

# The Americans with Disabilities Act (ADA)

The ADA was signed into law on July 26, 1990. It is an antidiscrimination statute requiring that individuals with disabilities receive the same consideration for employment that individuals without disabilities get. The purpose of Title I of the ADA is to ensure equal employment opportunity for qualified individuals with disabilities. The following are basic definitions of ADA terms:

### According to the ADA, a disability is:

- a physical or mental impairment that substantially limits one or more major life activities,
- a record of such impairment,
- OR
- being regarded as having such an impairment.

### An impairment is:

- a physiological disorder affecting one or more body systems,
- OR
- a mental disorder,
- OR
- a psychological disorder.

### These are examples of major life activities:

- |                           |                           |
|---------------------------|---------------------------|
| • caring for oneself      | • lifting                 |
| • working                 | • hearing                 |
| • performing manual tasks | • thinking                |
| • sitting                 | • breathing               |
| • walking                 | • concentrating           |
| • standing                | • learning                |
| • seeing                  | • interacting with others |

### A qualified individual with a disability is someone with an impairment who satisfies the requisite:

- skill
- experience
- education
- and other requirements
- AND
- who, with or without reasonable accommodation, can perform the essential functions of the position in question.

### An impairment is substantially limiting if it:

- prohibits or significantly restricts an individual's ability to perform a major life activity compared to the ability of the average person in the general population to perform the same activity, or
- prevents or significantly restricts the individual from performing a class of jobs or a broad range of jobs in various classes.

### Essential Functions are:

- the fundamental duties of the job (why a job exists).

### Reasonable Accommodations are:

- modifications to a job application process,
- modifications to the work environment or the position duties, or
- modifications that give employees with disabilities equal access to the benefits and privileges of employment.

### These are some examples of common types of reasonable accommodations:

- making facilities readily accessible to, and usable by, an individual with a disability,
- restructuring a job by reallocating or redistributing marginal job functions,
- modified work schedules,
- flexible leave policies,
- reassignment to a vacant position, or
- acquisition or modification of equipment and devices.

### An accommodation would impose an undue hardship if it would:

- result in excessive cost,
- impose extensive or substantial changes on a facility or program,
- disrupt normal business operations, or
- fundamentally alter the nature of the program.

### Direct threat means:

- a significant risk of substantial harm to the health/safety of the individual or others, which cannot be reduced to an acceptable level through a reasonable accommodation.

For further information on the Request for a Reasonable Accommodation, call or write:

NYS Department of Labor  
 Division of Equal Opportunity Development  
 State Campus, Building 12, Room 540  
 Albany, New York 12240

Phone: (518) 457-1984  
 (TDD) 1-800-662-1220  
 (VOICE) 1-800-421-1220  
[deod@labor.ny.gov](mailto:deod@labor.ny.gov)