

Americans With Disabilities Act

There are many barriers for people with disabilities in finding and keeping jobs, getting promotions, obtaining reasonable accommodations, and in other aspects of the employment process. Qualified individuals with disabilities are entitled to the same employment opportunities available to people without disabilities.

Title I of the Americans with Disabilities Act of 1990 prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. The ADA applies to employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations.

An employer is required to make a reasonable accommodation to the known disability of a qualified applicant or employee if it would not impose an "undue hardship" on the operation of the employer's business. Undue hardship is an action requiring significant difficulty or expense when considered in light of factors such as an employer's size, financial resources, and the nature and structure of its operation. An employer is not required to lower quality or production standards to make an accommodation; nor is an employer obligated to provide personal use items such as glasses or hearing aids.

AHEDD is sensitive to the needs of business partners as well as consumers with disabilities in response to the spirit and recommended practices within the ADA. Businesses may sometimes need guidance in proper recruitment procedures, addressing requests for accommodations, proper and effective responses. AHEDD recognizes that its service package, while a potential accommodation in some cases, does not represent the full extent of accommodations which might be feasible. Likewise, some consumers with disabilities may not be clear on the employment elements of the law. The ADA does not represent an entitlement to employment or continued employment, but rather a reasonable accommodation surrounding the performance of essential duties. AHEDD's role is not to enforce the ADA, nor to judge behaviors of either party. AHEDD does provide technical assistance and objective guidance to both of these customers.