

# PUBLICATION

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## Tips for Ensuring Your Workplace is Title III Compliant

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While some of the challenges our Team Alex participants faced were adjustments to how to use the assistive mobility device, others had to deal with the accessibility of the building. Title III of the Americans with Disabilities Act (ADA) covers accessibility of places of public accommodations and prohibits discrimination against people with disabilities. While the ADA does not define "places of public accommodation," it does give examples, which include hotels, restaurants, theaters, hospitals, and insurance offices, among others. Essentially, if your business is open to the public and you have customers on your premises, your business may be considered a place of public accommodation and must comply with Title III.

To ensure your business is compliant with Title III, determine when your building was constructed and when any major alterations have occurred on the premises. This will determine whether the premises fall within the 1991 or the 2010 Standards for Accessible Design Guidelines used to ensure compliance with Title III. Once this determination is made, conduct a thorough inspection of the premises from the parking lot to the restrooms. Below are common areas that you should inspect to ensure compliance under Title III:

1. **Parking Lots** – Ensure that your premise has identifiable handicap accessible spaces with the appropriate access aisle. The height of a handicap ADA sign should be 60 inches from the bottom of the sign to the surface ground.
2. **Service Counters** – The height of a service counter, which is any counter where a business transaction could occur, should be no higher than 36 inches from the ground. It should also have clear space in front of it so that a wheelchair could move forward toward the counter or move alongside the counter.
3. **Bathroom Stalls** – There must be an ADA accessible stall in each restroom facility. The accessible stall must be a minimum of 60 inches by 60 inches to allow for wheelchair mobility. There also must be a side and rear wall grab bar at appropriate dimensions. Consult the 1991 or 2010 ADA Standards for additional requirements for bathroom accessible stalls.
4. **Bar Counters** – Typical bar counters are 42 inches high. The ADA Standards require a height of no more than 36 inches for counters. Consider lowering a section of the bar counter to ensure that wheelchair patrons can access the services offered.
5. **Employee Work Areas** – The 1991 and 2010 Standards require employee work areas in new construction and alterations only to be designed and constructed so that individuals with disabilities can approach, enter, and exit the areas. Employers may also be required to provide accessible common use circulation paths within employee work areas. Employers should engage in the interactive process to determine what appropriate reasonable accommodation may be needed.

The above list should be a starting point to ensure compliance with Title III. Consult your employment attorney at Baker Donelson to ensure that your premises is compliant. Making your premises ADA compliant ensures that individuals like Alex have access to the services your company provides.

