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Book Review

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A PRIMER FOR CORPORATE AMERICA ON CIVIL RIGHTS FOR THE DISABLED by Patricia A. Morrissey, LRP Publications, Horsham, PA 1991 (ISBN 0-934753-49-0), 82 pages.

The Americans with Disability Act (ADA) gives new meaning to the term "access." Passed in 1990, the ADA prohibits discrimination against individuals with disabilities in most sectors of American life including employment, public services, public accommodations, transportation and telecommunications. In addition to establishing prohibitions, the ADA creates a number of specific entitlements. These prohibitions and entitlements will be phased in over the next six years, beginning on January 26, 1992.

Unfortunately, the ADA itself is filled with legal jargon and peppered with obscure references to other statutes. As a result, the substance of the ADA itself is not very accessible to the rehabilitation counselor, educator, social worker or, most important of all, the disabled person. After reading the ADA, most readers are left with the question, "What does the ADA mean for me?" *A Primer for Corporate America on Civil Rights for the Disabled* was written to answer this question. The author, Dr. Patricia Morrissey, was, for many years, a senior staff member of the U.S. House of Representatives, and actively involved with the passage of the ADA. In *A Primer*, she has generally succeeded in making the basic substance of the ADA accessible to the lay reader. Dr. Morrissey offers a "user friendly" overview of the ADA. While the title gives the impression that *A Primer* is particularly focused on Corporate America, in reality Dr. Morrissey draws upon her broad range of personal and professional experiences to inform a much broader audience. She identifies, in concise terms, the key operating principles of the Act. She then illustrates these principles with real-life examples—examples which

communicate to disabled people, advocates, social workers, and rehabilitation counselors the intent of the ADA.

The book begins with a clear summary of the technical terms used in the Act. As Dr. Morrissey points out, some of the seemingly familiar terms, such as "disability" and "discrimination," which members of the disability community might assume to be based on standard, well-known definitions, actually contain subtle but important variations when compared with more familiar pieces of legislation such as PL 94-142 and Section 504 of the Rehabilitation Act. For example, the Act defines disability to include, under certain circumstances, those who are afflicted with drug and alcohol addiction and infectious diseases. PL 94-142 does not include these classes of individuals. Those who wish to utilize the Act effectively must recognize such differences. Other concepts, such as the notion of "defenses," will be completely new, and perhaps confusing to many people in the disability movement. This is especially true for many in the hearing-impaired community. *A Primer* does a good job of explaining the rationale underlying such concepts without degenerating into obtuse jargon and legalese. By way of illustration, when describing the defense of "undue burden," Dr. Morrissey notes that this defense conceivably could be used by a provider of public accommodations to argue, for example, that making TDD's available in hotel rooms would involve significant difficulty or expense and, hence, be an "undue burden," and, therefore, not required by the ADA. The hearing-impaired community needs to be aware of these potential defenses and be ready with a reasonable response so that, when they make a request for access to any service or attempt to take advantage

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of an employment opportunity, they cannot be rejected out of hand.

The subsequent chapters provide summary explanations of each major title of the ADA: Employment, Public Services, Public Accommodations and Telecommunication Relay Services. Each chapter outlines the key provisions of the title and then offers a discussion of some of its more sensitive implications. The chapter on employment, for example, describes some of the employer actions which would be considered discriminatory. It also includes a brief discussion as to how employees or applicants with drug or alcohol problems are treated under the ADA, and it deals with the controversial question of the employer's right and/or obligation to test employees for drugs and alcohol in the workplace.

The Public Services title is particularly complex. *A Primer* helps to clarify the intent of the ADA in this area by explaining that Subtitle A addresses discrimination by all public entities, but not the transportation services provided by these agencies. Subtitle B, on the other hand, deals with transportation issues. Dr. Morrissey then goes on to discuss some of the key implications of the Act for transportation. Although the Public Services title includes education and rehabilitation, these areas are touched upon only briefly because, at the time of publication, the Education Department had yet to release its proposed regulations.

The Public Accommodation title is perhaps the most far reaching. In *A Primer*, Dr. Morrissey makes quite clear that just about every service provider in the country is covered by the Act—from the more obvious vendors such as restaurants and theaters to the more obscure, such as standardized test administrators and liquor stores. By outlining a series of principles and illustrating them with examples, *A Primer* makes clear that the notion of "accommodation" is much broader than the idea of "physical access to a public building." Take the ADA principle that services and opportunities for

a disabled customer must be provided in the most integrated setting appropriate to the individual. As an example of an unacceptable action in response to this principal, *The Primer* offers a situation experienced by many hearing-impaired people—a demand that everyone with a hearing impairment sit together in one section of a lecture hall. *A Primer* explains why this kind of administrative edit contravenes a key principle of the ADA.

A Primer outlines the telecommunication provisions of the ADA. The ADA mandates that intrastate and interstate telecommunications relay services be available to people with hearing impairments by July 26, 1993. Unfortunately, *A Primer* was published before Federal Communications Commission regulations were published, so the discussion of this provision is limited.

In summary, *A Primer* offers a clear, concise guide to the ADA. It is an excellent introduction to what promises to be one of the most complex and subtle pieces of social legislation in the past 30 years. Of equal importance, *A Primer* points out that the ADA, in spite of all the positive press it has received from the disability community, is not a panacea for all problems of access. If the ADA is to be used effectively by the hearing-impaired community, then it must be clearly understood. *A Primer* is an excellent introduction to the topic.

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NOTE: For those who want to delve into the ADA in greater depth, Dr. Morrissey will publish *Human Resource Executives Survival Guide to the Americans with Disability Act* in late 1991. It will be published by LRP Publications of Horsham, PA.