

SOUTH CAROLINA AND THE ADA

Facts and Best Practices for State and Local Governments to Comply with the ADA

The Americans with Disabilities Act (ADA) prohibits discrimination against people with disabilities by state and local governments.

EMPLOYMENT

The ADA prohibits employers from discriminating against qualified individuals with disabilities.

What counts as an "employer"?

Any state or local government entity with 15 or more employees. This can include town libraries, police departments, Department of Health, municipal child care providers, county clerks, and more.

Who is a "qualified" person with a disability?

A qualified individual with a disability is a disabled person who is able to perform the essential functions of the job with *or* without reasonable accommodation. This means that the person must: (1) satisfy the job requirements for education, skills, experience, etc.; and (2) be able to perform tasks that are essential to the job, with *or* without reasonable accommodation.

What is a reasonable accommodation?

A reasonable accommodation is an adjustment to a job or work environment that allows a qualified person with a disability to participate in the application process, perform the job, or enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities.

Best Practices

- Include a statement on all job postings on how applicants can request reasonable accommodations in the application process.
- Always include the essential functions of the job in the job description.
- Do not ask about a person's disability in a job interview. It is illegal.
- Ensure employee handbooks include information on how to request a reasonable accommodation.
- Ensure the physical environment is accessible, including work spaces, break rooms, and bathrooms.
- Work cooperatively with employees who need accommodations to determine what accommodations will allow them to perform the job.
- Consult with a disability rights organization or the EEOC if you need help.

PROGRAMS AND SERVICES

The ADA prohibits public entities from discriminating against individuals with disabilities in services, programs, and activities.

What is a public entity?

All state and local governments and all departments, agencies, special purpose districts, and other instrumentalities of State and local government.

What services and programs are covered?

All services, programs, and activities of public entities are covered — from town carnivals to department of social services applications to evacuation plans for emergency management offices to legislative office buildings and more!

How do we make services and programs accessible?

The ADA provides specific requirements for physical access, such as measurements for accessible pathways, bathrooms, and more. Additionally, the Web Content Accessibility Guidelines provide guidance on how to make virtual spaces accessible, including information on text size, color contrast, and captioning.

What is a reasonable modification?

A reasonable modification is a change in a policy, practice, or procedure that is made to offer equal access and opportunity for a person with a disability. When a program, service, or activity is not accessible to a person with a disability, they may request a reasonable accommodation to have equal access. For example, a person with a vision disability might request town notices in large print, or a wheelchair user may request wheelchair accessible seating at a parade.

ADA Coordinator

Any public entity with 50+ employees is required to designate at least one person to coordinate ADA compliance.

This person is responsible for ensuring the government entity complies with the ADA and investigates complaints.

The name and contact information of the ADA Coordinator must be provided to interested persons.

Best Practice:

Ensure your website includes the name, email, phone number, and office address of your ADA Coordinator.

Have Questions?

Contact Able SC

advocacy@able-sc.org

Learn more about Title I and Employment:

<https://askjan.org/>

Learn more about Title II and Public Entities:

<https://www.adaactionguide.org/>

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