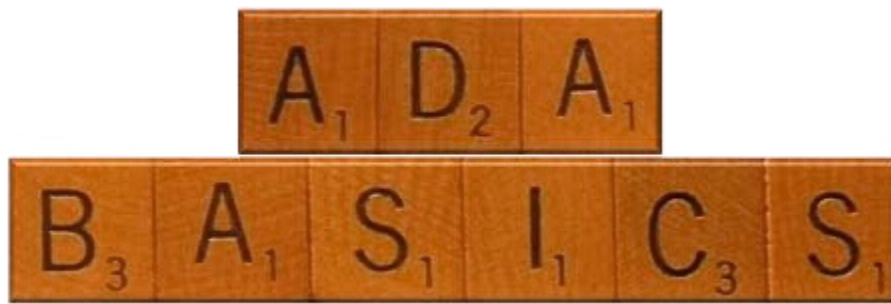


# ADA BASICS



This section provides answers to basic questions about the employment provisions of the ADA. Most of the answers come from formal and informal guidance from the Equal Employment Opportunity Commission (EEOC), the federal agency that regulates the employment provisions of the ADA. When available, links to the EEOC guidance are provided.

## What is the ADA?

The ADA is a federal civil rights law that was passed in 1990 and went into effect beginning in 1992. Its purpose is to protect people with disabilities from discrimination in employment, in the programs and activities offered by state and local governments, and in accessing the goods and services offered in places like stores, hotels, restaurants, football stadiums, doctors' offices, beauty parlors, and so on. The focus of this guide is Title I of the ADA, which prohibits discrimination in employment and requires employers to provide reasonable accommodations for qualified applicants and employees with disabilities.

## Who must comply with Title I of the ADA?

Only "covered entities" must comply with Title I of the ADA. The term covered entities includes employers with 15 or more employees, employment agencies, labor organizations, and joint labor-management committees. For simplicity, this guide will refer to covered entities as "employers." For more information about covered entities, see the [\*EEOC Compliance Manual: Covered Entities\*](#).

## Who is protected by Title I of the ADA?

Title I protects "qualified individuals with disabilities." The term qualified means that the individual satisfies the skill, experience, education, and other job-related requirements of the position sought or held, and can perform the primary job tasks of the position, with or without reasonable accommodation. For additional information about the definition of a qualified individual with a disability, see [\*A Technical Assistance Manual on the Employment Provisions \(Title I\) of the Americans with Disabilities Act\*](#).

The term employee means, "an individual employed by an employer." The question of whether an employer-employee relationship exists is fact-specific and depends on whether

the employer controls the means and manner of the worker's work performance and other factors. For additional information about the definition of employee, see the [\*EEOC Compliance Manual: Who Is An Employee?\*](#).

The term disability means: (1) a physical or mental impairment that substantially limits one or more major life activities, (2) a record of a physical or mental impairment that substantially limited one or more major life activities, and (3) being regarded as having such an impairment.

For more detailed information about the definition of disability, see JAN's information on how the [\*ADA Amendments Act of 2008 revised the definition of disability\*](#).

## What is a reasonable accommodation?

A reasonable accommodation is a modification or adjustment to a job, the work environment, or the way things usually are done that enables a qualified individual with a disability to enjoy an equal employment opportunity. An equal employment opportunity means an opportunity to attain the same level of performance or to enjoy equal benefits and privileges of employment as are available to an average similarly-situated employee without a disability. The ADA requires reasonable accommodation in three aspects of employment: 1) to ensure equal opportunity in the application process, 2) to enable a qualified individual with a disability to perform the essential functions of a job, and 3) to enable an employee with a disability to enjoy equal benefits and privileges of employment. Examples of reasonable accommodations include making existing facilities accessible; job restructuring; part-time or modified work schedules; acquiring or modifying equipment; changing tests, training materials, or policies; providing qualified readers or interpreters; and reassignment to a vacant position. For additional information about reasonable accommodation under the ADA, visit the EEOC's [\*Reasonable Accommodation and Undue Hardship\*](#).

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