

Undue hardship: An action that causes major difficulty or expense to the employer.

One or more of the following factors may apply:

- The nature and cost of the accommodation;
- The finances and size of the business making the accommodation;
- The business type, including how the workplace is made up and functions; or
- The effect of the accommodation on the facility and on the business as a whole.

In general, the more employees, the more effort and expense the employer must provide for accommodations.

Enforcement

The Equal Employment Opportunity Commission (EEOC) and the Department of Justice (DOJ) are responsible for enforcing ADA employment rules and other employment discrimination laws.

Regulations and information

For information on accommodating employees and applicants with disabilities, contact:

Job Accommodation Network (JAN)

Voice: 1-800-526-7234

TTY: 1-877-781-9403

General employment resources

Office of Disability Employment Policy (ODEP)

U.S. Department of Labor
200 Constitution Avenue NW
Washington, D.C. 20210
Voice: 1-866-633-7365
TTY: 1-877-889-5627

Oregon Disabilities Commission

500 Summer Street NE, E02
Salem, OR 97301
Voice: 503-947-1136
Toll-free/TTY: 1-800-282-8096
Employment discrimination based on disabilities

U.S. Equal Employment Opportunity Commission (EEOC)

180 I L Street NW
Washington, D.C. 20507

Local EEOC office connection

Voice: 1-800-669-4000
TTY: 1-800-669-6820

Oregon Bureau of Labor and Industries (BOLI)

800 NE Oregon Street, Suite 1045
Portland, OR 97232
Voice: 971-673-0761
TTY: 711

ADA information and complaints

Vocational Rehabilitation ADA Coordinator
Voice: 503-945-6253 or 1-877-277-0513
TTY: 711
Email: vr.info@state.or.us
www.oregon.gov/dhs/vr

This document can be provided upon request in an alternate format for individuals with disabilities or in a language other than English for people with limited English skills. To request this publication in another format or language, contact Vocational Rehabilitation at 503-945-5880 or 711 for TTY.

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OREGON DEPARTMENT OF HUMAN SERVICES

VOCATIONAL REHABILITATION

The Americans with Disabilities Act

Focus on Employment



Vocational Rehabilitation



Safety, health and independence for all Oregonians

The ADA and employment

Most employers must comply with the Americans with Disabilities Act (ADA), which grants civil rights to people with disabilities.

In employment, the ADA relates to:

- Applying for or being referred to a job;
- Hiring, advancement or discharge;
- Wages and benefits;
- Training;
- Other employment aspects.

The Americans with Disabilities Act

The ADA guarantees rights to people with disabilities as well as rights based on race, color, national origin, sex and religion. All of these rights are now protected.

The ADA does not allow discrimination in:

- Employment;
- Services by state and local governments;
- Access to public places, transportation or electronic communication services.

Major ADA employment rules

ADA rules apply to the following:

- Private employers with 15 or more employees;
- All state and local government groups;
- Employment agencies;
- Labor groups and joint labor-management committees.

Qualified applicants and employees with disabilities must:

- Have an equal chance to be selected, tested and hired;
- Not be discriminated against by employers;
- Have equal chances for promotion and benefits;
- Be given reasonable accommodations unless they put an undue hardship on the employer.

Employers:

- May require that an employee not pose a direct threat to the health and safety of any individual;
- May not ask about applicants' disabilities or require medical exams before people are hired. They may ask applicants if they can do parts of a job. An employer may condition a job offer on a medical exam's results. This is only true if all employees in similar jobs must take the exam.

Some key definitions

Disability (one or more applies):

- A physical or mental disability greatly limits one or more major life functions such as walking, seeing, speaking or hearing.
- A record exists of the impairment (for example, a person who has recovered from cancer).
- Though seen as disabled, the person is not affected in his or her work (for example, someone who is scarred from burns).

Qualified individual with a disability: Someone with a disability who can do the key parts of a current or desired job. This applies even if the person asks for reasonable accommodations.

Reasonable accommodations

Examples include:

- Ensuring people with disabilities can access and use employee facilities;
- Job changes, part-time or altered schedules, transfer to a vacant position;
- New equipment or making changes to current equipment;
- Adjusted exams, training materials and policies;
- Providing qualified readers or interpreters; or
- Other accommodations.