

# ADA Basics and the Interactive Process

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# Definition:

The Americans with Disabilities Act (ADA) is a federal civil rights law that prohibits discrimination against people with disabilities in everyday activities.

# A person with a disability is someone who:

- Has a physical or mental impairment that substantially limits one or more major life activities;
- Has a history or record of such an impairment (such as cancer that is in remissions); or
- Is perceived by others as having such an impairment (such as a person who has scars from a severe burn).

# Major Life Activities

- Actions like eating, sleeping, speaking, and breathing
- Movements like walking, standing, lifting, and bending
- Cognitive functions like thinking and concentrating
- Sensory functions like seeing and hearing
- Tasks like working, reading, learning, and communicating
- The operation of major bodily functions like circulation, reproduction, and individual organs

# Examples of Disabilities

- Cancer
- Diabetes
- Post-traumatic stress disorder
- HIV
- Autism
- Cerebral palsy
- Deafness or hearing loss
- Traumatic brain injury
- Blindness or low vision
- Epilepsy
- Mobility disabilities such as those requiring the use of a wheelchair, walker, or cane
- Intellectual disabilities
- Major depressive disorder

# Does not qualify as an impairment

- Physical characteristics;
- Height, weight, muscle tone;
- Predisposition to illness or disease;
- Pregnancy;
- Common personality traits;
- Environmental, cultural or economic disadvantages;

# Areas of ADA

The ADA is broken up into five different sections:

1. Employment
2. State and Local Government Services
3. Public Transit
4. Businesses that are open to the public
5. Telecommunications

# Employment

- Applies to employers with 15 or more employees;
- Employers must provide people with disabilities an equal opportunity to benefit from the employment-related opportunities available to others.
  - Recruitment
  - Hiring
  - Promotions
  - Training
  - Pay
  - Leave
  - Benefits
  - Social activities



# Qualified Individual

- Satisfy your job requirements for educational background, employment experience, skills, licenses, and any other qualification standards that are job related; and
- Be able to perform those tasks that are essential to the job, with or without reasonable accommodation.

# Essential Functions

- Whether the reason the position exists is to perform that function;
- The number of other employees available to perform the function or among whom the performance of the function can be distributed; and
- The degree of expertise or skill required to perform the function.

# Job Descriptions



"You'll never believe it - almost all of my work today was in my job description!"

# Interactive Process

- Provide the employee with ADA Accommodation Policy
- May ask for reasonable documentation about the disability and functional limitations (if the need is not obvious)
- Provide employee with letter to take to health-care provider requesting:
  - Documentation of disability
  - Functional limitations
  - Specifics of needed accommodation

# Interactive Process

What specific essential job functions is the employee unable to perform due to his or her disability?

Seek to understand the employees' ideas for specific accommodations.



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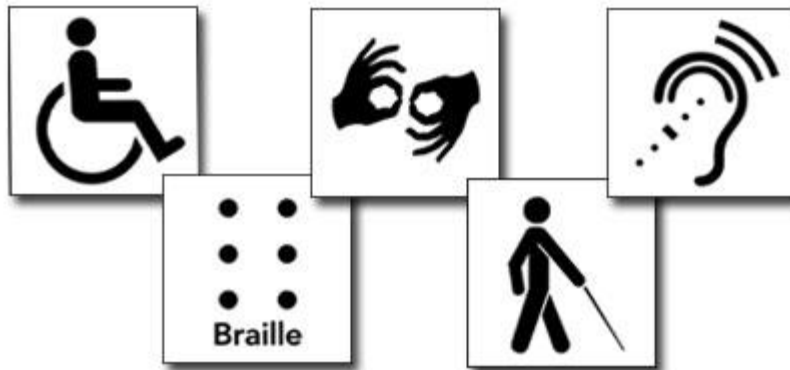
# Reasonable Accommodation

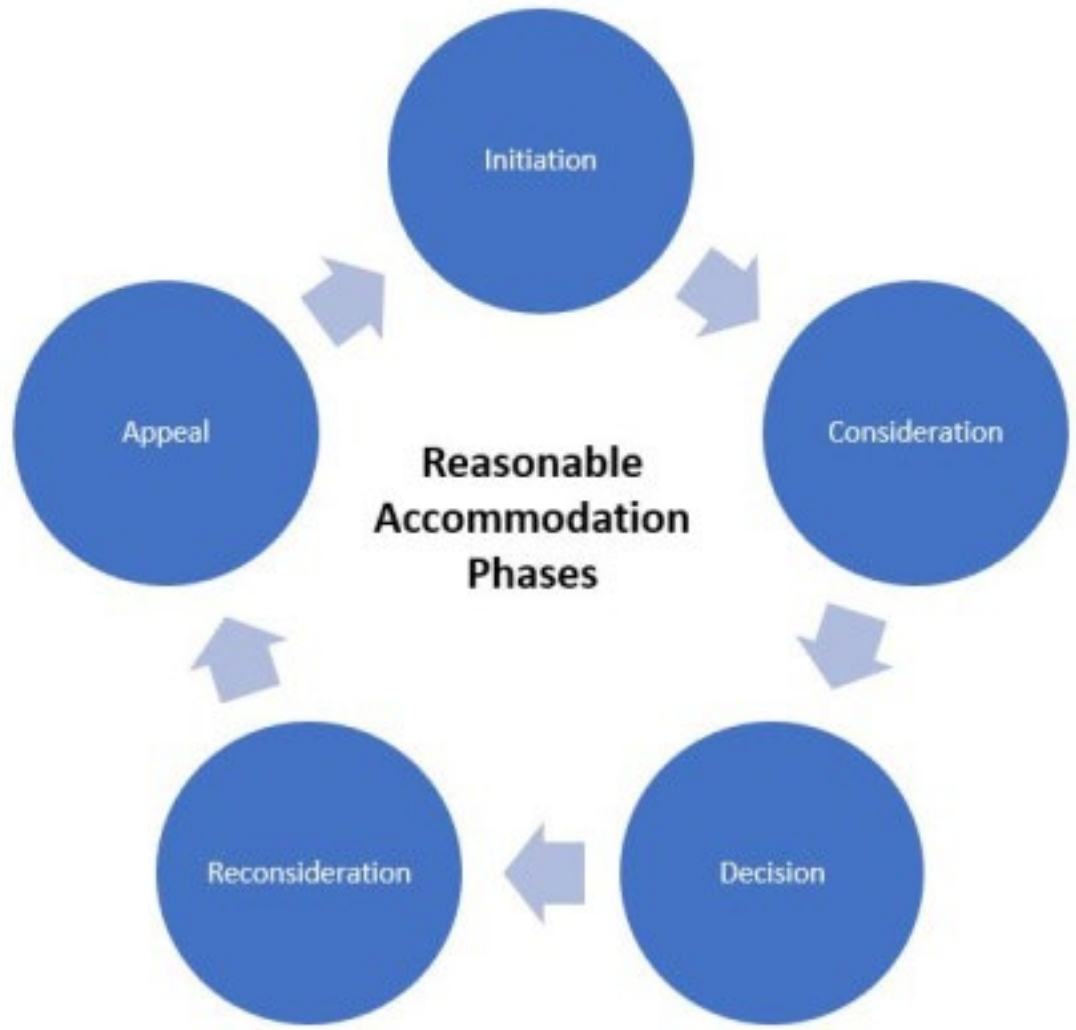
Reasonable accommodation is any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities.

# Reasonable Accommodation

Reasonable accommodations should be made:

- in the application process
- In order to perform the essential functions of the position
- To ensure equal benefits and privileges







# Identifying Reasonable Accommodation

- Frequently, the appropriate accommodation is obvious.
- Consult informally with the individual.
- Contact EEOC or other organizations providing services to individuals with disabilities
- Job Accommodation Network (JAN)
  - Free consultant service that helps employers make individualized accommodations.
  - 1-800-526-7234

# Undue Hardship

Accommodation would be unduly costly, extensive, substantial or disruptive, or would fundamentally alter the nature or operation of the business.



# Accommodations that are not reasonable:

- Assigning the person to a new job for which he/she did not apply.
- Eliminating essential functions of the job
- Providing personal use items
- Creating a job
- Bumping another employee from his/her job

**EMPLOYEES DO NOT NEED TO  
USE THE WORDS  
“REASONABLE  
ACCOMMODATION”**

# Conclusion

- Review ADA policy;
- Review your job descriptions;
- Provide training;
- Interactive process;
- Document as needed.

