



# EMPLOYER ENGAGEMENT QUICK GUIDE

## AMERICANS WITH DISABILITIES ACT (ADA)

The **Americans with Disabilities Act (ADA)** provides civil rights protection for people with physical and/or mental impairments that substantially limit one or more major life activities. Such activities include, but are not limited to: walking, talking, breathing, hearing, and any other major activity of daily living. People who have a record of such an impairment are also covered by the ADA even if they do not currently have a disability. An example of a “record of disability” might be a cancer diagnosis when the illness is in remission.

The Americans with Disabilities Act provides broad civil rights in employment, public transportation, communications and access to public accommodations and state and local government programs and services. There are five titles, or sections, in the ADA:

Title I: Employment

Title II: State and Local Government

Title III: Public Accommodations

Title IV: Transportation

Title V: Telecommunications

### OVERVIEW OF TITLE I OF THE ADA

Title I of the Americans with Disabilities Act (ADA) prohibits discrimination against people with disabilities who are qualified applicants or employees of private sector businesses, state and local governments, labor unions and employment agencies.

Employers of fifteen (15) or more workers must comply with the ADA. Federal agencies and contractors are not covered by Title I of the ADA because they must meet the requirements of Title V of the Rehabilitation Act.

All aspects of employment are addressed by Title I, including:

- » the application process,
- » hiring,
- » firing,
- » retention, and
- » job training.

A qualified individual with a disability is one who can perform the essential functions of a specific job with or without accommodations. Essential functions are the basic job duties that comprise the position. Accommodations may include changes to the work environment, adaptive equipment, or the way a job is usually performed, to allow an employee to complete their duties.

Employers are required to provide reasonable accommodations to otherwise qualified job applicants and employees with disabilities. The term “reasonable accommodation” indicates a negotiation process between the employer and applicant or employee. Unless the accommodation creates undue hardship for the employer, it must be provided during the application process, performance of job



duties, and participation in benefits and privileges of employment.

The standard for determining undue hardship is high. It must fundamentally alter the nature of the business or require “significant difficulty or expense.”

Title I of the ADA is enforced by the United States Equal Employment Opportunity Commission (EEOC).

## RELATED RESOURCES

For additional information, including resources to answer employers’ questions about obligations under the law, there is a national network of ADA technical assistance centers funded by the National Institute on Disability, Independent Living and Rehabilitation Research (NIDILRR). These regional centers can be reached at this toll-free number: 1-800-949-4ADA.

The U.S. Department of Labor’s (DOL) [Office of Disability Employment Policy \(ODEP\)](#) offers publications and other technical assistance on the basic requirements of the law.

For a quick overview of the ADA from the Job Accommodation Network (JAN):  
[“The Americans with Disabilities Act: A Brief Overview.”](#)

NIDILRR Resources on the ADA:  
[www.adaresources.org/](http://www.adaresources.org/)

### DOL Resources on the ADA

- » [Disability Employment Policy Resources by Topic – The ADA](#)
- » [Employers and the ADA: Myths and Facts](#)
- » [The ADA Amendments Act of 2008: Frequently Asked Questions](#)

### Other Resources on the ADA

- » [Facts About the Americans with Disabilities Act](#)
- » [The ADA: Questions and Answers](#)
- » [Employees’ Practical Guide to Requesting and Negotiating Reasonable Accommodation Under the ADA](#)
- » [Employers’ Practical Guide to Reasonable Accommodation Under the Americans with Disabilities Act \(ADA\)](#)
- » [Employer Assistance and Resource Network on Disability Inclusion – The Americans with Disabilities Act](#)
- » [ADA Frequently Asked Questions](#)
- » [ADA National Network](#)

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