

Americans with Disabilities Act

The Americans with Disabilities Act (ADA) prohibits job discrimination because of a disability and requires affirmative action to employ qualified individuals with disabilities who, with reasonable accommodation, can perform the essential functions of their jobs. Individuals requiring accommodations should contact the Director of Human Resources to obtain an Employee ADA Self-Disclosure/Accommodations Request and Certification of Physician forms.

ADA Title I

Title I of the ADA essentially states that an employer cannot discriminate against qualified applicants and employees on the basis of their disabilities. Employers having 15 or more employees are covered.

Section 504

Section 504 employment requirements, in most respects, are the same as those of Title I, because the ADA was based on the Section 504 regulatory requirements.

Who is protected by Title I?

The ADA prohibits employment discrimination against “qualified individuals with disabilities.”

A qualified individual with a disability is an individual with a disability, who meets the skill, experience, education, and other job-related requirements of a position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of a job.

Definition

To understand who is and who is not protected by the ADA, it is first necessary to understand the Act’s definition of an “individual with a disability” and then determine if the individual meets the Act’s definition of a “qualified individual with a disability.” A person with a disability is an individual who:

- Has a physical or mental impairment that substantially limits one or more of his/her major life activities;
- Has a record of such an impairment; and
- Is regarded as having such an impairment.

Major Life Activities

To be a disability covered by the ADA, an impairment must substantially limit one or more major life activities. These are activities that an average person can perform with little or no difficulty.

Examples of major life activities are walking, seeing, speaking, hearing, breathing, learning, performing manual tasks, working, sitting, standing, lifting, and reading.

Factors to Consider

The regulations provide three factors to consider in determining whether a person's impairment substantially limits a major life activity:

- Its nature and severity;
- How long it will last or is expected to last; and
- Its permanent or long-term impact, or expected impact.

These factors must be considered because, generally, it is not the name of an impairment or a condition that determines whether a person is protected by the ADA, but rather the effect of an impairment or condition on the life of a particular person.

Reasonable Accommodations and the Undue Hardship Limitation

Reasonable accommodation is a critical component of the ADA's assurance of nondiscrimination. Reasonable accommodation is any change in the work environment or in the way things are usually done that results in equal employment opportunity for an individual with a disability.

An employer must make a reasonable accommodation to the known physical or mental limitations of a qualified applicant or employee with a disability unless it can show that the accommodation would cause an undue hardship on the operation of its business.