



ADA Compliance

The Americans with Disabilities Act of 1990 and the Americans with Disabilities Act Amendments Act of 2008 (collectively, the ADA) are comprehensive and far-reaching pieces of legislation that prohibit discrimination against people with disabilities in employment, public services, transportation, public accommodations, and telecommunications. The ADA requires employers and others to provide reasonable accommodations, auxiliary aids, and means of accessibility to enable individuals with disabilities to work and live on an equitable level with others. The ADA is designed to bring about equity, empowerment, and the restoration of dignity for individuals with disabilities. As a public employer and institution of higher education, the University must comply with all requirements of the ADA.

The ADA employment provisions are contained in Title I, covering equal employment opportunities for individuals with disabilities and requires that they be given the same considerations for employment as individuals without disabilities.

Guidelines for ADA Compliance in Employment

The University is committed to a policy that ensures people with disabilities are not unlawfully discriminated against and that they have equal opportunity and access to all rights and privileges enjoyed by those who are not disabled.

Covered Individuals

Individuals who are qualified for an employment opportunity cannot be denied that opportunity because they have a disability. The ADA prohibits employment discrimination against any “qualified individual with a disability,” who is defined as:

An individual with a disability who meets the skill, experience, education, and other job-related requirements of a position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of a job.

Disability is defined broadly as a “physical or mental impairment that substantially limits one or more major life activities.” ADA protections also extend to people with a record/history of a disability or who are regarded as having a disability (even if they are not, in fact disabled). Please note that all individuals and/or conditions that are covered by the ADA are not listed in the statute, nor in the issued regulations.

The ADA protects current University employees, as well as job applicants. When uncertain whether a person is protected under the ADA or to assist with a request for reasonable accommodation, departments should consult the University’s ADA Coordinator, in the Human Resources, Office of Equal Opportunity and Compliance.

Covered Employment Practices

It is illegal to discriminate against individuals with disabilities in any employment practices, terms, conditions, and/or privileges of employment. This applies to all aspects of the employment process, including but not limited to:

- application
- testing
- hiring
- assignments
- evaluation
- disciplinary actions
- training
- promotion
- medical examinations
- layoff/recall
- termination
- compensation
- leave
- benefits

Prohibited Practices

The following are actions that may constitute illegal discrimination under the ADA:

- a. Limiting, segregating, or classifying a job applicant or employee in a way that adversely affects employment opportunities for the applicant or employee because of his or her disability.
- b. Participating in a contractual or other arrangement/relationship that subjects a qualified applicant or employee with a disability to discrimination.
- c. Denying an employment opportunity to a qualified applicant or employee because he/she has a relationship or association with a person with a disability.
- d. Refusing to make a reasonable accommodation for the known physical or mental limitations of a qualified applicant or employee.
- e. Using qualification standards, employment tests, or other selection criteria that screen out, or tend to screen out, an applicant or employee with a disability, unless they are job-related and necessary for the position.
- f. Failure to use employment tests in the most effective manner to measure actual abilities. Tests must accurately reflect the skills, aptitude, or other factors being measured, and not the impaired sensory, manual, or speaking skills of an employee or applicant with a disability (unless those are the skills the test is designed to measure).
- g. Discriminating against an applicant or employee because he or she has opposed a discriminatory employment practice of the employer; or filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing to enforce provisions of the ADA.

Reasonable Accommodations for Applicants & Employees

Reasonable accommodations are a critical component of the ADA and are defined as any change in the work environment, or in the way things are usually done, that results in equal employment opportunity for an individual with a disability.

Under the ADA, all University departments must make reasonable accommodations in employment for employees and applicants with disabilities unless they can show that the accommodation would cause an undue hardship to the operation of the unit.

All University departments should use FSU's [Reasonable Accommodation Request Form](#) to document the reasonable accommodation provided. Some examples of reasonable accommodation include:

- Making facilities readily accessible to, and usable by, an individual with a disability (e.g. wheelchair access, braille signs).
- Job restructuring by reallocation or redistribution of marginal duties.
- Modifications to work schedules.
- Reassignment to a vacant position.
- Acquiring or modifying equipment or devices.
- Adjusting or modifying examinations, training materials, or policies.
- Permitting use of accrued paid or unpaid leave for necessary treatment(s).
- Providing qualified readers or interpreters.
- Changing or re-locating workstations.

Pre-employment Inquiries & Medical Examinations

Asking a job applicant about the existence, nature, or severity of a disability violates the law. Applicants may only be asked about their ability to perform specific job functions. (See the *Guide to Lawful Inquires* and *Interview Tips* documents in the search training Toolkit). It is illegal to make medical inquiries or request/conduct a medical examination until **after** a job offer has been made. A job offer may be conditioned on the results of a medical examination or inquiry, but only if this is required for **all** entering employees in similar positions. Medical examinations of employees must be job-related and consistent with the department's operational needs.

Drug Testing

Administering a drug test to job applicants or employees for the purpose of determining the illegal use of drugs does **not** violate the ADA. Such tests are not considered medical examinations. It should be noted, however, that the ADA neither encourages, authorizes, nor prohibits the use of drug testing.

For specific ADA questions, please contact the Human Resources, Office of Equal Opportunity and Compliance (EOC), at (850) 645-1458.

