



## 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:

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> recruitment     | <input checked="" type="checkbox"/> training                                |
| <input checked="" type="checkbox"/> pay             | <input checked="" type="checkbox"/> leave                                   |
| <input checked="" type="checkbox"/> hiring          | <input checked="" type="checkbox"/> lay-off                                 |
| <input checked="" type="checkbox"/> firing          | <input checked="" type="checkbox"/> benefits                                |
| <input checked="" type="checkbox"/> promotions      | <input checked="" type="checkbox"/> all other employment related activities |
| <input checked="" type="checkbox"/> job assignments |   |

### Do Employers Have to Provide Reasonable Accommodations to Eligible Employees?

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

More information about reasonable accommodations can be found at: [www.askjan.org](http://www.askjan.org)

Additional Resources: Equal Employment Opportunity Commission [www.EEOC.gov](http://www.EEOC.gov)

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