Where to go for help/file a claim

VEVRAA is enforced by the Office of Federal Contract Complaints Programs and impacts employers with federal contracts or subcontracts of \$100,000 or more. [Click here for further information.](#)



UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)

Since 1994, passage of USERRA established rights and responsibilities for uniformed service members and their civilian employers. Including:

- Reemployment rights
- The right to be free from discrimination and retaliation
- Health insurance protection
- Enforcement guidelines

Where to go for help/file a claim

The US Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve USERRA violation complaints. Call 1-866-4-USA-DOL or [click here for more information](#).

