



Qualified Individual With Disabilities

Note: This information does not constitute legal advice. The law is constantly changing and application of the ADA depends on the specific circumstances of each case. Consult an attorney when faced with legal issues.

Am I Qualified for the Job?

- In order to be protected from employment discrimination under the ADA, one must be qualified to do the in question.
- Three factors are used to determine if an individual is qualified:
 1. Does the individual satisfy job-related requirements?
 2. What are the essential functions of the job?
 3. Can the individual perform the essential functions of the job with or without a reasonable accommodation?
- This determination should be made at the time of the employment decision.
- The employer may not consider whether the individual may be unable to perform her job in the future or whether s/he may cause increased health insurance premiums.

What job-related requirements may an employer consider?

- An employer may consider certain prerequisites for the job including educational background, employment experience, skills, licenses, or other requirements. For example: in order to be qualified for a job as a certified public accountant, one must have the appropriate license and educational background.

- Employers may only consider job requirements that are actually related to the job and consistent with business necessity.
- Employers may be in violation of the ADA if they consider job requirements that are not actually job-related and tend to screen out individuals with disabilities.
 - For example: a restaurant that requires dishwashers to pass a math test would probably violate the ADA because such a test screens individuals with disabilities and is not job-related.

What are the essential functions of a job?

- In order to be qualified for a job, one must be able to perform the essential functions of the job position with or without a reasonable accommodation.
- Essential functions of a job are fundamental duties of the position. A job function is essential if its removal would fundamentally alter the job.
- In order to show that a function is essential to a position, the employer must actually require employees who hold that position to perform that function.
- In order to determine if a job function is essential several factors may be considered:
 1. Does the job exist to perform that function?
 2. Are there are a limited number of employees who can perform that function?
 3. Is the function is highly specialized such that the person holding the job was hired for her expertise or ability to perform that function?
 4. What are the consequences of not performing the function?
 5. Is the function included in the employee's job description in the employee handbook or job advertisements?
 6. What amount of time does the employee spending performing the function?

7. Do other employees in the same position perform the function?

- Employers may not refuse to hire individuals with disabilities because the disability prevents them from performing non-essential job functions.