

What are a Vermont municipality's obligations under the Americans With Disabilities Act?

State and federal laws place a wide range of obligations on municipalities to ensure that their practices and programs do not discriminate against persons with disabilities. The most well known of these laws is the Americans With Disabilities Act (ADA), which was enacted on July 26, 1990.

The most commonly recognized portion of the ADA is **Title I**. Title I requires municipal employers with 15 or more employees to provide qualified individuals with disabilities equal access to the full range of employment-related opportunities available to others. It prohibits discrimination in recruitment, hiring, promotions, training, pay, social activities, and other privileges of employment. The law limits questions that can be asked about an applicant's disability before a job offer is made and requires that employers make reasonable accommodation to the known physical or mental limitations of otherwise qualified individuals with disabilities unless an undue hardship would result.

Title II of the ADA requires a municipality to give people with disabilities an equal opportunity to benefit from all of its programs, services, and activities. It covers all activities of local government, regardless of a municipality's size or receipt of federal funding. Title II also requires local governments to follow architectural standards in the new construction and alteration of buildings, and to relocate programs or otherwise provide access in inaccessible older buildings. While local governments are not required under Title II to take actions that would result in undue financial and administrative burdens, they are required to make reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination – unless they can demonstrate that doing so would fundamentally alter the nature of the service, program, or activity being provided. Local governments with fifty or more employees are also required to appoint an ADA coordinator, develop a transition plan for ADA compliance and develop an ADA grievance procedure.

Other provisions of Title II cover public transportation services. Public transportation providers must comply with requirements for accessibility in newly purchased vehicles, make good faith efforts to purchase accessible buses, remanufacture buses in an accessible manner and, unless it would result in an undue burden, provide services to individuals who are unable to use the regular transit system independently and must be picked up and dropped off at their destinations.

Title III of the ADA applies to private entities providing public accommodations, commercial facilities and examinations and courses related to applications, licensing, certification, or credentialing for secondary or postsecondary education, professional, or trade purposes.

Under the ADA, all municipalities were required to complete a self-evaluation of their facilities, programs, policies, and practices by January 26, 1993. ADA self-evaluations consider all of a municipality's programs, activities, and services, as well as the policies and practices that a municipality has put in place to implement its various programs and services. Remedial measures necessary to bring the programs, policies, and services into compliance with Title II should be specified.

It has been fourteen years since the original ADA self-evaluation deadline. Hopefully, your town's ADA self-evaluation is an active and useful document. If you have not revisited your town's ADA self-evaluation recently, now is a good time to do so. Periodic review of this document can go a long way toward ensuring that ADA compliance is being maintained in your town. An excellent resource for Vermont municipalities is the *ADA Guide for Small Towns*, published by the United States Department of Justice. A copy can be obtained at: <http://www.ada.gov/smtown.htm>.

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