

A photograph of a bicycle repair shop. In the foreground, a man wearing a white t-shirt and a straw hat is working on a bright pink bicycle frame. He is holding a tool and looking down at his work. In the background, another man is standing behind a counter, talking on a phone. The shop is filled with various bicycles, including a purple one in the upper left and a white one in the lower left. A wooden workbench with various tools hanging on the wall is visible in the background.

# Hiring Talent, Meeting Workforce Needs

Disability Employment Basics for Small  
Business

# Welcoming Remarks



**Brian Walsh**

Deputy Assistant Secretary for Policy  
Office of Disability Employment Policy (ODEP)  
U.S. Department of Labor

# Our Presenters

## EARN

Employer Assistance and Resource  
Network on Disability



**Wendy Strobel Gower**

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## EARN

## JAN

Job Accommodation Network



**Tracie DeFreitas**

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# The Americans with Disabilities Act (ADA) at 35

Tracie DeFreitas

# Impact on Employment of Disabled Workers

- The ADA is a landmark civil rights law passed in 1990 to prohibit discrimination based on disability.
- Title I of the ADA helps people with disabilities enter or stay in the workforce. The ADA:
  - Ensures full participation of people with disabilities in work.
  - Promotes fair treatment and opportunity.
  - Grants the right to request workplace accommodations.
- The ADA laid the groundwork, but ongoing education, implementation, and commitment are key to its impact.

# Reasonable Accommodations

- Reasonable accommodations have a positive impact.
  - Workplace adjustments often start as accommodations—but benefit all employees (e.g., flexible work arrangements).
  - Many accommodations are simple and low or no cost.
  - Accommodations enhance productivity and support employee retention.
- Employment rates for people with disabilities have steadily improved, but rates are still lower than for those without disabilities.
- Celebrating 35 years of the ADA reminds us to protect the progress made—and to keep advancing.

# Essentials and Benefits of Disability Employment

Wendy Strobel Gower

# Benefits of Employing People with Disabilities

- Expanded access to talent
- Understand customer demand
- Similar or better performance
- Increased job satisfaction and employee retention



# Take Advantage of Tax Incentives

- Work Opportunity Tax Credit
- Disabled Access Tax Credit
- Architectural Barrier Removal Tax Deduction



# Employer Incentives for Hiring Veterans

- Special employer incentives (SEI) for veterans to obtain employment
- Learn more by reading the [SEI program factsheet](#) (PDF)



# Employer Responsibilities Under the Americans with Disabilities Act of 1990 (ADA)

And other relevant disability employment laws

# Title I of the ADA

- Anti-discrimination law enforced by the Equal Employment Opportunity Commission (EEOC)
- Removes barriers to equal employment opportunities
- Access is based on merit
  - No quotas
  - Affirmative action requirements

# Employment Practices Covered

- Application
- Promotion
- Testing
- Medical examinations
- Hiring
- Onboarding
- Layoff/Recall
- Assignments
- Promotion/Succession
- Termination
- Evaluation
- Compensation
- Disciplinary actions
- Leave
- Training
- Benefits

# Who must comply with Title I of the ADA?

- Private employers with 15 or more employees
- State and local governments
- Employment agencies
- Labor unions
- Joint labor management committees

**Note:** Employers also may need to comply with [state human rights/anti-discrimination laws](#)



# Important Note for Federal Employers and Contractors

- The Rehabilitation Act of 1973 served as a model for the ADA
- Section 501 applies to federal employers
- Section 503 applies to federal contractors



# Definition of Disability

- A person with a disability is an individual who:
  - has a physical or mental impairment that substantially limits one or more of his/her major life activities;
  - has a record of such an impairment; or
  - is regarded as having such an impairment.
- Applies to the ADA and the Rehabilitation Act
- The ADA Amendments Act calls for the definition of disability to be interpreted in favor of broad coverage of individuals.

# Who is protected by the ADA?

## Qualified Individuals with Disabilities have

- Requisite skills and experience to perform the job
- Ability to perform the essential functions of the job with or without reasonable accommodation



# What is an essential function?

## **A job function is essential if...**

- The position exists to perform the function
- There is a limited number of other employees available to perform the function, or among whom the function can be distributed
- It is a highly specialized function, where the person is hired specifically for their expertise and ability to perform the function

# Reasonable Accommodation

Any **change** in the **work environment** or in the way things are customarily done that enables an individual with a disability to **enjoy equal employment opportunities**.

29 C.F.R. pt. 1630 app. § 1630.2(o) (1997)

# Equal Employment Opportunity

The opportunity to attain the **same level of performance** or to enjoy **equal benefits and privileges** of employment.

29 C.F.R. § 1630.2(o)(1)(i-iii) (1997)

# Availability of Accommodations

- During the application process
- Performing the essential functions of the position
- Enjoyment of equal benefits and privileges of employment



# Examples of Reasonable Accommodations

- Making modifications to increase facility accessibility
- Restructuring a job
- Allowing a flexible schedule
- Acquiring new equipment
- Providing a reader or interpreter
- Modifying application or testing procedures and training materials



# Things to Keep in Mind About Accommodations

- Requests can be made verbally or in writing
- No special terminology is required
- Requests may come from a third party (i.e., a job coach or a family member)
- While an individual may have ideas for what will work, they do not have to identify a solution
- Requests are not always easy to recognize

# Disability-Related Inquiries

- **Pre-offer:** No disability inquiries or medical examinations are allowed
- **Pre-employment but post-offer:** Only make disability inquiries that are asked of everyone in the same job category
- **Current employees:** Only make disability inquiries that are job-related and consistent with business necessity

# Practical Tools and Resources to Support Hiring Practices

Tracie DeFreitas and Wendy Strobel Gower

# Job Accommodation Network (JAN)

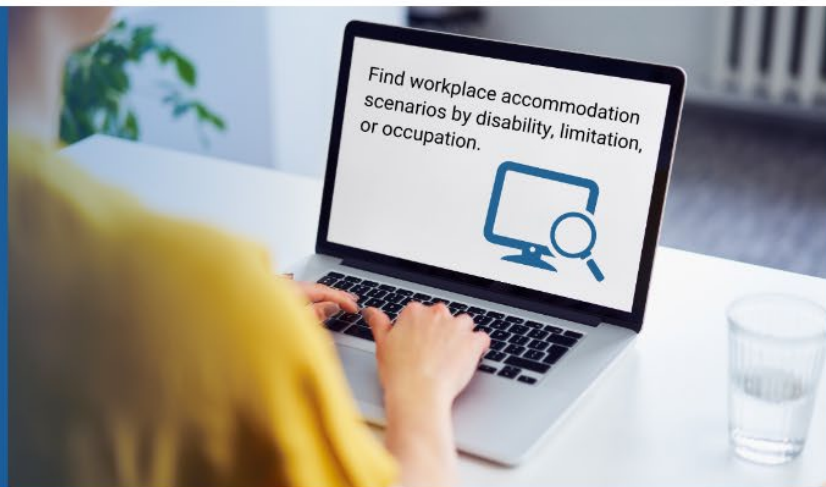
- Established in 1983, JAN is a free, confidential, direct assistance provider for employers, people with disabilities, and others.
  - JAN is the leading source for practical guidance on workplace accommodations, the accommodation process, and technical assistance on Title I of the Americans with Disabilities Act (ADA), Section 501 of the Rehabilitation Act, the ADA Amendments Act (ADAAA), and related laws.
  - JAN is a national service provided by the U.S. Department of Labor's Office of Disability Employment Policy (ODEP).





Curious about the ways employers accommodate workers with disabilities?

Search the **NEW Situations and Solutions Finder** at AskJAN.org



Practical Solutions | Workplace Success

JAN is the leading source of free, expert, and confidential guidance on workplace accommodations. Need assistance exploring accommodation solutions?

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Job Accommodation Network

about a month ago

The Job Accommodation Network offers invaluable insights, practical ideas, and best practices for accommodating employees with all types of health conditions and disabilities. Need assistance finding accommodation solutions? Ask JAN! <https://AskJAN.org>



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# AskJAN.org for Employers

- [AskJAN.org for Employers](#)
  - General Accommodation Information
  - Accommodation Solutions by Occupation and Industry
  - General ADA Information
  - Developing Policies and Procedures
  - Processing Accommodation Requests for Hiring
  - Processing Accommodation Requests from Employees
  - Training and Certification

# AskJAN.org: A to Z of Disabilities and Accommodations

- Click on the tabs to browse the [A to Z](#)
  - By Disability
  - By Limitation
  - By Work-Related Function
  - By Topic
  - By Accommodation



By Disability

By Limitation

By Work-Related Function

By Topic

By Accommodation

By Disability - Find information on various disabilities, impairments, and conditions.

|                   |                                    |                         |   |
|-------------------|------------------------------------|-------------------------|---|
| Addison's Disease | Chronic Fatigue Syndrome/Myalgic   | Human Immunodeficiency  | Post-Traumatic Stress Disorder (PTSD)     |
| Aging             | Chronic Pain                       | Huntington's Disease    | Postural Orthostatic Tachycardia Syndrome |
| Albinism          | Colorblind/Color Vision Deficiency | Intellectual Disability | Pregnancy                                 |
| Alcoholism        | Cumulative Trauma Conditions       | Latex Allergy           | Quadriplegia                              |

# AskJAN.org: Situations and Solutions Finder

- Situations and Solutions Finder
  - Centralizes workplace accommodation scenarios
  - Offers examples from organizations large and small, across industries, and from the private and public sectors
  - Includes various health conditions and disabilities





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We can help.



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## Social Media



[Job Accommodation Network](#)



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# EARN Resources

- Employer Assistance and Resource Network on Disability (EARN)
  - [Small Business Toolkit](#)
  - [Recruit Job Seekers with Disabilities](#)
  - [Employer Tax Incentives Available from the Federal Government](#)
  - [State Employer Tax Incentives](#)

# Additional Resources

- [Small Business Administration](#) (SBA)
- [Hire Employees with Disabilities](#) (SBA)
- [Small Business Hub](#) (National Disability Institute)
- [Disability-Owned Business Enterprise \(DOBE\) Program](#) (Disability:IN)
- [Small Business at Work Toolkit](#) (Northeast ADA Center)
- [Resources for Small Businesses](#) (Department of Labor [DOL] Office of Disability Employment Policy [ODEP])
- [Small Business Resource Center](#) (EEOC)

# Veteran Resources

- [Employer Guide to Hiring Veterans](#) (PDF) (DOL Veterans Employment and Training Service [VETS])
- [Uniformed Services Employment and Reemployment Rights Act \(USERRA\)](#)
- [HIRE Vets Medallion Program](#) (DOL VETS)
- [Benefits of Hiring Guardsmen and Reservists](#) (Employer Support of the Guard and Reserve)
- [Department of Defense Office of Small Business Programs](#)

# Questions?

EARN

Please take a moment  
to [share feedback](#) on  
today's event:



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