



Model for Analysis and Resolution of ADA Issues

- Does the individual meet the qualifications for the position in question?
 - o Does the individual meet the established minimum training and experience requirements for initial entry into a job? (An employer can consider education, experience, skills, or other job-related requirements as long as these standards are realistic and do not tend to unfairly screen out any protected categories of individuals.)

- Is the individual disabled?
 - o Does the individual have a physical or mental impairment that substantially limits one or more of his/her major life activities?
 - o Does the individual have a record of a physical or mental impairment that substantially limits one or more of his/her major life activities?
 - o Is the individual regarded as having a physical or mental impairment that substantially limits one or more of his/her major life activities?
 - o Does the individual have an impairment that is episodic or in remission that would substantially limit a major life activity when active?

- Can the individual perform the essential function(s) of the job in question?
 - o Does the position exist primarily to perform that function?
 - o How much time do current employees in the job spend on that function as well as past applicants hired in the same capacity?
 - o What duties are included in the written job description?
 - o Can the function be assigned to other employees? (Consider the number of employees available, the particular skills involved, and the demands of the job in relation to overall work unit activities.)
 - o How often is the employee required to perform this function?
 - o What are the consequences of failing to require the employee to perform the function or of the employee being unable to perform them?

- If the individual cannot perform the essential function(s) of the job, could he/she perform them with some accommodation?

- Would the accommodation cause an undue hardship on the employer?
 - o What is the nature and cost of the accommodation needed?
 - o What are the overall financial resources of the business, the number of persons employed by the business, and the effect on expenses and resources of the business?
 - o What is the impact of the accommodation on the business?

- Are there vacant jobs for which the individual is qualified? The employer does not have to assist the employee to become qualified. Reassignment should be to a position that is equal in pay and status to the position that the employee held, or to one that is as close as possible in terms of pay and status if an equivalent position is not vacant.
 - o Does he/she satisfy the skill, experience, education, and other job-related requirements of the position?
 - o Can the employee perform the essential duties of the new position, with or without reasonable accommodation?

- Would placement of the individual on the job, with or without accommodation, be a direct threat of harm to the individual or others? (A direct threat is a significant risk of substantial harm to the health or safety of the disabled individual or others that cannot be eliminated by reasonable accommodation.)
 - o To reject an applicant on this basis, the employer must be able to prove not only that there is a high probability of substantial harm, but also that no reasonable accommodation could eliminate the risk or reduce it to an acceptable level. Further, the employer must also identify which aspect of the disability currently poses the direct risk, and may not speculate on the risk that might be posed by the individual's condition at some future time. The employer must consider the following factors, in light of valid medical analyses or other objective evidence individualized for the particular individual and job: duration of the risk, nature and severity of the potential harm, imminence of the potential harm, and likelihood that the potential harm will occur.