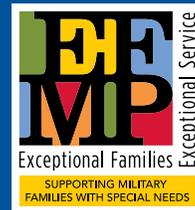


Employee and Employer Rights and Responsibilities Under the Americans With Disabilities Act



The Americans with Disabilities Act prohibits employment discrimination against a qualified individual on the basis of disability. The ADA applies to all employment agencies, local or state government employers, or private employers with more than 15 employees. It is unlawful to discriminate in all employment practices, including:

- Advertisements
- Recruitment
- Application procedures
- Hiring
- Firing
- Job referrals
- Job assignments
- Promotions
- Pay
- Benefits
- Training
- Discipline

Employee rights and responsibilities

The ADA requires employers to provide an otherwise qualified individual reasonable accommodations to be able to perform the essential functions of the job unless doing so would impose an undue hardship. An employer cannot make up the cost of providing a reasonable accommodation by reducing the salary or wage of the employee with a disability. A person with a disability is entitled to accommodations at any step of the employment process, including application, hiring and promotion. It is the responsibility of the employee or applicant to inform the employer that a reasonable accommodation is needed to apply for a job or perform essential job functions. The decision to disclose a disability is entirely up to the applicant or employee. However, to receive accommodations, disabilities must be disclosed.

Employer rights and responsibilities

The employer is not required to provide a requested accommodation if it causes an undue hardship on the business. Undue hardships are decided on a case-by-case basis. If an accommodation qualifies as an undue hardship, the employer must find a different accommodation, or the employee must be offered the opportunity to pay for a portion of the accommodation. Examples of reasonable accommodations include:

- Providing or modifying equipment or devices
- Restructuring the job
- Modifying the work schedule
- Reassigning the employee to a vacant position
- Adjusting or modifying examinations, training materials or policies
- Providing readers and interpreters
- Making the workplace accessible

Employers may ask employees to describe or demonstrate how they will perform the duties of the job. The ADA does not require an employer to hire an applicant with a disability over another applicant.

<http://www.militaryonesource.mil/family-and-relationships/special-needs>

Exceptional Family Member Program support is available for military families with special needs. For more information, please contact your installation EFMP office or visit

<http://www.militaryonesource.mil/family-and-relationships/special-needs>, an official Department of Defense website.