

Job Descriptions and the ADA

The ADA does not require employers to have written job descriptions. However, job descriptions that identify essential and marginal job functions may be helpful in evaluating whether an individual with a disability is qualified for a job. Under the ADA, an individual is qualified if he or she:

- Satisfies the prerequisites for the position (e.g., education, employment experience, licenses) *and*
- Can perform the essential functions of the job with or without reasonable accommodation.

A job description can provide evidence of what the employer considers the essential functions of a specific position. According to ADA regulations, written job descriptions “prepared before advertising or interviewing applicants for the job” provide evidence of whether a particular function is essential. Other information can also provide evidence of essential functions (e.g., a current employee’s actual job performance), but a written job description that accurately reflects the job’s functions can be a strong piece of evidence for an employer.

According to the EEOC, factors to consider in determining if a function is essential include:

- Whether the reason the position exists is to perform that function
- The number of other employees available to perform the function or among whom the performance of the function can be distributed
- The degree of expertise or skill required to perform the function.

In describing a job function, an employer should focus on the purpose of the function and the result to be accomplished, rather than how the function is performed. For example: A job description that includes a requirement to “carry” up to 70 pounds of equipment could be restated as a requirement to “move” up to 70 pounds of equipment. The basic function to be accomplished is the transport of the equipment. The revised description communicates this basic function and does not exclude individuals with disabilities who could only move items with a reasonable accommodation like a cart or a dolly.

Employers should keep in mind that any job qualification that screens out or tends to screen out individuals with disabilities must be job-related and consistent with business necessity.

Detailed information on the ADA is available on HR.BLR.com under the Disabilities topic. <http://hr.blr.com/HR-topics/Discrimination/Disabilities-ADA>