

The Americans with Disabilities Act – Important Resources to Assist with Compliance

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RISK CONTROL

An employee tells one of your managers that a medical condition is interfering with the employee's ability to do his/her job. Does your manager know what to do? Do you understand your obligations under the disabilities laws?



The federal Americans with Disabilities Act (ADA), 42 U.S.C. § 12101, as amended by the ADA Amendment Act (ADAAA), Pub. L. No. 110-325, 122 Stat. 3553 (2008) requires employers to provide reasonable accommodations to "qualified individuals" with disabilities. Under the ADA, a qualified individual with a disability is an individual who satisfies the employer's requirements for the job and can perform the essential functions of the job, with or without reasonable accommodation. The primary purpose of the ADAAA was to expand the definition of "disability" enabling more individuals to obtain protection under the ADA. As a result, in determining whether an employer has complied with the ADA, the focus has shifted from whether or not an individual is disabled under the law to whether or not the employer has engaged in an "interactive process" to determine what, if any, accommodation should be provided, and whether or not the employee's disability can be reasonably accommodated without undue hardship to the employer.

Accommodating employees with disabilities may at first appear to be a daunting task, but there are many resources available to assist an employer. The Job Accommodation Network ("JAN"), a confidential service offered by the Office of Disability Employment Policy of the U.S. Department of Labor, provides useful information regarding implementation of the accommodation process. JAN's website, www.askjan.org, provides employers with a number of resources, both written and multimedia, which can be used to train managers regarding the ADA and the employer's obligation to provide reasonable accommodation. JAN has an online search system, the Searchable Online Accommodation Resource (SOAR), which an employer can use to research various types of disabilities and potential accommodations. JAN also provides complimentary telephone consultations to assist employers in understanding the ADA and the accommodation process.

Employers and others with human resources responsibilities may wish to bookmark www.askjan.org on their computers for useful information about workplace accommodations and ADA compliance.

Job Accommodation Network Resources:

- Contact via telephone, live online chat, email or social media – <http://askjan.org/links/contact.htm>
- SOAR database – <http://askjan.org/soar/index.htm>
- Training, including webcasts and podcasts – <http://askjan.org/training/index.htm>
- Online training regarding regarding the interactive process – <http://webcast.askjan.org/process/>
- Written handout regarding the interactive process – <http://askjan.org/media/eaps/interactiveprocessEAP.doc>
- Accommodation and Compliance Series: The ADA Amendments Act of 2008 – <http://askjan.org/bulletins/adaaa1.htm#resources>

Additional Accommodation Resources:

The ADA National Network • www.adata.org • 800-949-4232

The ADA National Network is a national network of 10 regional ADA centers that provide, for employers, up-to-date information, referrals, resources and training on the ADA.

U.S. Equal Employment Opportunity Commission www.eeoc.gov

The EEOC's website contains articles, checklists, a glossary, and links to useful disability resources to assist in complying with the ADA.

Questions and Answers on the Final Rule Implementing the ADA Amendments Act of 2008

http://www.eeoc.gov/laws/regulations/ada_qa_final_rule.cfm

Questions and Answers for Small Businesses: The Final Rule Implementing the ADA Amendments Act of 2008

http://www.eeoc.gov/laws/regulations/adaaa_qa_small_business.cfm

The Americans with Disabilities Act: A Primer for Small Business <http://www.eeoc.gov/eeoc/publications/adahandbook.cfm>

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