

Americans with Disabilities Act

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 a reasonable accommodation, can perform the essential functions of a job.

An employer must make reasonable accommodation to the known “disability” of limitations of an otherwise qualified applicant or employee, unless the employer can demonstrate that the accommodation would impose an undue hardship. There is no duty to accommodate an individual who only meets the “regarded as” definition set forth below.

1. Analyze the position to determine its purpose and essential functions.
2. **Employee will usually initiate request for accommodation.**
3. Consult with the individual with the disability to find out his or her specific physical or mental abilities and limitations as they relate to the essential job functions.
4. Determine whether additional documentation is needed
5. Identify and assess possible accommodations.
6. Consider the employees preferred accommodation.

Essential Function: What you have to be able to do to achieve the desired results of your job.

Why functions could be considered essential:

1. The position exists to perform the function.
2. There are a limited number of other employees available to perform the function, or among whom the function can be distributed.
3. A function is highly specialized, and the person is hired for special expertise or ability to perform it.

Disability is Defined as:

1. A physical or mental impairment that substantially limits one or more of the major life activities;
2. A record of such an impairment or;
3. Being regarded as having an impairment That is not minor or transitory and lasts at least six months.

Examples of Disabilities:

Physical or Mental Impairment - Any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems; neurological, musculoskeletal, special sense organs, respiratory, cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin and endocrine, substance abuse (this does not include a current, illegal abuser) or;

Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Major Life Activity - Those basic activities that the average person can perform with little or no difficulty. Functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Record or History of Impairment - Persons who have a history of, or a record of having been misclassified as having an impairment.

Regarded as Having a Substantially Limiting Impairment - This covers persons who have impairments that do not substantially limit major life activities but are: treated by the employer as having such an impairment, it also covers persons whose impairments are substantially limiting because of attitudes of others toward the impairment; persons who have no impairments but are regarded as having substantially limiting impairments.