



Americans with Disabilities Act

Express Personnel Services wants to help your organization be aware of common human resource issues and help you know how to comply with the Americans with Disabilities Act (ADA). For more information on complying with the ADA or to find out how Express can work with you to solve your human resource challenges, contact your office today.

Tip #1 - The Americans with Disabilities Act

The ADA is a federal law that prohibits discrimination on the basis of disability. The employment-related prohibitions apply to all aspects of employment (hiring, promotion, firing, termination, etc.) and cover all private employers with 15 or more employees (be aware that many states cover employers with less than 15 employees). The ADA prohibits covered employers from discriminating against disabled applicants or employees who are qualified to perform the essential functions of their jobs, with or without a reasonable accommodation. In order to protect yourself, make sure you understand your responsibilities under the ADA.

Tip #2 - Essential Job Functions as Defined by the ADA

Essential functions are the basic job duties an employee must be able to perform, with or without a reasonable accommodation. You should carefully examine your job when determining which functions are essential. Factors you should consider when determining if a job function is essential include:

- Whether the reason the position exists is to perform that particular function
- The amount of time required to be spent on the function
- The number of other employees available to perform the function
- Degree of expertise or skill required in order to perform the function
- Consequences of not requiring the employee to perform the function

Example: The essential functions for a call center may include answering phones and entering data into a computer. If the job occasionally (once per month) requires an employee to lift up to 10 pounds and there are five employees who can help do this, this would not be considered an essential function of the job, and therefore you should not take it into consideration when determining if a disabled individual is qualified for the position.

Tip #3 - Reasonable Accommodations under the ADA

Reasonable accommodations are adjustments or modifications provided by an employer to enable qualified people with disabilities to enjoy equal employment opportunities. The ADA requires covered employers to make reasonable accommodations if doing so does not create an "undue hardship" to the employer. Accommodations vary depending upon the needs of the individual applicant or employee. Not all people with disabilities, or even all people with the same disability, will require the same accommodation. For example, one applicant with a hearing impairment may need a sign language interpreter during the job interview while another applicant with the same impairment may be able to read lips.

Tip #4 - Co-employment Responsibilities Regarding the ADA

When it comes to complying with the Americans with Disabilities Act, under the law employers share responsibility and liability with their staffing company. While Express is responsible for determining if an applicant is qualified to perform a job, with or without a reasonable accommodation, we rely on our clients to help us understand the essential functions of the job assignment and work with our clients to determine if necessary accommodations are reasonable. By working together, we can protect ourselves from making costly mistakes!