



Episode 1: Employment and Reasonable Accommodations Questions and Answers

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1. Does the ADA require employers to develop written job descriptions?

No. The Americans with Disabilities Act (ADA) does not require employers to develop or maintain job descriptions. If an employer uses job descriptions, they should be reviewed to make sure they accurately reflect the actual functions of a job. A job description will be most helpful if it focuses on the results or outcome of a job function, not solely on the way it customarily is performed. This way if a reasonable accommodation is requested it may enable a person with a disability to accomplish a job function in a manner that is different from the way an employee who is not disabled may accomplish the same function.

Resource: [Accommodation and Compliance Series: Job Descriptions](#)

Source: Job Accommodations Network

Link: askjan.org/media/jobdescriptions.html

2. Who is a "qualified individual with a disability?"

A qualified individual is a person who meets legitimate skill, experience, education, or other requirements of an employment position that s/he holds or seeks, and the person with a disability who can perform the essential functions of the position with or without reasonable accommodation.

Requiring the ability to perform "essential" functions assures that an individual with a disability will not be considered unqualified simply because of inability to perform marginal or incidental job functions. If the individual is qualified to perform essential job functions except for limitations caused by a disability, the employer must consider whether the individual could perform these functions with a reasonable accommodation. If a written job description has been prepared in advance of advertising or interviewing applicants for a job, this will be considered as evidence, although not conclusive evidence, of the essential functions of the job.

3. Does an employer have to give preference to a qualified applicant with a disability over other applicants?

No. An employer is free to select the most qualified applicant available and to make decisions based on reasons unrelated to a disability. For example, suppose two persons apply for a job as a typist and an essential function of the job is to type 75 words per minute accurately. One applicant, an individual with a disability types 50 words per minute; the other applicant who has no disability types 75 words per minute. The employer can hire the applicant with the higher typing speed, if typing speed is needed for successful performance of the job.

4. When can an employer ask an applicant to "self-identify" as having a disability?

An individual does not have to disclose a disability to an employer unless they have an immediate need for a "reasonable accommodation" under the Americans with Disabilities Act (ADA) during the interview, application process, or while on the job. However, after receiving a "conditional job offer" and in other limited situations, individuals may be asked disability-related questions.

The ADA is a nondiscrimination law. It does not require employers to undertake special activities to recruit people with disabilities or candidates to self-identify in a job application, interview, or job offer. However, it is consistent with the purpose of the ADA for employers to expand their "outreach" to sources of qualified candidates with disabilities. Recruitment activities that have the effect of screening out potential applicants with disabilities may violate the ADA.

5. When can an employer ask an employee or applicant for medical documentation?

Disability-related inquiries and examinations of employees must be "job-related and consistent with business necessity," such as positions that affect public safety (police, fire fighters, etc.). An employer can ask if they have a reasonable belief, based on objective evidence, that an employee's ability to perform essential job functions will be impaired by a medical condition, or has a reasonable belief, based on objective evidence, that an employee will pose a direct threat due to a medical condition, or an employee asks for a reasonable accommodation and the employee's disability or need for accommodation is not known or obvious.

6. How does an employee request reasonable accommodation from an employer?

When an individual with a disability decides to request an accommodation, the individual or his/her representative must let the employer know that s/he needs an adjustment or change at work for a reason related to a medical condition/disability.

To request accommodation, an individual may use "plain language" and need not mention the Americans with Disabilities Act (ADA) or use the phrase "reasonable accommodation." While an individual with a disability may request a change due to a medical condition, this request does not necessarily mean that the employer is required to provide the change. A request for reasonable accommodation is the first step in an informal, interactive process between the individual and the employer. **Note:** This information must be kept in a separate file, not in the personnel file.

In some instances, before addressing the merits of the accommodation request, the employer needs to determine if the individual's medical condition meets the ADA definition of "disability," a prerequisite for the individual to be entitled to a reasonable accommodation.

Resource: [Employers' Practical Guide to Reasonable Accommodation Under the Americans with Disabilities Act](#)

Source: Job Accommodation Network

Link: askjan.org/ERguide/ERGuide.pdf

7. Where can an employee or employer find funding to help pay for job-related accommodations?

- a. Ideas from [Job Accommodation Network](#) (askjan.org)
- b. Vocational Rehabilitation (VR)
- c. Specific agencies that serve the needs of people with disabilities (Centers for Independent Living (CIL), United Cerebral Palsy (UCP), etc.)
- d. Assistive Technology (AT) programs

8. How much do job-related accommodations typically cost?

According to the Job Accommodation Network (JAN), "of the employers who gave cost information related to accommodations they had provided, 58% of employers stated accommodations needed by employees cost absolutely nothing. Another 36% experienced a one-time cost. Only 4% said the accommodation resulted in an ongoing, annual cost to the company and 1% said the accommodation required a combination of one-time and annual costs. Of those accommodations that did have a cost, the typical one-time expenditure by employers was \$500."

Resource: [Workplace Accommodations: Low Cost, High Impact](#)

Source: Job Accommodations Network (Ask JAN)

Link: askjan.org/media/downloads/LowCostHighImpact.pdf

9. Is testing for the illegal use of drugs permissible under the ADA?

Yes. Employees and applicants currently engaging in the illegal use of drugs are not covered by the Americans with Disabilities Act (ADA) when an employer acts on the basis of such use.

Employers may subject current employees to testing for illegal use of drugs and may require job applicants to undergo such testing at any stage of the application process.

Tags/Keywords:

Title I reasonable accommodations employment (ADA Title I) employment discrimination

Episode:

[Employment and Reasonable Accommodations \(Episode 1\)](#)