

# AMERICANS WITH DISABILITIES ACT POSITION DESCRIPTION REQUIREMENTS AND GUIDELINES FOR SUPERVISOR

## RATIONALE:

The Americans with Disabilities Act of 1990 (ADA), which takes effect July 26, 1992, makes it unlawful to discriminate in employment against a qualified individual with a disability. An individual with a disability must be qualified to perform the essential functions of the job with or without reasonable accommodation, in order to be protected by the ADA. This means that the applicant or the employee must:

- ❖ Satisfy the job requirements for educational background, employment experience, skills, licenses, and any other qualification standards that are job-related; and
- ❖ Be able to perform those tasks that are essential to the job, with or without reasonable accommodation.

To comply with the requirements of the ADA, position descriptions must identify the essential job functions, and the physical and mental requirements needed to perform the essential functions.

Supervisors will be required to identify essential job functions and the physical and mental requirements for positions when:

- Positions become vacant and prior to recruitment;
- Positions are submitted for classification review;

Job classes that have several positions which perform the same tasks and duties (such as housekeeping worker and police officer) only have to have one position reviewed for essential functions and the physical and mental requirements. This determination will apply to all identical positions and will comply with the ADA requirements.

The ADA does not limit an employer's ability to establish or change the content, nature or functions of a job. It is the employer's province to establish what a job is and what functions are required to perform it. The ADA simply requires that an individual with a disability has his or her qualifications for a job evaluated in relation to the position's essential functions.

## GUIDELINES

### ESSENTIAL FUNCTIONS:

Essential functions are the basic job duties that an employee must be able to perform, with or without reasonable accommodation. They are the tasks which are considered to be fundamental, critical, primary and necessary. Supervisors are required to determine what functions are actually performed in the job and which, if eliminated, would fundamentally alter the nature of the job.

To determine the essential functions of a position, consider each task separately by applying the following factors:

**1. The position exists to perform the function**

A person is hired to proofread documents. The ability to proofread is an essential function because this is the reason that this position exists.

**2. There are a limited number of other employees available to perform the function, or among whom the functions can be distributed.**

It may be an essential function for a file clerk to answer the telephone if there are only three employees in a very busy office and each employee has to perform many different tasks. Or, a department may have periods of heavy labor-intensive activity alternating with less active periods. The heavy work flow during peak periods may make performance of each function essential and limit an employer's flexibility to reassign a particular function.

**3. A function is highly specialized and the person in the position is hired for special expertise or ability to perform it.**

Positions such as electrician, graphic artist, computer programmer, laboratory technician, and marine scientist require special expertise that is an essential function of these types of jobs.

**4. The amount of time spent performing the function.**

If an employee spends most of the time or a majority of the time performing one particular task, this would be evidence that the task is an essential function.

**5. Actual work experience of people who have performed a job in the past and work experience of people who currently perform similar jobs.**

The work experience of previous employees in a job and the experience of current employees in similar jobs provide objective evidence of actual duties performed. The supervisor should consult such employees and observe their work operations to identify essential functions, since the tasks actually performed provide significant evidence of these functions.

**6. The consequences of not requiring a person in this job to perform a task or duty.**

Sometimes a function that is performed infrequently may be essential because there will be serious consequences if it is not performed. For example, a campus police officer may spend only five percent of his or her time apprehending suspects, but the ability to do so is an essential function of a police officer position. A clerical worker may spend only a few minutes a day answering the telephone, but this could be an essential function if no else is available to answer the phones at that time, and business calls would go unanswered.

**7. Your judgment as the supervisor of the position.**

The supervisor's judgement as to which functions are essential is important. The supervisor sets production standards, and the quality and quantity of work performed. If a supervisor requires employees to perform at a certain minimum level, then employees in those positions must be able to perform at that level, regardless of disability.

During the review of the position description and the designation of essential functions, it is important to focus on the **purpose** of the function and the **result** to be accomplished, rather than the manner in which the function presently is performed. In other words, the focus should be on **what** is to be accomplished, not **how** the job is accomplished.

For example, in a job requiring the use of a computer, the essential function is the **ability to access, input, and retrieve information from the computer**. It is not "essential" that a person in this job enter information manually, or visually read the information on the computer screen. Adaptive devices or computer software can enable a person without arms or a person with impaired vision to perform the essential functions of the jobs.

Designate which tasks and duties are essential functions on the position description form by writing and "**E**" in front of the task which you determine to be essential. It is easy to think of every task as essential or it would not have been assigned to the position. However, not every task will be essential when applying the factors discussed above.

Attached is an example of a position description that has the tasks and duties marked as essential in importance. Tasks and duties without the "**E**" are considered marginal or non-essential.

Many position descriptions contain the "other duties as assigned" statement. This is permissible under the ADA, however, those other duties probably will be considered non-essential job functions.

## **PHYSICAL REQUIREMENTS:**

The Physical Requirements Worksheet will assist supervisors in determining the type and level of physical requirements required of a particular position. The physical and visual demands outlined on the worksheet are worded in a traditional manner to facilitate communication with supervisors and employees. The University will take into consideration non-traditional means of accomplishing work tasks when assessing potential accommodations. This form will be completed, along with the position description, as outlined above, and submitted with all recruitment requests and position descriptions prior to their processing. A completed example is attached.

## **MENTAL REQUIREMENTS:**

The mental requirements of the job, such as reasoning, remembering, mathematics, reading, and written and oral communication, should be specified in the knowledge, skills and abilities section of the position description form. An example is attached.

## **COMPLIANCE ASSISTANCE:**

Your Human Resources Manager or the Compensation and Classification Manager is available to assist supervisors in determining the essential functions, completing the Physical Requirements Worksheet, and specifying the mental requirements for positions.