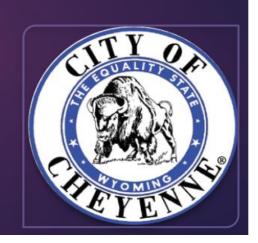
# Americans with Disabilities Act (ADA)

CITY OF CHEYENNE HUMAN RESOURCES DEPARTMENT



# Americans with Disabilities Act (ADA)

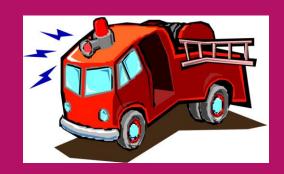
- ► The Americans with Disabilities Act (ADA) was signed into law on July 26, 1990, by President George H.W. Bush.
- ▶ Modeled after the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, religion, sex, or national origin and Section 504 of the Rehabilitation Act of 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.