

Quick Guide to the Americans with Disabilities Act (ADA)

The Americans with Disabilities Act (ADA) is a federal law that provides with individuals with disabilities protection against discrimination. Title I of the ADA provides protections in the workplace for individuals with disabilities. The ADA also provides some employees with the additional benefit of Reasonable Accommodations.

Employers covered by Title I of the ADA:

- Private employers, with 15 or more employees
- Employment agencies, labor organizations, and joint labor-management committees
- State and local governments of any size
- Employees of the federal legislative branch (e.g., employees of the Senate, House of Representatives, and agencies that support Congress)
Note: Employees of the federal executive branch (e.g., U.S. Post Office, agencies, etc.) are covered by Rehabilitation Act of 1973 (similar to ADA)
- Religious organizations

Employers not covered by Title I of the ADA:

- Indian tribes (ADA adopted the same definition of employer as Title VII of the Civil Rights Act of 1964, which specifically exempts Indian tribes)
- Some private membership clubs

Employees eligible for protection under the ADA:

- Are a “qualified individual” (i.e., they can perform the essential functions of the job, with or without reasonable accommodations), and
- Have a disability under the ADA’s definition

What is a Disability under the ADA?

- A physical or mental impairment that substantially limits a major life activity
- For more information about how to determine if someone has a disability under the ADA, visit: <http://askjan.org/corner/vol05iss04.htm>

What is a Major Life Activity under the ADA?

- Activities that an average person can perform with little or no difficulty. For example:
 - walking
 - seeing
 - speaking
 - hearing
 - breathing
 - learning
 - caring for oneself
 - working
 - concentrating
 - sleeping
 - operation of major bodily functions

More information about major life activities can be found at: <http://askjan.org/links/ADAtam1.html#II>

How Does One Use the ADA?

- Currently have a disability
- Have a history of having a disability
- Be regarded as having a disability
- Based on an association with a person with a disability (i.e., a caregiver)

What is Someone Entitled to if Eligible for the ADA's protections?

- Protection from discrimination
- Reasonable Accommodations, *only if*
 - Someone currently has a disability, or
 - Someone that has a history of a disability

What are Reasonable Accommodations?

“An accommodation is any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities”

Examples:

- Modifying work schedule (e.g., flex time, telecommuting)
- Modifying work space (e.g., moving offices, new chair)
- Using technology (e.g., alarm, smart phone)
- Change in policy (e.g., allowing more breaks)
- Shifting non-essential job duties to other employees
- Moving to a vacant position, if one is available

When does the ADA apply?

During all phases of employment, including:

- recruitment
- pay and benefits
- hiring and firing
- promotions
- job assignments
- training
- leave
- lay-off
- all other employment related activities

Do Employers Have to Provide Reasonable Accommodations to Eligible Employees?

Yes, unless they can show it would be an undue hardship.

Resources on the ADA and Reasonable Accommodations:

- Triage Cancer Quick Guide on Reasonable Accommodations: <http://triagecancer.org/QuickGuide-ReasonableAccommodations>
- Triage Cancer Checklist: Reasonable Accommodations: <http://triagecancer.org/Checklist-ReasonableAccommodations>
- Triage Cancer Quick Guide on Disclosure, Privacy, & Medical Certification Forms: <http://triagecancer.org/QuickGuide-Disclosure>
- Job Accommodation Network: www.askjan.org
- Equal Employment Opportunity Commission: www.EEOC.gov