



Title I of the Americans with Disabilities Act as amended by the ADA Amendments Act of 2008

Marian Vessels

Mid-Atlantic ADA Center

Your Knowledge of the ADA

Quick Quiz – 4 Questions



Next Multiple Choice ?

If you live to the age of 70, the chance of you having a disability is:

- A. 12%
- B. 28%
- C. 55%
- D. 82%

Answer: D

There is an 82% chance of having a disability if you live to age 70.

Next Question

Approximately 88% of accommodations for people with disabilities will cost:

- A. Under \$1,000
- B. Between \$1,000 - \$1,999
- C. Between \$2,000 - \$5,000
- D. More than most entities can afford

Answer: A

40% of accommodations cost less than \$50

88% of accommodations for people with disabilities will cost under \$1,000

Reasonable Accommodations

Average Cost of Job Accommodations*:

- 31% of all accommodations suggested at no cost
- 19% cost between \$1 and \$50
- 19% cost between \$50 and \$500
- 19% cost between \$500 and \$1000
- 11% cost between \$1000 and \$5000
- <1% cost more than \$5000

*Source: Job Accommodation Network Survey

Next Question – True/False

The ADA is an affirmative action law for individuals with disabilities.

Answer: False

The ADA provides equal access to the employment process but does not require employers to proactively hire persons with disabilities.

True or False

The employment provisions of the ADA are applicable to entities, organizations and private businesses that employ 15 or more employees (and to all state and local government entities regardless of size).

Answer: TRUE

All businesses with 15 or more employees are covered by ADA.

State laws may cover smaller businesses as well.



ADA Title I - Employment

- An employer may not discriminate against an employee on the basis of disability in any aspect of the employment relationship.



ADA Title I - Employment

- The activities covered include:
 - Outreach, Application Process, Testing
 - Interviewing, Hiring, Assignments
 - Evaluation, Discipline, Medical Examinations
 - Compensation, Promotion, On-the-Job Training
 - Layoff/Recall, Termination, Leave
 - Benefits of employment e.g., health insurance

Title I ensures that qualified individuals with disabilities:

- Have comparable access to the employment process
 - Are afforded an interactive process to determine reasonable accommodation
 - Are provided access to all benefits of employment including access to related services (e.g., gym, transportation)



Qualified Individual with a Disability

A qualified individual with a disability means one who satisfies the requisite skill, experience, education, and other job-related requirements of the position such individual holds or desires, and who:

with or without reasonable accommodation can perform the essential functions of such position.

What is the ADAAA?

- Americans with Disabilities Act Amendments Act (ADAAA) 2008
 - Overall purpose -- “To restore the intent and protections of the Americans with Disabilities Act of 1990”
 - Regulations effective as of May 24, 2011

Definition of Disability

An individual with a disability is one who:

- has
- has a record of, or
- is regarded as having

a physical or mental impairment that substantially limits a major life activity.

Major Life Activities

- Think of 5 different activities that you did this morning that would involve a major life activity.

hint : seeing and hearing are major life activities.

Major Life Activities

These are basic activities that the average person in the general population can perform with little or no difficulty.

- Caring for Oneself
- Performing Manual Tasks
- Seeing
- Hearing
- Eating
- Sleeping
- Walking
- Standing
- Lifting
- Bending

Major Life Activity continued

- Thinking
- Communicating
- Sitting
- Reaching
- Interacting with Others
- Working
- Breathing
- Learning
- Reading
- Concentrating
- Thinking
- Speaking

Under the ADAAA, 'major life activities' is expanded to include "major bodily functions."

- Immune system
- Normal cell growth
- Digestive
- Bowel
- Bladder
- Brain
- Circulatory
- Cardiovascular systems
- Neurological

Major Bodily Functions continued

- Respiratory
- Endocrine
- Lymphatic
- Musculoskeletal
- Special sense organs and skin
- Genitourinary
- Reproductive functions



New Standard

Episodic Disabilities:

- Epilepsy
- Hypertension
- Multiple Sclerosis
- Asthma
- Diabetes
- Major Depression
- Bipolar Disorder
- Schizophrenia
- Cancer

Considered a disability even in remission, if when active would be substantially limiting

Accommodations are:

- Any changes in the work setting that enable qualified workers to accomplish their tasks.

Accommodations are dependent upon:

- The specific requirements of the job
 - The particular need(s) of the employee or applicant
 - The extent to which modifications or aids are available without causing an undue hardship on the employing organization



Accommodations Examples

- Turn to a partner and identify 3 examples of reasonable accommodations for an individual with a disability



Accommodation Examples

- Making existing facilities accessible
- Job restructuring
- Part-time or modified work schedules



Accommodation Examples

- Breaks to address individual needs
 - Physical space with limited noise and distractions
 - Additional leave to accommodate post-hospitalization
 - Flexible schedules
 - Allow workers to contact support system during day
 - Meetings to discuss work performance and duties
 - Joint meetings with supervisor, employee and "coach"



Accommodation Examples cont

- Adjustment or modifications of examinations, training materials, or policies
- Providing qualified readers or interpreters
- Providing Assistive Technology
- Reassignment to vacant positions



Accommodation Examples cont



Color coding scheme to assist in prioritizing tasks



Anti-Fatigue Mats

Accommodation Examples cont



EyeNote is a mobile device application to identify denominations of Federal Reserve Notes (U.S. paper currency) as an aid for the blind or low vision employees.

The On-Task Timer was designed to enable a person to transition between tasks at work, resulting in an increase in productivity and independence.



Examples of Accommodations that are NOT REASONABLE

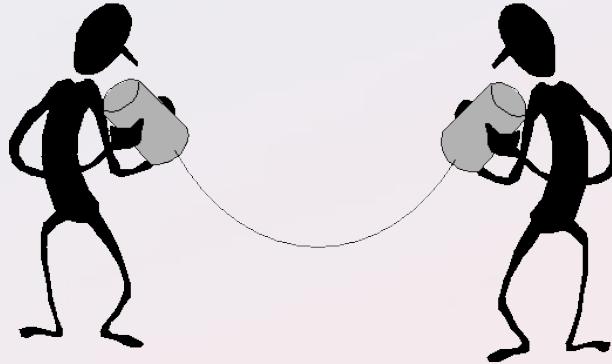
- Placing an applicant with a disability in a job for which he/she did not specifically apply
- Placing an individual with a disability into a job if doing so would create a direct threat to the health or safety of the individual or others
- Maintaining the salary of an employee reassigned from a higher-paying job to a lower-paying job, if the employer does not do so for other employees

Examples of Accommodations that are NOT REASONABLE

- Eliminating essential functions of the job
- Lowering production standards
- Providing personal use items (i.e. prosthetic limb, hearing aids, wheelchair, hot pot)
- Creating a job
- Promoting an employee
- Bumping another employee from his/her job

Elements of Accommodation Policy

- Communicate
- Communicate
- Communicate
- Communicate the decision to the employee
 - Document the result of the process



Accommodation Process

1. Define the Situation

2. Explore Accommodation Ideas

3. Choose Accommodation

4. Implement Accommodation

5. Monitor Accommodation

Disclosure

Employer must provide reasonable accommodations for the **known** physical or mental limitations of a qualified applicant or employee with a disability, unless it poses an undue hardship.

Employment Resources



New Resources

Two Question-and-Answer documents
about the ADAAA to aid the public
and employers – including small
business – in understanding the law
and new regulations are available

www.eeoc.gov.

Equal Employment Opportunity Commission

<http://www.eeoc.gov>

 U.S. Equal Employment Opportunity Commission

Español | Other Languages

Enter search terms...

Home About EEOC Employees & Applicants Employers Federal Agencies Contact Us

|| | 1 | 2 | 3 | 4 |



EEOC Obtains \$600,000 Verdict Against AutoZone For Failure To Accommodate Disabled Employee

[Learn More](#)

Request for Public Comment on Plan for Retrospective Analysis of Significant Regulations
The EEOC is accepting comments on its Preliminary Plan for Retrospective Analysis of Significant Regulations, to determine whether regulations should be modified, streamlined, expanded, or repealed, to make the EEOC's regulatory program more effective and/or less burdensome in achieving its regulatory objectives.

Stephen Shulman: EEOC's Second Chairman Led Agency's Early Development
The EEOC lost part of its history, heritage and spirit when Stephen Neal Shulman, the agency's second chair, died in January at age 77.

The Genetic Information Nondiscrimination Act of 2008 (GINA)
The Act, effective as of November 21, 2009, makes it illegal to discriminate against employees or applicants because of genetic information.

Newsroom

Disparate Treatment in Hiring Remains Major Problem, Experts Tell EEOC 6/22/11

A.C. Widenhousue Sued By EEOC For Racial Harassment 6/22/11

Lenscrafters To Pay \$192,500 To Settle EEOC Sexual Harassment Suit 6/20/11

Equal Opportunity Commission To

Job Accommodation Network

<http://www.askjan.org>



JAN
Job Accommodation Network



ODEP
Office of Disability
Employment Policy

For Employers ▾ For Individuals ▾ For Others ▾ Accommodation Search A - Z of Disabilities Hot Topics Publications and Resources What's New? Tour the Website

Welcome to JAN.
Your Resource for Workplace Productivity Enhancements and Reasonable Accommodation Solutions.

JAN On Demand
Consultants' Corner
JAN en Español
Search JAN

Spotlight:
Join JAN and US BLN for its 12th Annual Conference.
[>> Read more.](#)



About JAN Frequently Asked Questions Training Contact Us

- Read about JAN's Mission.
- JAN on Wikipedia.
- Blog with JAN.

Cornell University - ILR School – Employment and Disability Institute Disability & HR: Tips for Human Resource (HR) Professionals

<http://www.hrtips.org>



Cornell University
ILR School
Employment and Disability Institute

Disability & HR: Tips for Human Resource (HR) Professionals

Providing tools to help HR professionals build inclusive workplaces

[Home](#) [About](#) [Contact](#)

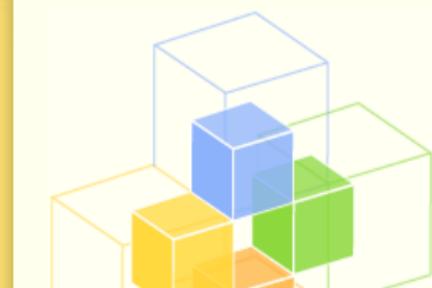
Search this site:

GO!

[Go to Spanish Version](#)

[Articles](#) [Checklists](#) [Glossary](#) [Resources](#)

This site contains articles, checklists, a glossary, and links to useful disability resources to help Human Resource (HR) professionals accordance with the Americans with Disabilities Act (ADA).



Articles are divided into the following topical areas:

[Disability Nondiscrimination Regulations](#)

[Management and HR Practice](#)

Accessible Tech: For Accessible Technology in the Workplace

<http://www.accessibletech.org/>



The screenshot shows the homepage of AccessibleTech.org. The header features the website's name in a large, bold, yellow font, with a subtitle "For Accessible Technology In The Workplace" and a note "A Project of: DBTAC National Network of ADA Centers". The top navigation bar includes links for "Skip to Content", "Skip to Sub Navigation", and "Custom Search" with a "GO" button, as well as accessibility icons for text size (A, A+, A++) and a "Google Custom Search" bar. The main menu has categories: Home (highlighted in yellow), Accessible Technology, Assistive Technology, ADA FAQs, and Resources. A "Contact" button is located on the left side of the main content area. The main content area features a large image of a person's hands using a specialized keyboard or device. To the right, a box contains the text "Accessible Technology for All" and a description of the website's purpose: "The purpose of AccessibleTech.org is to build a partnership between the disability and business communities to promote full and unrestricted participation in society for persons with disabilities through the promotion of technology that is accessible to all." Below this is a "National Hotline: 800-949-4232". A quote at the bottom left states, "Technology makes access to jobs, goods, and services possible for people with disabilities - easier for all." A sidebar on the right is titled "Who We Serve" and shows a photo of an older man with a beard wearing headphones. Text at the bottom right of the sidebar says, "We serve all areas in the United States".

Technology makes access to jobs, goods, and services possible for people with disabilities - easier for all.

 Advances in technology are changing the nature of business, from job performance and work productivity to commercial interactions such as buying, selling and advertising.

Smart companies understand that many of their customers and employees have evident and hidden sensory, learning, and physical impairments. And these numbers will grow as our population ages.

Who We Serve

We serve all areas in the United States

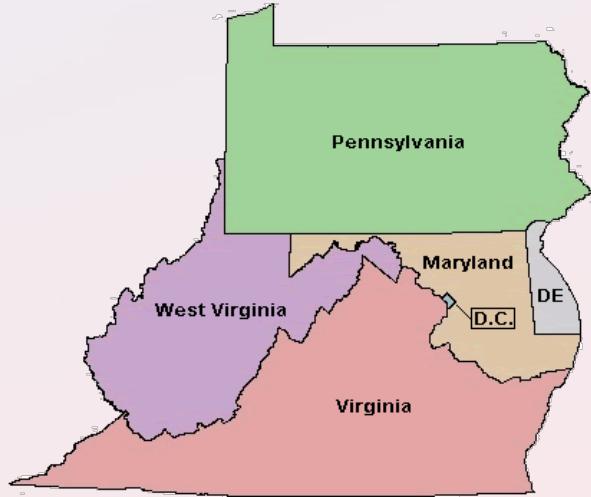
Mid-Atlantic ADA Center

1 of 10 Regional Centers Providing:

- Information
- Guidance
- Materials
- E-Newsletter/E-Bulletin
- Training
- Toll-free phone number:

800-949-4232 V/TTY

- Website: www.adainfo.org



The End!

Marian Vessels
Consultant
Mid-Atlantic ADA Center