

## 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

