



Division of Vocational Rehabilitation Business Relations Unit

ADA Employer Basics

(Americans with Disabilities Act)

Employer Responsibility under Title 1 of the ADA

- Applies to employers with 15+ employees, including those who are Part Time
- Applies to employers who are private, local/State government, employment agencies, Labor Unions, and more!
- Applies to all employment practices: applications, recruiting, hiring promotions, training, wages, job assignments, benefits, social activities, privileges, leave, termination



Important Terms to Remember

Essential Functions: Basic job functions that the employee **MUST** be able to perform. Ask yourself...

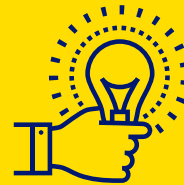
- Does the position exist to perform the task?
- Can the task be easily distributed to other employees?
- What level of skill or expertise is required?

Qualified Individual: Someone who meets the skills, education, experience, and other job-related tasks of a position held or desired...AND...who, with or without reasonable accommodations, can perform the essential functions of a job.

- The law states that accommodations must be considered in determining if someone is qualified.

Reasonable Accommodation: Any change in the work environment or the way a job is performed that enables a person with a disability to enjoy equal employment opportunities. Typically done in 3 ways:

- Application: Changes made to the application process
- Work Environment: Changes made to the work environment or how the job is usually done
- Equal Access: Changes made that allow for equal access to the benefits & privileges of employment



Key Points about Reasonable Accommodations:

The individual is responsible for requesting the Reasonable Accommodation (RA), not the employer.

However, it doesn't need to be in writing when they do, nor do they have to explicitly say that they need a RA.

Employers should recognize the need for a RA when someone is struggling with their role and work with the individual to provide a solution.

Once a request is made, get it in writing and submit it to authorities that can provide the RA.

Work to provide the RA as quickly and diligently as possible. Create a process that operates off open communication.