

The Employers' ADA Handbook

Session 3

Performance,
Conduct, and Safety

Title I of the Americans with Disabilities Act (ADA)

- Employers may establish quality standards, essential functions, and expectations and consequences for performance and conduct.
- Employers may require applicants and employees not pose a direct threat at work.

Qualified Individual with a Disability

- Meets the qualification standards that are job-related and consistent with business necessity
- Can perform the essential functions of the job, with or without reasonable accommodation

Key Definitions

- **Qualification standards** include job-related requirements such as training, certificates, abilities, and experience.
- **Essential functions** are the fundamental and critical job duties required of the job.
- A **reasonable accommodation** is a work-related change that enables a qualified individual with a disability to access equal employment opportunities.
- **Job-related** refers to a specific job as opposed to a general class of jobs.
- **Consistent with business necessity** refers to the essential functions of a specific job.

Reasonable Accommodations

- A reasonable accommodation may be requested at any point during the hiring process and employment.
- At times, a reasonable accommodation may be all that is needed to enable an employee with a disability to meet performance, conduct, and safety standards.

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Performance and Title I of the ADA

- Low performance can be the first indicator to an employee that a disability is contributing to performance.
- When an employee responds to a low performance rating by disclosing a disability and requests a reasonable accommodation, begin the interactive process promptly.
- Employers are not required to lower performance expectations, quality standards, or remove essential functions as a form of reasonable accommodation.

Conduct and Title I of the ADA

- When an employee with a disability violates a conduct rule and disability is not a factor, the employee may receive the same consequences any employee receives who violates the same rule.
- When an employee responds to misconduct by disclosing a disability and requests a reasonable accommodation, one must be considered.

Safety and Title I of the ADA

- Direct threat should be determined through an individualized assessment and not on generalized opinions, myths, stereotypes, assumptions, or unfounded fears.
- When direct threat exists, consider whether a reasonable accommodation exists which can eliminate or reduce the risk to an acceptable level.
- Employers should take caution in applying “blanket” exclusion standards which exclude an entire classification of individuals with a particular disability.