

ADA QUICK REFERENCE FOR SUPERVISORS

OVERVIEW

The Americans with Disabilities Act (ADA) provides protection to *qualified individuals with disabilities* by prohibiting discrimination in a full range of employment-related activities, from recruitment to advancement, to pay and benefits. It is the responsibility of the Employer to offer reasonable accommodations to all individuals if they qualify for and require an accommodation to apply for and perform the essential function of their job duties.

A qualified individual with a disability is a person who meets legitimate skill, experience, education, or other requirements of an employment position that s/he holds or seeks, and who can perform the essential functions of the position with or without reasonable accommodation.

WHY DO I NEED TO KNOW THIS LAW?

As supervisors, you are often the first to learn of situations in which an accommodation would be advisable. No "magic" words are required. The Equal Employment Opportunity Commission (EEOC) Guidance emphasizes a "plain English" request, and the **employee "need not mentioned the ADA or use the phrase 'reasonable accommodation'.**" If an employee is perceived as having difficulty performing their job and they do not reference a medical condition, it may be a non-visible disability and simply asking "is there anything we can do to be of assistance" could be a first step in this process. Any statement that lets a supervisor know that a medical condition is causing some sort of work issue can be sufficient to put an employer on notice. **Therefore, it is your responsibility if an employee is sharing information regarding needing assistance or having difficulty performing the functions of their job due to a medically related condition, to inform them of potential accommodations available through the office of Human Resources (HR).** Please refer to the guidelines below and **if in doubt, always refer the employee to HR** to determine if an accommodation is appropriate.

*KEY SITUATIONS TO OBSERVE FOR POTENTIAL ADA ACCOMMODATION REQUESTS

- Employee uses an assistive device for seeing (beyond eyeglasses), hearing, walking, etc. and requires assistance
- Employee is perceived to have a disability and/or requires assistance
- Employee is known to have a disability and/or requires assistance

*This is not an exhaustive list

YOUR LEGAL RESPONSIBILITIES AS A SUPERVISOR

- If you witness or hear an employee mention any of the above situations, **it is your responsibility to inform them they may be eligible to request an accommodation if necessary to perform the essential functions of their job through the HR**
- **Instruct the employee to contact HR at 859 572 5200** to learn more about their rights and responsibilities under the ADA
- It is then the responsibility of employee to initiate the ADA accommodation request process by completing the Accommodation Request Application
 - **Do not ask about or get involved in the medical issues of the employee**
- You should continue to monitor and **record any performance issues and absences per policy** and coordinate documentation with HR
- Contact HR if you have concerns about abuse of the ADA accommodation request process