

ADA Title I Employment

- **What is Title I of the Americans with Disabilities Act (ADA)?**
 - Title I of the ADA prohibits discrimination against people with disabilities and provides protections for employees with disabilities across all areas of employment as long as the employer has at least 15 employees.

- **What rights and protections are included in Title I?**
 - The ADA prohibits discrimination in any part of the employment process including application, promotion, hiring, layoffs, termination, evaluation, compensation, disciplinary actions, leave, training or benefits.
 - An employer is required to provide reasonable accommodations for qualified individuals with disabilities who are employees or applicants for employment so long as the accommodation would not cause undue hardship to the employer.

- **What is a “qualified person”?**
 - A qualified person is one who is qualified for the job and can perform the essential functions of the job with or without reasonable accommodation. The individual with a disability must meet the skill, experience, education, and other requirements of the job. Just like in all hiring, the determination on whether an individual is qualified for a specific job is generally made on a case-by-case basis.

- **What qualifies as a disability under the ADA?**
 - A person with a disability is defined as an individual who has a physical or mental impairment that substantially limits a major life activity and has a record of or is regarded as having such an impairment. Major life activities include (but aren't limited to): walking, seeing, hearing, speaking, breathing, learning, working, reading, or performing manual tasks.

- **What does it mean to “substantially limit” a major life activity?**
 - A substantial limit is determined by considering several factors such as the nature and severity of the impairment, the length of time it has lasted or is expected to last, and any permanent long-term impacts.

- **Do I have to disclose my disability to my employer or a potential employer?**
 - You do not have to disclose your disability to your employer, but if you ask for a reasonable accommodation, your employer may request documentation about your disability and the need for an accommodation if your disability is not obvious or your employer doesn't think you need an accommodation.

- **What is a reasonable accommodation and who decides if it is reasonable?**
 - A reasonable accommodation is a change in the work environment or work processes that allow an individual with a disability to enjoy equal employment opportunities. A reasonable accommodation is one that is feasible or plausible and effective in meeting the needs of the individual. Once the individual requests the accommodation the employee and the employer should work together to determine what accommodation will serve the employee. This is called the “interactive process”.

- **Does my employer have to give me the specific accommodation I requested?**
 - No. While an employer should give primary consideration to the request of the employee, they do not have to provide the specific accommodation requested. Employers also do not have to provide an accommodation that would impose an undue hardship.

- **What is an undue hardship?**
 - An undue hardship is one that is excessively costly, extensive, substantial, or would fundamentally alter the nature or function of the business.

- **How do I request an accommodation?**
 - You request an accommodation by simply asking your employer. There are no “magic words” to be included in the request and it does not have to be in writing. However, we always recommend making the request in writing, keeping a copy, and copies of anything your employer provides in response.

- **Can the employer request medical documentation?**
 - An employer may ask for documentation explaining why an accommodation is necessary if the impairment is not obvious. The documentation requested must be reasonable, relevant, and limited to what is necessary to verify the disability and the need for the accommodation.

- **Can I ask for an accommodation to apply for a job, interview for a job, or to travel on the job?**
 - Yes. The ADA prohibits discrimination in all employment practices including interviews, leave policies, fringe benefits, training, and all social or recreational activities sponsored by the employer.

- **What if my accommodation request is denied?**
 - If your accommodation request is denied it can help to get more information. We would encourage you to contact your supervisor or human

resources department asking for details about why the request was denied. This may will allow the interactive process to continue. If the process is unsuccessful and you believe the request is reasonable and/or your employer gave you no reason for the denial, you may be able to appeal it. Some workplaces have an appeal process for accommodation denials.

- **What if my appeal was denied or there is no appeal process?**
 - You have the right to file a complaint with state and federal agencies. Contact information for agencies who may investigation is below:
 - The Iowa Civil Rights Commission
6200 Park Ave Suite 100
Des Moines, IA 50321
(515)-281-4121
<https://icrc.iowa.gov/file-complaint>
 - The Equal Employment Opportunity Commission
1-800-669-4000
<https://www.eeoc.gov/youth/how-file-complaint>