

How to use
this course

ADA FOR SUPERVISORS COURSE

Americans with Disabilities Act (ADA)

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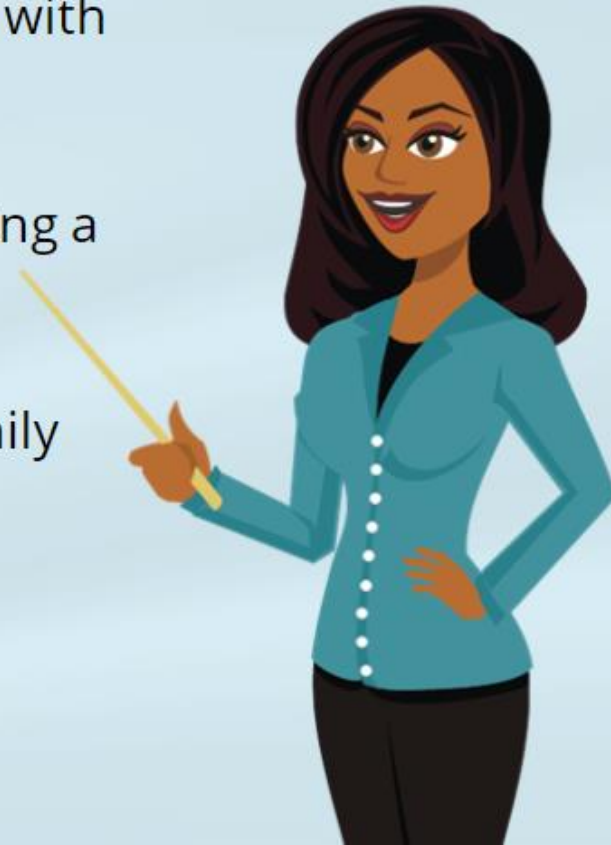
Myths & Facts

FAQ

Introduction

Did you know that . . . ?

- 43 million Americans have physical or mental disabilities.
- It's been estimated that 67% of people with disabilities are unemployed.
- Each of us has a 20% chance of becoming a person with a disability.
- The odds are that half of us have a family member with a disability.



Introduction

The goal of the ADA is to give qualified people with disabilities an equal chance to compete for the rights and privileges of employment and to prevent discrimination against qualified people with disabilities.

How does this apply to you?

If you hire and supervise people, discriminating against a qualified person with a disability in any employment practice ***is illegal and can carry serious consequences.***





Introduction

As an employer with more than 15 employees, the State of Maryland must comply with the Federal Americans with Disabilities Act (ADA). In addition, the Annotated Code of Maryland, Article 49B, specifies that it is unlawful for an employer to discriminate against any employee or applicant based on disability.

The details of the Federal law and the Maryland law are covered in the next sections.

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Federal Law & Definitions

The purpose of this law is to extend to people with disabilities civil rights similar to those now available on the basis of race, color, national origin, sex and religion through the Civil Rights Act of 1964.

- Employment
- Services Rendered by State and Local Governments
- Places of Public Accommodation
- Transportation
- Telecommunications services



Employment Provisions

“No covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to:

- job application procedures;
- the hiring, advancement, or discharge of employees;
- employee compensation;
- job training;
- and other terms, conditions, and privileges of employment.”

Major Employment Provisions

1. Requires equal opportunity in selection, testing and hiring of qualified applicants with disabilities.
2. Requires equal treatment in promotion and benefits.
3. Prohibits discrimination against workers with disabilities; it applies to all employers with 15 or more employees.
4. Applies to private employers, State and local governments, employment agencies, labor organizations, and joint labor- management committees.
5. Requires reasonable accommodation for applicants and workers with disabilities when such accommodations would not impose "undue hardship."

Major Employment Provisions

Employers may:

- Require that an individual not pose a direct threat to the health and safety of the individual or others.
- Conduct tests for the illegal use of drugs and may prohibit illegal use of drugs and alcohol in the workplace.

Employers may **NOT**:

- Make pre-employment inquiries about an applicant's disability or conduct pre-employment medical exams.
- They may ask if applicants can perform specific (essential) job functions and may condition a job offer on results of a medical exam, but only if the exam is required for all entering employees in similar jobs.

What is a DISABILITY?

A physical or mental impairment that substantially limits one or more of the major life activities;

- Whether an impairment is "substantially limiting" depends on the nature and severity of the impairment, its duration and its long-term impact.

Example: An individual with a noticeable visual impairment, or a specific learning disability is covered, but someone else with a minor or temporary conditions such as a sprain, or a broken limb or the flu is not.

- Major life activities are activities such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

What is a DISABILITY?

A record of such an impairment:

The definition includes individuals with a history or record of disability, even if they no longer have the impairment.

Examples: A person with a history of cancer currently in remission or a person who suffered mental illness or drug addiction in the past.

It also includes those who were erroneously diagnosed in the past.

For example, someone misdiagnosed with a learning disability in school.

What is a Hidden DISABILITY?

Many people have hidden disabilities - or disabilities that aren't readily apparent. *Examples of these hidden disabilities might be physical conditions such as: epilepsy, diabetes, HIV or AIDS, cancer, heart disease, severe forms of arthritis, hypertension and carpal tunnel syndrome.*

Mental impairments are often hidden and could include such conditions as: *major depression, bipolar disorder, anxiety, disorder, schizophrenia and special learning disabilities, such as dyslexia.*

Although many people have hidden disabilities, some conditions are currently excluded from the ADA. *These include: compulsive gambling, kleptomania, pyromania, gender identity, sexual disorders.*

* *REMEMBER: to be considered a disability under the ADA, the disability has to substantially limit a major life activity.*

Close

Who is a QUALIFIED INDIVIDUAL with a DISABILITY?

An individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.

Essential functions are those job duties that:

- Are central to the position,
- Occupy a significant amount of the employee's time,
- If removed, would substantially change the job.

Close

What is a REASONABLE ACCOMMODATION?

A modification or adjustment to a job or the work environment that enables a qualified applicant or employee with a disability to apply for the job, perform essential job functions, and enjoy employment rights and privileges equal to those without disabilities.

Modifications may include:

- Making existing facilities readily **accessible to** and **usable** by individuals with disabilities;
- Job restructuring, part-time or modified work schedules, reassignment to a vacant position;
- Acquisition or modification of equipment or devices;
- Appropriate adjustment or modifications of examinations, training materials or policies;
- The provision of qualified readers or interpreters;

Close

The ADA requires that employers make reasonable accommodation unless it causes undue hardship.

What is UNDUE HARDSHIP?

An action requiring significant difficulty or expense.

Factors to be considered in determining whether an accommodation would cause an undue hardship include:

- The nature and cost of the accommodation;
- The resources and size of the business;
- The type of business operation;
- The impact that the accommodation would have on the facility;
- A larger employer will be expected to make accommodations requiring greater effort or expense than a smaller employer.

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Employment Discrimination in Maryland

It is unlawful for an employer to discriminate against any employee or applicant based on disability. All employees & applicants have a right to be free of discrimination in employment.

Employer has duty to make reasonable accommodations for any employee or applicant; therefore an employee or applicant has the right to receive reasonable accommodation of his disability from his employer.

Article 49B emphasizes the rights of the employee or applicant and the duty of the employer.

State Law & Definitions

Annotated Code of Maryland

Article 49B

In Article 49B, the definition of a disability is intentionally broad and encompasses many conditions that are not necessarily totally disabling.

Under Maryland law, a condition may be a disability even though it is NOT under the ADA.

You can view Article 49 B by clicking on the Resources link in the upper right-hand corner.

As with the Federal law, Maryland's law also protects persons according to the following categories:

- HAVE a disability now.
- HAD a disability in the past but not now (cured/recovered)

State Law & Definitions

Annotated Code of Maryland

Article 49B

- HAD a disability in the past but not now (cured/recovered).
- HAVE a disability because they are regarded & treated as such (“perceived disability”).

The definition for cured includes individuals with a history or record of disability, even if they no longer have the impairment.

Example: A person with a history drug use but has successfully completed a drug rehabilitation program.

A person who is treated by an employer as if he or she had a substantially limiting impairment even though they never had an impairment is also protected. Example: An employer cannot refuse to hire a person because he believes the applicant is developmentally impaired, even if she is not.

State Law & Definitions

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Article 49B

"Substantially limits a major life activity."

BIG DOZEN:

1. Cognitive Functions
2. Walking
3. Caring for oneself
4. Sleeping
5. Performing manual tasks
6. Reproduction
7. Breathing
8. Seeing
9. Working
10. Socializing
11. Speaking
12. Hearing

EXAMPLES of Disabilities

(If they substantially limit a major life activity)

- Stress related mental/emotional disorder
- Narcolepsy
- AIDS
- Hypertension
- Extreme varicose veins
- Obesity
- Asthma
- Post traumatic stress disorder (PTS)
- Rheumatoid Arthritis
- Chronic Fatigue Syndrome
- Some allergies
- Migraine or Cluster headaches

Time for...

Knowledge Check

Migraine or Cluster headaches can be considered a disability.

True

False

Time for...

Knowledge Check

Migraine
disability

True

False

Correct

That's right! *(If they substantially limit a major life activity)*

Continue



State Law & Definitions

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Article 49B

What does "substantially limit" mean?

Don't try to define this!

If you find yourself in a position where you are trying to define it, get help. **Ask the experts to help.**

DHMH has an ADA Coordinator and ADA designees in every administration, facility, and health department to help you deal with this complex law.



Acquire a partner - DHMH's ADA Coordinator or your ADA Designee.



State Law & Definitions

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*Some conditions are **NOT covered***

- Compulsive gambling
- Kleptomania
- Pyromania
- Pedophilia
- Gender identity or sexual disorders

However, the courts may decide otherwise. This is a law that continues to be defined by the courts.

Bottom Line for Disability Definition in Maryland

Don't assume that because a condition is not a disability under ADA, it is automatically excluded from coverage under Maryland Law.

Under Maryland law, a condition MAY be a disability even though it is not under the ADA. We must adhere to the Maryland law which has a broader definition.

State Law & Definitions

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Reasonable Accommodation Principles:

- No simple solution.
- Determined on a case-by-case basis.
- Employer has a continuing duty to accommodate.
- Each new request for accommodation must be reviewed on a “reasonable” basis.

Employer does not have to change:

- the essential functions of a job or;
- uniformly applied performance standards in order to accommodate,

But may have to change:

- the method or;
- manner or;
- the time for performing the function.

The ADA and Article 49B are complex laws that you are not expected to implement by yourself. If you find yourself wondering about or asking yourself questions about any employee or applicant and a possible disability, contact the ADA Coordinator or your ADA designee.

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Article 49B

EXAMPLES of Reasonable Accommodations:

- Time off for treatment, rest, recovery
- Extra bathroom breaks
- Modified testing or application procedure
- Flexible work schedule
- Teleworking
- Modified work uniform
- Magnifiers
- Voice activated computer
- Adaptive devices
- Transfer or reassign
- Sign language interpreter
- Providing dollies, carts

Reasonable Accommodation Principles If an Employee Becomes Unable

- Must transfer or reassign to another job which s/he is able to do.
- Must cooperate and assist employee in securing a transfer (with Office of Human Resources).
- If employee can identify a position for which s/he is qualified, must transfer or explain why.
- Big employers (like the State of Maryland) will be presumed to be capable of transferring the employee.

Time for...

Knowledge Check

Use of an adaptive device is an example of a reasonable accomodation.

True

False

Time for...

Knowledge Check

Use of an
reasonab

True

False

Correct

That's right!

Continue

State Law & Definitions

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Article 49B



Confidentiality Concerning Disabilities

- Disclosure is up to the employee.
- Disclosure to a small circle of management may be required in order for the employee to be entitled to a reasonable accommodation.
- ADA violations often come from lower levels of management. What may seem obvious to an ADA Designee is not necessarily obvious to every manager.



Acquire a partner - DHMH's ADA Coordinator or your ADA Designee.

State Law & Definitions

Annotated Code of Maryland

Article 49B

Verification of Disability

- Employee is responsible for verifying a disability and any limitations or accommodations required.
- Employee provides a note from his physician outlining disability and the accommodations which the employer must provide in order that the employee can continue to do job.
- Employer may have to do this if employee cannot.
- Do not attempt to handle this situation by yourself.



Acquire a partner - DHMH's ADA Coordinator or your ADA Designee.

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Article 49B

Click each button below to learn more
about substance abuse and ADA

DRUG ABUSE as a Disability

ALCOHOLISM as a Disability

State Law & Definitions

Annotated Code of Maryland

Article 49B

DRUG ABUSE as a Disability

Current abuse is NOT a disability. *A person may allege discrimination IF s/he:*

- Has completed a supervised drug rehab program and is no longer engaging in the illegal use of drugs. This person is considered cured or recovered.
- Is participating in a supervised drug rehab program and is no longer engaging in the illegal use of drugs. This person is considered cured or recovered.
- Is erroneously regarded as engaging in such use but is not engaging in such use. This is considered a "perceived disability".

close

State Law & Definitions

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ALCOHOLISM as a Disability (Treated differently than Drug Abuse)

Current alcohol abuse may be a disability.

- It is a condition requiring treatment.
- Reasonable accommodation: time off for treatment (paid and/or unpaid).
- Employee cannot be fired, demoted, disciplined for taking leave.
- If arrested for drunk driving (DUI), cannot be basis for discipline except in sensitive classifications.
- Employer cannot assume that an arrest for DUI means alcoholism. This is a perceived disability.

close

continue

State Law & Definitions

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Article 49B

It is in the function of hiring that supervisors most often get in "trouble" with the ADA.

BEFORE hiring, no matter how obvious the disability might be:

- NO pre-offer questions about disability allowed.
- NONE allowed on application.
- NONE allowed during interview.
- No questions about Worker's Compensation claims.

Only AFTER an offer has been made and accepted:

- Employer may inquire into existence of a disability and any accommodation required.
- If employee says he needs no accommodation at time of hire, he may ask for an accommodation later.



Acquire a partner - DHMH's ADA Coordinator or your ADA Designee.

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Supervisor Responsibility In Relation to Employees with Disabilities

**The Hiring Process
and the ADA**

Confidentiality

Harassment

**Performance
Standards**

Bottom Line

A supervisor's responsibilities in relation to employees with disabilities are basically the same as they are with any other employee you supervise.

- Assign and monitor work.
- Evaluate performance.
- Develop skills.

However, there are several areas that require special attention in relation to the ADA.

Please click each button to the left, to learn more.

Supervisor Responsibility In Relation to Employees with Disabilities

The Hiring Process and the ADA

Confidentiality

Harassment

Performance Standards

Bottom Line

The interview is a high-risk area for ADA liability.

Basic Rule:

- No disability-related questions before making an employment offer and the offer has been accepted.
- You can ask about an applicant's education, training and skills; ability to perform essential job functions; discipline and attendance.
- But you can't ask why someone has been disciplined or had attendance issues.
- You can't ask about physical or mental impairments or medication; prior worker's comp claims or injury history.

Supervisor Responsibility In Relation to Employees with Disabilities

The Hiring Process
and the ADA



Confidentiality

Harassment

Performance
Standards

Bottom Line

If you have an employee reporting to you that has a disability, disclosure to you, as the supervisor, concerning the disability may be required in order for the employee to be entitled to a reasonable accommodation.

Remember, however, disclosure is up to the employee. You are permitted to talk to the employee about a possible disability, but it is up to the employee to disclose it.

On some occasions co-workers may perceive a reasonable accommodation as preferential treatment, especially if a disability is hidden. As the supervisor, you cannot disclose an employee's disability; disclosure is up to the employee.

You must maintain confidentiality.

Supervisor Responsibility In Relation to Employees with Disabilities

**The Hiring Process
and the ADA**



Harassing someone because of a disability is just as serious as harassing someone because of race, sex, religion, or national origin. It's also illegal under the ADA.

Confidentiality

Supervisors who tolerate harassment of disabled employees by co-workers are opening up the agency to significant legal liability. Over 25% of EEOC cases are disability-related.

Harassment

Remember: It's not the intent of the person doing the alleged harassment that counts. It's the perception of the victim that determines if harassment occurred.

**Performance
Standards**

Bottom Line

Acquire a partner-DHMH's ADA Coordinator or your ADA Designee.

Supervisor Responsibility In Relation to Employees with Disabilities

The Hiring Process
and the ADA



Confidentiality

Harassment

Performance
Standards

Bottom Line

ALL workers must meet performance standards; disabled employees must maintain the same performance levels required of all other employees.

If an employee with a disability is having trouble performing essential job functions or doing so safely, don't assume the disability is the reason. Start a discussion with the employee concerning the performance problem and ask if there is anything you can do to help.

Acquire a partner-DHMH's ADA Coordinator or your ADA Designee.

Supervisor Responsibility In Relation to Employees with Disabilities

The Hiring Process
and the ADA



During application process and interview
NO questions about disability allowed.

Confidentiality

After offer has been made and accepted you
may inquire into existence of a disability and
any accommodation required.

Harassment

Any time you find yourself asking questions
about a possible employee disability, acquire
a partner - DHMH's ADA Coordinator or your
ADA Designee.

Performance
Standards

Bottom Line

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Essential Job Functions

What are essential job functions?

- Are central to the position,
- Occupy a significant amount of the employee's time,
- If removed, would substantially change the job.

Essential job functions are listed on an employee's MS-22.

Essential Job Functions

Purpose in Relation to ADA

Under the ADA, an employer must evaluate individuals according to their ability to perform essential job functions, with or without reasonable accommodation.

Therefore, during the interview process, questions must be focused on essential job functions as specified on the MS22. A copy of the MS22 must be available to the candidate before and/or during the interview.

Essential Job Functions

Essential job functions are very important for a supervisor to understand in applying this law. You need to be able to distinguish essential from non-essential job functions.

Reasons for determining if a job function is essential?

1. The position exists to perform this function. If the function is removed it would be a different job.
2. A limited number of employees is available to perform the function, or among whom the function can be distributed.

Example: *An office clerk in a busy three-person office must answer the phones. Due to the work volume, it is not possible to reassign this function to another employee.*

Essential Job Functions

Reasons for determining if a job function is essential?
(continued)

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

Example: Ability to translate Spanish into English.

4. People who have had this job in the past and people who currently have this and similar jobs perform this function.

A large amount of time is spent performing the function. Although some essential job functions require a small amount of time, like emergency job functions.

Essential Job Functions

"Other duties as assigned." ??

No, this or other similarly worded statements cannot be an essential job function since candidates must be able to answer the question, "Can you perform these essential job functions with or without reasonable accommodation?"

The candidate would not be able to answer that question without knowing what the duty would be.

Essential Job Functions

Good Practice During an Interview

A good practice during an interview is to have the essential job functions listed on a separate sheet of paper.



Then at the end of an interview after all essential job functions have been discussed, ask the candidate to look at the list and respond to the question, "Can you perform these essential job functions with or without reasonable accommodation?"

If they say yes, ask them to sign the document.

Essential Job Functions

Good Practice During an Interview

"Can you perform these essential job functions with or without reasonable accommodation?"

If they indicate in any way that it would depend on what the reasonable accommodation would be, let them know that you cannot discuss anything about possible disabilities or reasonable accommodations until after a job has been offered and accepted.

If you do this practice during an interview you must do it for ALL candidates.



Essential Job Functions

Remember...

During application process and interview NO questions about disability allowed. Focus on essential job functions.

After offer has been made and accepted you may inquire into existence of a disability and any accommodation required.

Any time you find yourself asking questions about a possible employee disability, acquire a partner - DHMH's ADA Coordinator or your ADA Designee.

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More Myths and Facts About the ADA and People With Disabilities

Myth 1

Myths are roadblocks that interfere with the ability of persons with disabilities to have equality in employment. These roadblocks usually result from a lack of experience and interacting with persons with disabilities.

Myth 2

Myth 3

This lack of familiarity has nourished negative attitudes concerning employment of persons with disabilities.

Myth 4

*Click each button for some common myths and the facts that tell the **real story**.*

Myth 5

More Myths and Facts About the ADA and People With Disabilities

Myth 1

Myth 2

Myth 3

Myth 4

Myth 5

MYTH:

Employees with disabilities have a higher absentee rate than employees without disabilities.

FACT:

Studies by firms such as DuPont show that employees with disabilities are not absent any more than employees without disabilities.

More Myths and Facts About the ADA and People With Disabilities

Myth 1



MYTH:

Under the ADA, employers must give people with disabilities special privileges, known as accommodations.

Myth 2

FACT:

Reasonable accommodations are intended to ensure that qualified individuals with disabilities have rights in employment equal - not superior - to those of individuals without disabilities.

Myth 3

Myth 4

Myth 5

More Myths and Facts About the ADA and People With Disabilities

Myth 1



Myth 2

Myth 3

Myth 4

Myth 5

MYTH:

Persons with disabilities need to be protected from failing.

FACT:

Persons with disabilities have a right to participate in the full range of human experiences including success and failure. Employers should have the same expectations of, and work requirements for, all employees.

More Myths and Facts About the ADA and People With Disabilities

Myth 1



MYTH:

Considerable expense is necessary to accommodate workers with disabilities.

FACT:

Most workers with disabilities require no special accommodations and the cost for those who do is minimal or much lower than many employers believe. Studies have shown that 15% of accommodations cost nothing, 51% cost between \$1 and \$500, 12% cost between \$501 and \$1,000, and 22% cost more than \$1,000.

Myth 2

Myth 3

Myth 4

Myth 5

More Myths and Facts About the ADA and People With Disabilities

Myth 1



MYTH:

The ADA protects employees who have difficult or rude personalities or are troublemakers.

Myth 2

FACT:

Improper behavior in and of itself does not constitute a disability, and having a disability does not excuse employees from performing essential job tasks and following the same conduct standards required of all employees. The courts have consistently ruled that "common sense" conduct standards, such as getting along with co-workers and listening to supervisors, are legitimate job requirements that employers can enforce equally among all employees.

Myth 3

Myth 4

Myth 5

MYTH or FACT?

People with disabilities were born disabled.

Fact

Myth

MYTH or FACT?

People w

Fact

Myth

Myth. You are right.

Only 15% of Americans with disabilities were born with them; one in six Americans will be disabled sometime in their lives. The U.S. population is aging, and the incidence of disability rises with age. In the past 10 years, the number of Americans with disabilities increased by 25%. In the next 10 years, the number of Americans over age 50 will increase by 40%.

Continue

MYTH or FACT?

You are right.

It is a Myth. The facts are...

- 25 million people have difficulty walking or climbing stairs.
- 18 million people have difficulty lifting or grasping a lightweight or small object.
- 14.3 million people have a mental disability, such as Alzheimer's, dementia, or learning disability.
- 7.9 million people have difficulty hearing.
- 7.7 million people have difficulty reading ordinary newsprint, even with glasses.

Continue

Myths and Facts About the ADA and People With Disabilities



Click the link below to go to the U.S. Department of Labor's website and information about:

Employers and the ADA: Myths and Facts

<http://www.dol.gov/odep/pubs/fact/ada.htm>

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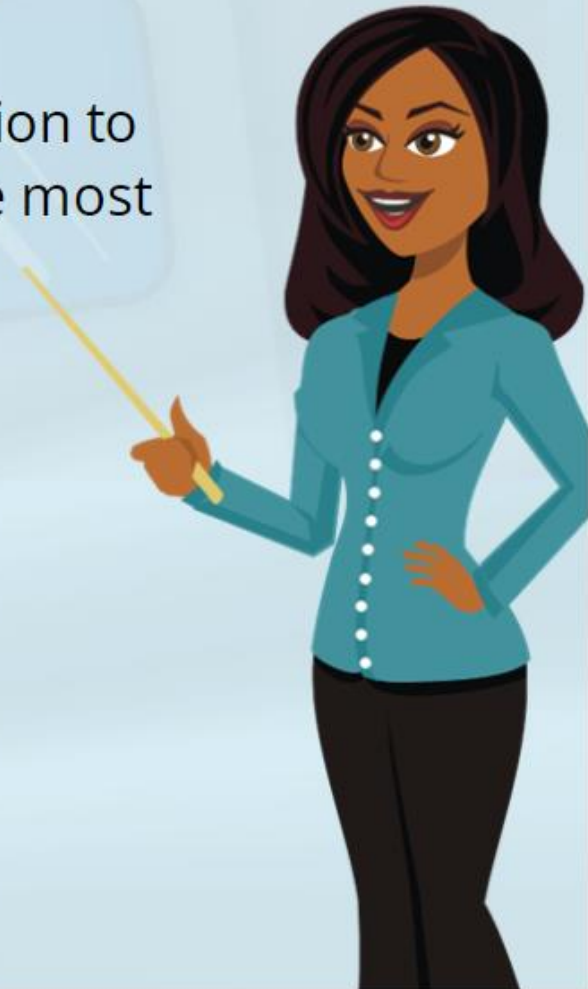
Frequently Asked Questions

What if an employee, once able, becomes unable to do the job s/he is in?

Can an employer discipline an employee with a disability who violates a conduct rule?

What is discrimination by association?

Click on each question to view answers to the most frequently asked.



Frequently Asked Questions

What if an employee, once able, becomes unable to do the job s/he is in?

Can an employer discipline an employee with a disability who violates a conduct rule?

What is discrimination by association?

If an employer transfers or reassigns personnel, then it has the duty to transfer or reassign the individual with a disability in such a predicament to another job which s/he is able to do. The employer must cooperate and assist the employee in securing a transfer from the Office of Human Resources if the employer cannot find a position within the unit or department for the employee. If the employee can identify a position for which he is qualified, the employer must transfer her/him or explain why the transfer cannot be accomplished. A large employer, like the State of Maryland, will be presumed to be capable of transferring the employee and the more likely that failing to do so will be considered a violation of the law.

Frequently Asked Questions

What if an employee, once able, becomes unable to do the job s/he is in?

Can an employer discipline an employee with a disability who violates a conduct rule?

What is discrimination by association?

Yes, but the rule must be job-related and consistent with business necessity. The rule must also be uniformly applied. For example, rules against stealing, violence, damaging equipment are job-related and consistent with business necessity. However, an employer can't discipline an employee with a psychiatric disability who is disheveled, anti-social, rude to co-workers and breaks rules requiring a "neat appearance" and "courtesy" but has no contact with the public.

Frequently Asked Questions

What if an employee, once able, becomes unable to do the job s/he is in?

Can an employer discipline an employee with a disability who violates a conduct rule?

What is discrimination by association?

In addition to protecting disabled individuals from direct discrimination, the ADA also protects friends and family members from discrimination by association. Discrimination by association occurs when an employee is denied an opportunity because they have a child, spouse or loved one with a disability. Employees with disabled family members have the right to seek accommodations, like schedule changes, if they have a family member who requires special medical care.

More Frequently Asked Questions

Does an employer have to give preference to a qualified applicant with a disability over other applicants?

No. An employer is free to select the most qualified applicant available. The ADA only makes it unlawful for you to discriminate against a qualified individual with a disability on the basis of disability.

.....

Is an employee with a condition, like a broken arm, that will heal but is temporarily unable to perform the essential functions of the job protected by the ADA?

No. Although this employee does have an impairment, it does not substantially limit a major life activity if it is of limited duration

More Frequently Asked Questions

.....
Is an employee with diabetes, or a similar condition, protected by the ADA even though the condition has no significant impact on his/her employment?

Yes. The determination as to whether a person has a disability under the ADA is made without regard to mitigating measures, such as medications, auxiliary aids and reasonable accommodations. If an individual has an impairment that substantially limits a major life activity, she is protected under the ADA, regardless of the fact that the disease or condition or its effects may be corrected or controlled.

.....
What if an applicant or employee refuses to accept an accommodation that is offered?

More Frequently Asked Questions

under the ADA is made without regard to mitigating measures, such as medications, auxiliary aids and reasonable accommodations. If an individual has an impairment that substantially limits a major life activity, she is protected under the ADA, regardless of the fact that the disease or condition or its effects may be corrected or controlled.

.....
What if an applicant or employee refuses to accept an accommodation that is offered?

The ADA provides that an employer cannot require a qualified individual with a disability to accept an accommodation that is neither requested nor needed by the individual. However, if a necessary reasonable accommodation is refused, the individual may be considered not qualified.

This concludes the course portion.

Please follow the below link to continue to the quiz:

<https://www.surveymonkey.com/r/KKV9MQ3>

You will be redirected to a new window.