

What Employers Are Covered?

Those with 15 or more employees

What Employees Are Eligible?

Persons:

- with a physical or mental impairment that substantially limits one or more major life activities
- with a record of such an impairment
- regarded as having such an impairment

What's Prohibited?

- Discrimination against individuals with a disability
- Discrimination against an individual perceived to have an impairment
- Discrimination based on a person's relationship to a disabled individual
- Retaliation or harassment for exercising ADA rights

What Are "Major Life Activities"?

Breathing, seeing, hearing, sitting, standing, walking, learning, lifting, bending, reading, thinking, performing manual tasks, working, circulatory and reproductive functions, among many other activities.

What's Required?

- Employers must provide a reasonable accommodation to a disabled individual upon request
- What's a "reasonable accommodation?"
 - A modification that allows the person to perform the job's essential functions
 - An accommodation that would cause "undue hardship" for the employer need not be provided

What About Drug and Alcohol Users?

The ADA protects:

- Rehabilitated drug users
- Drug users currently in rehabilitation
- Alcoholics

The employer may still hold the above to the same performance standards as other employees.

The ADA does not protect current users of illegal drugs.

What are the Potential Penalties?

- Back pay
- Compensatory damages
- Punitive damages
- Attorneys' fees

Top ADA Tips

- Ensure that all facilities are accessible by disabled individuals
- Job descriptions should clearly identify essential functions, including physical requirements
- Pre-offer: No medical exams and no inquiries regarding disability, perceived disability, workers' comp history, absence related to illness or prior drug/alcohol use
- Post-offer: medical exams are acceptable only if required of similarly situated employees
- Focus on results rather than means of accomplishing them
- Engage in an interactive process to determine the needs of an employee who requests an accommodation
- Contact the Job Accommodation Network (JAN) for accommodation assistance