

Quick Guide to the Americans with Disabilities Act (ADA)

The Americans with Disabilities Act (ADA) is a federal law that provides 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 the 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	• breathing	• concentrating
• seeing	• learning	• sleeping
• speaking	• caring for oneself	• operation of major bodily functions
• hearing	• working	

More information about major life activities can be found at:

<https://askjan.org/topics/Americans-with-Disabilities-Act-Amendments-Act.cfm>

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

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 Employment Resources: [TriageCancer.org/employment](https://www.triagecancer.org/employment)
- Triage Cancer Video - Dealing with Side Effects at Work: [TriageCancer.org/video-Sideeffectsatwork](https://www.triagecancer.org/video-Sideeffectsatwork)
- Triage Cancer Quick Guide on Reasonable Accommodations: [TriageCancer.org/QuickGuide-ReasonableAccommodations](https://www.triagecancer.org/QuickGuide-ReasonableAccommodations)
- Triage Cancer Checklist: Reasonable Accommodations: [TriageCancer.org/Checklist-ReasonableAccommodations](https://www.triagecancer.org/Checklist-ReasonableAccommodations)
- Triage Cancer Quick Guide on Disclosure, Privacy, & Medical Certification Forms: [TriageCancer.org/QuickGuide-Disclosure](https://www.triagecancer.org/QuickGuide-Disclosure)
- Job Accommodation Network: www.askjan.org
- Equal Employment Opportunity Commission: www.EEOC.gov