

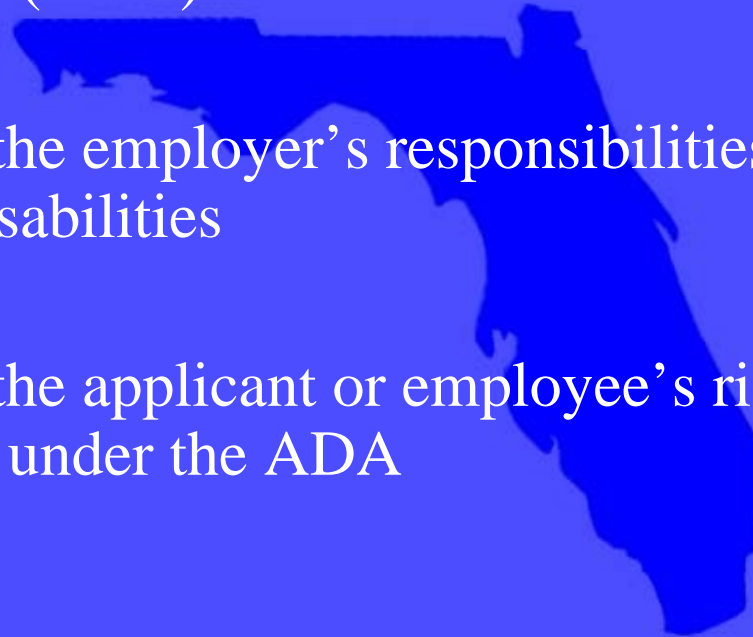
A dark blue silhouette of the state of Florida is centered on the slide. It is overlaid on a light blue circular graphic that consists of several concentric, slightly offset rings, creating a subtle ripple effect. The text "State of Florida" is written in a yellow, serif font across the middle of the state's outline.

State of Florida

Americans with Disabilities Act (ADA) Training

Objectives

- To understand the protections provided by the Americans with Disabilities Act (ADA)
- To understand the employer's responsibilities to accommodate persons with disabilities
- To understand the applicant or employee's rights and responsibilities under the ADA



The Americans with Disabilities Act



Title 1 of the Americans with Disabilities Act of 1990 prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment.

Florida Civil Rights Act

Disability discrimination is also prohibited in the State of Florida, pursuant to Chapter 760.10, Florida Statutes.

“It is an unlawful employment practice for an employer to discharge or to fail or refuse to hire any individual, or otherwise to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, national origin, age, handicap, or marital status.”

Qualified Individual with a Disability

The ADA protects a qualified individual with a disability from employment discrimination.

A “qualified individual” is

“A person who satisfies the skill, experience, education and other job-related requirements of the position the individual holds or desires to hold, and who, with or without reasonable accommodation, can perform the essential functions of the position.”

Essential Job Functions

To be protected by the ADA, a qualified individual with a disability must be able to perform the “essential functions” of the job.

Essential job functions are the basic job duties that an employee must be able to perform, with or without reasonable accommodation.

Factors used to determine if a job function or task is “essential” include

- whether the position exists to perform that function;
- the number of employees who perform the functions, or among whom the function can be distributed;
- the degree of expertise or skill required to perform the function

Definition of Disability

An individual with a disability is a person who:

- Has a physical or mental impairment that substantially limits one or more major life activities;
- Has a record of such an impairment; or
- Is regarded as having such an impairment.

Disability by Physical or Mental Impairment

The ADA protects a person who has a **mental or physical impairment that substantially limits** one or more major life activities.

An individual is “substantially limited” when he or she is

- unable to perform a major life activity that the average person in the general population can perform; or
- greatly restricted as to the condition, manner, or duration under which a major life activity is performed

“Major life activities” include, but are not limited to, walking, caring for oneself, performing manual tasks, seeing, hearing, speaking, breathing, learning, working (for specified classes of jobs), sleeping, and reproducing.

Record of Disability and Regarded as Disabled

The ADA protects “a person with a record of” a substantially limiting impairment.

Example: A person with a history of cancer that is now in remission may be covered.

The ADA also protects a person who is **regarded** (or treated by an employer) as if he/she has a substantially limiting impairment.

Sometimes a person may be covered even if he/she has no impairment or has a minor impairment, particularly if the employer acts based on myths, fears, or stereotypes about the person’s medical condition.

Employer Responsibilities under the ADA

Employers have the responsibility to ensure that people with disabilities:

- have an equal opportunity to apply for jobs and to work in jobs for which they are qualified;
- have an equal opportunity to be promoted once they are working;
- have equal access to benefits and privileges of employment that are offered to other employees, such as employer-provided health insurance or training; and
- are not harassed because of their disability.

Reasonable Accommodation

A “reasonable accommodation” is a modification or adjustment to the employment process or work environment in order to:

- ensure equal opportunity in the employment process
- enable a qualified individual with a disability to perform the essential functions of a job
- enable an employee with a disability to enjoy equal benefits and privileges of employment.

Accommodation Process

1. The employee has the responsibility to request an accommodation.
2. The agency may accept or reject the request or may suggest reasonable alternatives.
3. The agency may request certification and/or testing by a specified health care provider.

All requests for accommodations are made on a case-by-case basis. Generally, though, an agency must make a reasonable accommodation, *unless* the accommodation imposes an undue hardship on the operation of the agency.

Undue Hardship



An employer is required to make a reasonable accommodation to the known disabilities of a qualified applicant or employee if it would not impose an “undue hardship” on the operations of the employer’s business.

“Undue hardship” is defined as an action requiring significant difficulty or expense when considered in the light of factors such as an employer’s size, financial resources, and the nature and structure of its operations.

Types of Reasonable Accommodations

Some examples of reasonable accommodations include

- making facilities readily accessible to persons with disabilities
- job restructuring
- modifying work schedules
- modifying equipment or devices
- providing qualified readers or interpreters
- reassignment to a vacant position

Employee Responsibilities

The employee has the responsibility to request an accommodation:

- A request can be a statement that an individual needs an adjustment or change in the application process or at work for a reason related to a medical condition;
- The request does not have to include the terms “ADA” or “reasonable accommodation”;
- The request does not have to be in writing, although the employer may request documentation;
- A family member, healthcare professional, rehabilitation counselor, or other representative may request a reasonable accommodation on behalf of an individual with a disability.

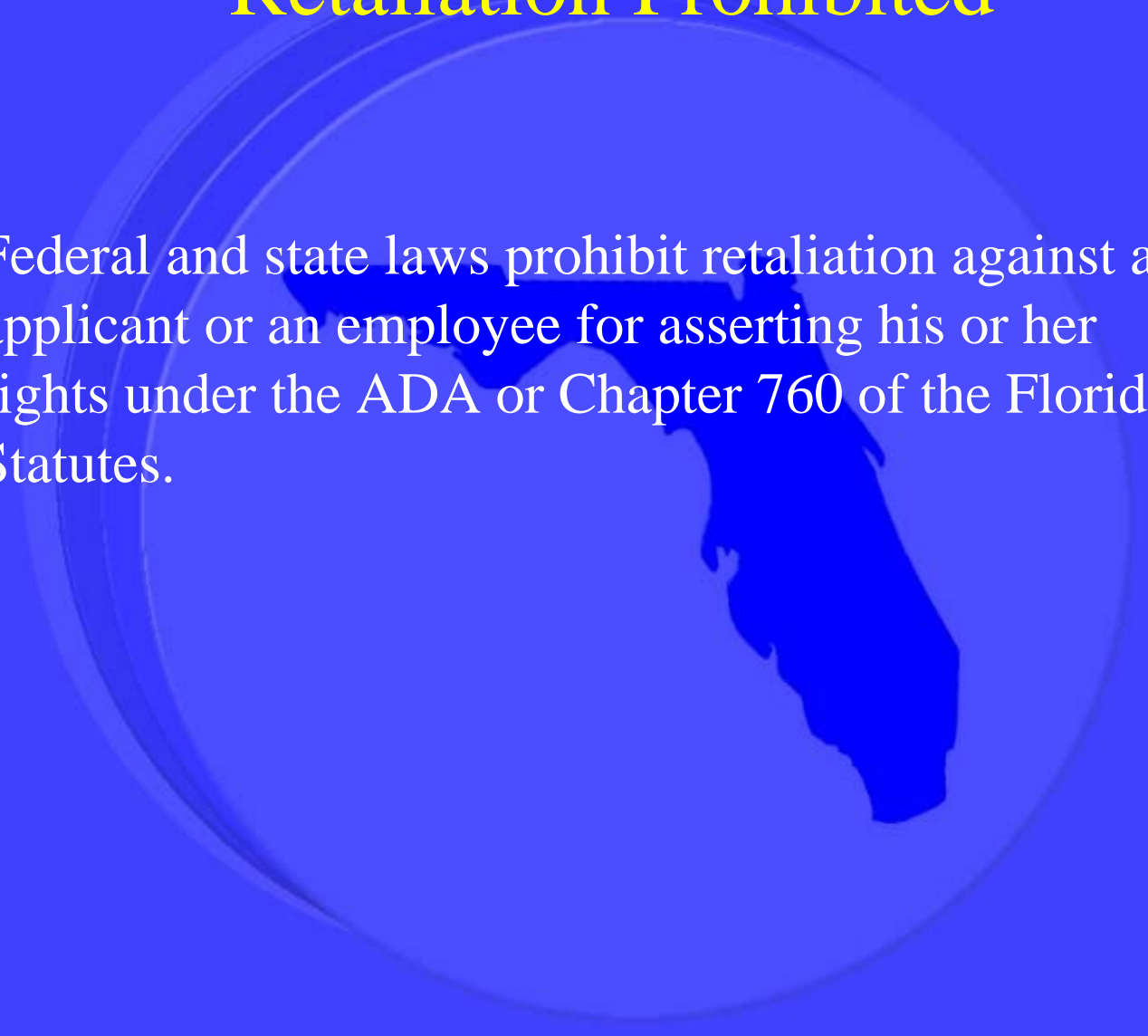
Filing an ADA Complaint

You may file a complaint based on disability discrimination in any or all of the following ways:

- Contact the office in your agency designated to handle discrimination issues.
- Contact the Florida Commission on Human Relations within 365 days of the alleged discrimination.
- Contact the Federal Equal Employment Opportunity Commission within 300 days of the alleged discrimination.

Retaliation Prohibited

Federal and state laws prohibit retaliation against an applicant or an employee for asserting his or her rights under the ADA or Chapter 760 of the Florida Statutes.



Resources



Americans with Disabilities Act Working Group (ADAWG)

(877) ADA-4YOU

<http://www.abilityforum.com/>

Florida Commission on Human Relations (FCHR)

(800) 955-8770

<http://fchr.state.fl.us/>

Federal Equal Employment Opportunity Commission (EEOC)

(800) 669-4000

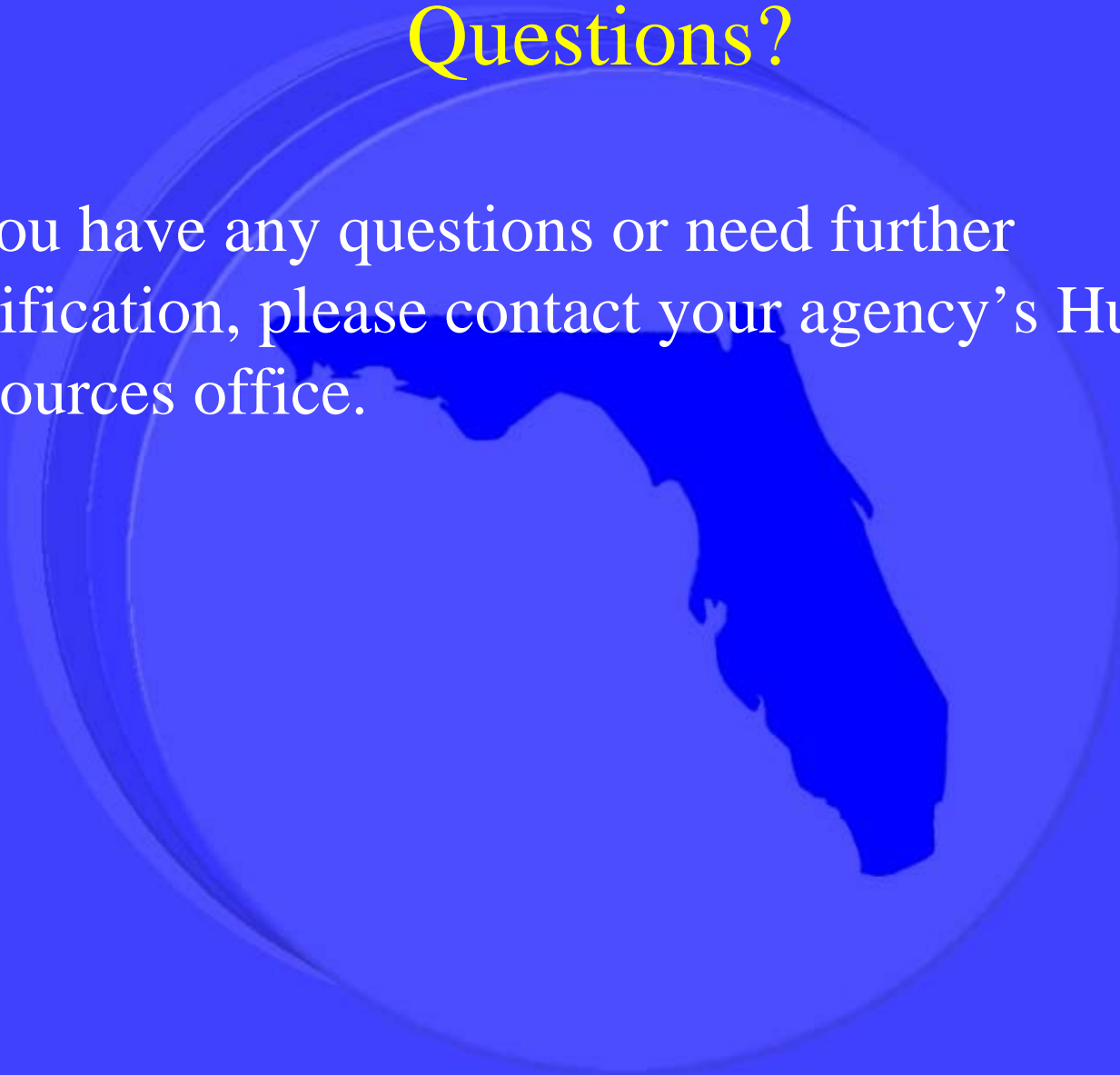
www.eeoc.gov

EEOC Tampa District Office: 813-228-2310

EEOC Miami District Office: 305-536-4491

Questions?

If you have any questions or need further clarification, please contact your agency's Human Resources office.



Acknowledgement Form

If your agency requires this training course, please print this page, complete, sign where indicated, and forward to your Human Resources office for inclusion in your personnel file.

Employee Name: _____

People First ID: _____

I acknowledge that I have completed the State of Florida Americans with Disabilities Act (ADA) Training.

Employee Signature: _____

Date: _____