



National Network

Information, Guidance and
Training on the Americans with
Disabilities Act

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<https://adainfo.us/EnforcementOptionsEmployment>

Americans with Disabilities Act: Enforcement Options Under the Employment Provisions (Title I)

What is the ADA?

The Americans with Disabilities Act (ADA) is a civil rights law that prohibits discrimination against people with disabilities.

What does the ADA cover?

There are five parts, or titles, in the ADA.

- Title I: Employment
- Title II: Services and programs of state and local government
- Title III: Public accommodations and commercial facilities
- Title IV: Telecommunications
- Title V: Miscellaneous provisions

The titles are regulated and enforced by different federal agencies, and in many cases, individuals or groups can file private lawsuits.

Title I: Employment

Title I is regulated and enforced by the U.S. Equal Employment Opportunity Commission (EEOC).

Title I covers the employment practices of

- state and local government employers and private employers with 15 or more employees;





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- labor unions that have at least 15 members or operate a “hiring hall” referring workers to job openings;
- apprenticeship programs; and
- employment agencies, such as temporary staffing agencies (no matter how many employees they have).

All employment practices are covered, including recruitment activities, application processes, job training, rates of pay, job benefits, and decisions about hiring, promotions, or firing.

The law also protects people from retaliation (<https://www.eeoc.gov/laws/types/retaliation.cfm>) for activities like filing complaints or being witnesses in investigations.

The ADA does not cover federal employers (other than the U.S. Congress, under Title V). Agencies in the executive branch of the federal government are covered by Section 501 of the Rehabilitation Act. Provisions of Section 501 are similar to those of Title I of the ADA, but complaint and enforcement procedures for applicants and employees with disabilities are different from those outlined below.

Where do I file a complaint?

Employment complaints under Title I of the ADA, sometimes called “charges,” can be filed with **either the EEOC or a state or local Fair Employment Practices Agency (FEPA)**. FEPAs enforce state or local laws that address employment discrimination. FEPAs may have a variety of names in different states or areas, including “civil rights office,” “human rights commission,” “division of human relations,” “department of equal rights,” or something similar.

The EEOC has “worksharing” agreements with many FEPAs. This means that complaints only need to be filed with the EEOC or the FEPA, not both. When complaints are covered under both the ADA and state/local law, the EEOC and the FEPA will “dual file,” sending a copy of the complaint to the other. This simplifies the process for both individuals and agencies.



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Deadline for filing

You must file a charge within **180 calendar days** from the day the alleged discrimination took place. The 180-day deadline is extended to 300 days if a state or local agency enforces a law that covers the issue.

What happens after a complaint is filed?

If you file a charge with the EEOC, they will send a notice of the charge to the employer within ten days.

In some cases, the EEOC will ask both you and the employer if you would like to take part in a free mediation program (<https://www.eeoc.gov/eeoc/mediation/index.cfm>). Mediation may help you and the employer reach a voluntary agreement to resolve the complaint. Often, mediation can improve communication and cooperation between employees and employers, and settle complaints much faster than a typical investigation.

If the complaint is not mediated, the EEOC will investigate it. Investigation takes an average of about ten months.

If the EEOC decides the law may have been violated, they will try to resolve the complaint with the employer. If they are not able to do so, they may file a lawsuit against the employer. If the EEOC decides not to file a lawsuit, they will give you a Notice of Right to Sue and you may file your own lawsuit within 90 days.

If the EEOC is not able to determine whether the law was violated, they will still send you a Notice of Right to Sue and you can file a lawsuit within 90 days.

Private lawsuits cannot be filed under Title I of the ADA without the Notice of Right to Sue.

If you want to file a private lawsuit before the EEOC finishes its investigation, you may request your Notice of Right to Sue, but generally you must give them at least 180 days to investigate.

If you file your complaint with a FEPA, the process may depend on other factors under state or local law. Check with your FEPA for more details.



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Keep in mind that some state or local laws may provide different (better, in some cases) rights or remedies. For example, some state laws cover employers with fewer than 15 employees.

More information

Find more information about filing a charge of discrimination (<https://www.eeoc.gov/employees/charge.cfm>), locate your nearest EEOC field office (<https://www.eeoc.gov/field/index.cfm>), or contact the EEOC:

- Email: info@eeoc.gov
- 1-800-669-4000
- 1-800-669-6820 (TTY for callers who are deaf/hard of hearing or have speech disabilities)
- 1-844-234-5122 (video phone for individuals using American Sign Language only)

Contact your regional ADA Center (<https://adata.org/>) with your questions about employment or to find FEPAs in your area.

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<http://www.adainfo.org/>

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