



Enforcing the Americans with Disabilities Act

The Americans with Disabilities Act (ADA) is divided into five sections, which are known as titles. These five titles describe the rights of people with disabilities and the responsibilities of governments, businesses, and organizations covered by the law.

What happens when someone believes the law was violated? Several federal agencies enforce the ADA. The agency responsible for responding to a complaint depends on which title of the ADA applies. **This ADA National Network factsheet outlines which federal agencies enforce different parts of the ADA.**

Title I is the section of the ADA that relates to employment

Title I of the ADA applies to employment in many different and often complex ways. This part of the law is designed so people with disabilities can access the same employment opportunities and benefits as people without disabilities. Many employers with 15 or more employees must comply with this section of the ADA. This includes private businesses, religious entities, non-profits, employment agencies, and labor unions. State and local governments of any size must follow Title I. Title I protects job applicants and employees. This title restricts questions that employers can ask about an applicant's disability before a job offer is made. It also requires that employers make reasonable accommodations for qualified individuals with disabilities, unless the accommodations result in undue hardship.

Who enforces Title I?

The U.S. Equal Employment Opportunity Commission (EEOC) handles Title I enforcement.

Where to file a complaint about discrimination in employment

If you believe you have experienced discrimination because of your disability during the hiring process or during employment, you can file a complaint. The EEOC calls this complaint a charge of discrimination.

The EEOC enforcement process requires you to file a charge of discrimination before you can file a discrimination lawsuit against your employer. A charge of discrimination is a signed statement asserting that an employer or labor organization engaged in employment discrimination. Also, an individual, organization, or agency may file a charge of discrimination on behalf of another person to protect the person's identity. The laws enforced by the EEOC require the EEOC to notify the employer that a charge has been filed against the employer.

Time limit for filing a complaint with the EEOC alleging a Title I violation

In general, a complaint under Title I of the ADA must be filed within 180 calendar days of the day the alleged discrimination took place. The 180-calendar day filing deadline is extended to 300 calendar days if an alleged violation is also covered by a disability-related state or local law.



The EEOC Mediation Program may be a good way to resolve Title I complaints

After a charge of discrimination is filed, you may be contacted by the EEOC to participate in Mediation. **Mediation does not involve the court system and is free, confidential, and voluntary.** Mediation typically involves one or more meetings between you, your employer, and an impartial mediator. The program is designed to help you and your employer reach a mutual agreement. A mediation session usually lasts from 3 to 4 hours, although the time can vary depending on your situation. It usually takes less than 3 months on average to resolve a charge through mediation, while it could take 10 months or longer for a charge to be investigated. However, if you do not reach an agreement during mediation, your charge will be investigated like any other charge.

Can private lawsuits be filed under Title I?

Yes, but you can only file a lawsuit **after** receiving your *right to sue notice*. You must file a charge of discrimination with the EEOC to get the notice. You can request that the EEOC not investigate your charge of discrimination in order to receive your right to sue notice earlier. The EEOC gets to decide whether to give your right to sue notice immediately. However, after 180 days the EEOC must give you the notice.

Title II of the ADA is the section that relates to state and local government

Title II of the ADA prohibits discrimination against qualified individuals with disabilities in all state and local government programs, activities, and services. Examples include courts of law, town meetings, voting locations, and state and local government-run health care, public education, social service, and recreation settings. Title II also covers public transportation like city buses. Title II includes state and local government departments and agencies, or special purpose districts of state or local governments, regardless of the government entity's size or receipt of federal funding.

Who enforces Title II?

The U.S. Department of Justice (DOJ), Civil Rights Division generally handles Title II enforcement for state and local governments. However, the transportation section of Title II is enforced by the Federal Transit Administration (FTA). A few other agencies may have enforcement responsibilities.

Where to file a complaint alleging violations by a state or local government

If you believe you have experienced discrimination by a state or local government, you can file a complaint by mail, fax, or online.

Time limit for filing a complaint with the U.S. Department of Justice (DOJ), Civil Rights Division alleging a Title II violation by a state or local government

In general, complaints under Title II of the ADA must be filed with the DOJ within 180 days of the date of the alleged discrimination.

Where to file a Title II complaint with the Federal Transit Administration (FTA)

If you believe you have experienced discrimination by a public transit provider, you can file a complaint using the FTA Online Civil Rights Complaint Form.

The FTA encourages individuals to file complaint directly with their transit providers first. This action gives the transit provider an opportunity to resolve the situation before the FTA is involved. Organizations receiving FTA funding are required under the ADA to have local complaint procedures.



Time limit for filing a complaint with the FTA

In general, transportation-related complaints under Title II of the ADA must be filed with the FTA within 180 days of the date of the alleged discrimination.

The ADA Mediation Program may be a good way to resolve Title II complaints

In certain situations, your case may be referred by the DOJ to the ADA Mediation Program, a federal program that handles the types of issues an ADA Title II complaint raises. This program is similar to the EEOC Mediation Program. **The ADA Mediation Program does not involve the court system.** Mediation typically involves one or more meetings between you, the organization you complained about, and an impartial mediator. The program is designed to help the individual and the organization reach a mutual agreement. **The ADA Mediation Program is free, confidential, and voluntary,** and can be a fair and quick way to resolve ADA complaints. If the DOJ believes your complaint might be a good fit for mediation, they contact you and the organization you filed a complaint against to see if both parties are willing to participate in the program.

Title III of the ADA is the section that relates to businesses and non-profits that are open to the public

Title III of the ADA applies to what are known as “public accommodations”—businesses and non-profit organizations that are open to the public. Transportation services provided by private entities are also covered by Title III—for example, intercity buses or limousine companies.

This section of the ADA sets the minimum standards for accessibility for alterations and new construction of facilities and instructs public accommodations to remove barriers in existing buildings where it is easy to do so without much difficulty or expense. Additionally, this title directs businesses to make reasonable modifications to policies, practices, and procedures, and to establish effective communication with people with hearing, vision, or speech disabilities.

Who enforces Title III?

The U.S. Department of Justice (DOJ), Civil Rights Division oversees Title III enforcement in public accommodations.

Where to file a complaint alleging a Title III violation

If you believe you have experienced a violation of the ADA in a public accommodation, you can file a complaint by mail, fax, or online.

The ADA Mediation Program may be a good way to resolve Title III complaints

Similar to Title II, your case may be referred by the DOJ to the ADA Mediation Program. The ADA Mediation Program is **confidential and voluntary** and can be a fair and quick way to resolve ADA complaints. If the DOJ believes your complaint might be a good fit for mediation, they contact you and the organization you filed a complaint against to see if both parties are willing to participate in the program.

Title IV of the ADA is the section that relates to telecommunications

The Federal Communications Commission (FCC) enforces Title IV of the ADA, which covers telecommunication services.



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Title IV addresses telephone and television access for people with hearing and speech disabilities. It requires common carriers (telephone companies) to establish interstate and intrastate telecommunications relay services 24 hours a day, seven days a week. Title IV also requires closed captioning of federally funded public service announcements.

Who enforces Title IV?

The FCC handles Title IV enforcement for violations in telecommunications.

Where to file a complaint about an alleged Title IV violation

There are two types of complaints that you can make about an alleged violation of Title IV—informal complaints and formal complaints. If you believe you have experienced a violation of the ADA while using telecommunication services, you can file an informal complaint with the FCC Consumer Inquiries and Complaint Center.

There is no fee for filing an informal complaint. If you are not satisfied with the response to your informal complaint, you can file a formal complaint. As of spring 2023, the fee for filing a formal complaint is \$540. The formal complaint process is similar to court proceedings, and most people who file a formal complaint are represented by lawyers or other experts in communications law.

Time limit for filing a complaint alleging a Title IV violation

You must file an informal complaint before you can file a formal complaint. There is no time limit for filing an informal complaint, however your formal complaint must be filed within six months of the date of the response to your informal complaint.

Title V of the ADA is the section that contains technical statements and general guidelines

The final title contains a variety of definitions and requirements. It explains the ADA's relationship to other laws, state immunity, and the ADA's impact on insurance providers and benefits. It prohibits retaliation, coercion, and interference with those who exercise their rights. This title also provides a list of conditions that are not considered to be disabilities, and outlines exclusions related to individuals currently engaged in illegal drug use. Title V does not have an enforcement component.

Some states and local governments have laws prohibiting discrimination against people with disabilities

Some states and local governments (e.g., New York City) have laws like the ADA, but they are enforced in the state's court system or by local civil rights commissions. For information about disability discrimination laws in your state, contact your regional ADA Center.

Private lawsuits

You may pursue a private lawsuit under some circumstances; talk with an expert to learn more.

Do you still have questions about enforcement of the ADA?

Still not sure how the ADA is enforced? Contact us toll-free, voice or TTY, at 1-800-949-4232 or email us to speak with one of our ADA Specialists. All requests for assistance are strictly confidential.



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ADA Knowledge Translation Center

<http://adata.org/ADAKTC>

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