

# Americans with Disabilities Act (ADA)

CITY OF CHEYENNE HUMAN RESOURCES DEPARTMENT



# Americans with Disabilities Act (ADA)

- ▶ The Americans with Disabilities Act (ADA) was signed into law on July 26, 1990, by President George H.W. Bush.
- ▶ Modeled after the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, religion, sex, or national origin – and Section 504 of the Rehabilitation Act of 1973 -- the ADA is an "equal opportunity" law for people with disabilities.
- ▶ To be protected by the ADA, one must have a disability, which is defined by the ADA as a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.



# KNOWLEGE

- ❑ Knowledge is required from employee in most all cases.
- ❑ Unless you see an obvious disability, the employee with the disability must inform the employer an accommodation is requested.
- ❑ ACA disabilities are forward-looking. Do not go back and excuse previous behavior (i.e. tardies).
- ❑ Treat performance and behavior issues through discipline.

# ADA and the Fire Fighter



Q: Can you hire someone with a disability?

A: Yes, if they meet legitimate skill, experience, education and other requirements of that position.

Q: Can I give an applicant a medical exam before hiring?

A: No, but you can give tests measuring an applicant's ability to perform job-related tasks or physical fitness tests before job offer is made.

Q: Can firefighters request reasonable accommodations due to a disability?

A: Yes. However, if the firefighter is not able to perform the job and there is not an open non-firefighting position, the department does not have to retain employee. If employee was hurt on the job there may be a different scenario.

# ADA AND MEDICAL INQUIRIES

- ❖ Employers are limited as to when they can make medical inquiries.
  - ❖ Pre-employment
  - ❖ Post job offer
  - ❖ If an employee is claiming a disability



**ALWAYS HAVE HUMAN RESOURCES MAKE THE INQUIRY**

# DISABILITIES CAN INCLUDE...

- ▶ Digestive
- ▶ Epilepsy
- ▶ Heart disease
- ▶ Neurological
- ▶ Learning disabilities
- ▶ Drug addiction (legal drugs)
- ▶ Visual impairments
- ▶ Diabetes
- ▶ Hearing impairments



If you are not sure,  
ask Human Resources  
for guidance.