



N.C. DEPARTMENT OF PUBLIC SAFETY
INFORMATION ABOUT THE AMERICANS WITH DISABILITIES ACT

--**Title I of the Americans with Disabilities Act (ADA)** prohibits employers from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions and privileges of employment.

--**An individual with a disability is a person who:**

Has a physical or mental impairment that substantially limits one or more major life activities;

Has a record of such an impairment; or

Is regarded as having such an impairment.

--**A qualified employee with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the job.**

--If you have a disability, you must also be qualified to perform the essential functions or duties of a job, with or without reasonable accommodation, in order to be protected from job discrimination by the ADA. First, you must satisfy the employer's requirements for the job, such as education, employment experience, skills or licenses. Second, you must be able to perform the essential functions of the job with or without reasonable accommodation. Essential job functions are the fundamental job duties that you must be able to perform on your own or with the help of a reasonable accommodation. A reasonable accommodation enables the individual to perform the essential functions of the position.

--There are a number of possible reasonable accommodations that an employer may have to provide in connection with modifications to the work environment or adjustments in how and when a job is performed. These include:

- making existing facilities accessible;
- job restructuring;
- part-time or modified work schedules;
- acquiring or modifying equipment;
- changing tests, training materials, or policies;
- providing qualified readers or interpreters; and
- reassignment to a vacant position.

--An employer does not have to eliminate an essential function, i.e., a fundamental duty of the position. This is because a person with a disability who is unable to perform the essential functions, with or without reasonable accommodation, is not a "qualified" individual with a disability within the meaning of the ADA.