

Facts about the Americans with Disabilities Act

Title 1 of the Americans with Disabilities Act of 1990, which took effect July 26, 1992, prohibits private employers, state and local governments, employment agencies and labor unions 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 impairment.

A qualified employee or applicant with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question. Reasonable accommodation may include, but is not limited to:

- Making existing facilities used by employees readily accessible to and usable by persons with disabilities.
- Job restructuring, modifying work schedules, reassignment to a vacant position;
- Acquiring or modifying equipment or devices, adjusting modifying examinations, training materials, or policies and providing qualified readers or interpreters.

An employer is required to make an accommodation to the known disability of a qualified applicant or employee if it would not impose an “undue hardship” on the operation of the employer’s business. Undue hardship is defined as an action requiring significant difficulty or expense when considered in light of factors such as an employer’s size, financial resources and the nature and structure of its operation.

An employer is not required to lower quality or production standards to make an accommodation, nor is an employer obligated to provide personal use items such as glasses or hearing aids.

MEDICAL EXAMINATIONS AND INQUIRIES

Employers may not ask job applicants about the existence, nature or severity of a disability. Applicants may be asked about their ability to perform specific job functions. A job offer may be conditioned on the results of a medical examination, but only if the examination is required for all entering employees in similar jobs. Medical examinations of employees must be job related and consistent with the employer’s business needs

DRUG AND ALCOHOL ABUSE

Employees and applicants currently engaging in the illegal use of drugs are not covered by the ADA, when an employer acts on the basis of such use. Tests for illegal drugs are not subject to the ADA’s restrictions on medical examinations. Employers may hold illegal drug users and alcoholics to the same performance standards as other employees.

EEOC ENFORCEMENT OF THE ADA

The U.S. Equal Employment Opportunity Commission issued regulations to enforce the provisions of Title 1 of the ADA on July 26, 1991. The provisions originally took effect on July 26, 1992, and covered employers with 25 or more employees. On July 26, 1994, the threshold dropped to include employers with 15 or more employees.

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The applicant must be able to perform the essential functions of the position and perform with or without “reasonable accommodation”. Below are the “Essential Functions of a Police Officer” supplied by the Division of Criminal Justice.

If the applicant can perform the essential functions, he/she is then protected by the ADA.

1. Walk, sometimes for long periods, in extreme weather conditions, in physically hazardous locations.
2. Runs, sometimes sprinting at a high rate of speed for a short distance in extreme weather conditions, in physically hazardous locations.
3. Ascend or Descend stairs.
4. Climb over, pull up over, and jump over obstacles.
5. Jump down from elevated surfaces or areas.
6. Climb or crawl through openings.
7. Crawl under obstructions or in confined areas.
8. Balance on uneven or narrow surfaces.
9. Use body force to gain entrance or break through barriers.
10. Push objects, vehicles or persons.
11. Pull objects or persons.
12. Lift and carry objects or persons.
13. Drag objects or persons.
14. Sit or stand for extended periods of time.
15. Employ defensive tactics, using balance, leverage, concentration of power and opponent’s power.
16. Swim.
17. Operate a motor vehicle, during the day or night, in emergency situations, at high rates of speed, on the open road or in congested traffic, in unsafe conditions caused by factors such as fog, smoke, rain, ice or snow.
18. Detain individuals.
19. Stop suspicious individuals and vehicles.
20. Pursue fleeing suspects, in a vehicle or on foot.
21. Disarm persons.
22. Restrain or subdue resisting suspects.
23. Effectuate a full physical custody arrest, forcibly if necessary, using handcuffs and other restraints.
24. Conduct visual and audio surveillance.
25. Perform law enforcement patrol functions, on foot or in a vehicle.
26. Issue Summons.
27. Direct traffic, sometimes for long periods of time, using hand signals, flares, barricades.
28. Observe, record, recall, and report incidents and information.
29. Operate radar equipment.
30. Administer field sobriety tests.
31. Operate a fire extinguisher.
32. Fingerprint, photograph, and videotape individuals, objects and scenes.
33. Transport citizens, prisoners and committed mental patients, using handcuffs and other restraints, when appropriate.
34. Work rotating shifts and adapt to irregular working conditions.
35. Maintain mental alertness and readiness to act, even during periods of calm and inactivity.
36. Identify, collect, label and preserve evidence.

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37. Secure the scene of a crime, emergency or disaster.
38. Stand guard at the scene of a crime, emergency, or to prevent damage, loss, or injury.
39. Control crowds.
40. Secure and evacuate persons from particular areas, using verbal commands or the appropriate degree of physical force.
41. Perform rescue and support functions at the scenes of accidents, emergencies, and disasters.
42. Administer emergency first aid.
43. Physically check buildings, including doors and windows, to insure they are secure.
44. Mediate hazardous conditions by direct action or notification of appropriate authority or agency.
45. Perform searches of people, vehicles, buildings and large outdoor areas, which may involve seeing, feeling, and detecting objects and walking for long periods of time.
46. Search for missing, wanted or lost persons or evidence.
47. Load, unload, aim and fire a handgun and shotgun in day and night conditions from a variety of body positions at the proficiency level required by qualification standards.
48. Process arrested persons, which includes examining documents, communicating verbally and eliciting and recording information.
49. Understand and follow orders, policies and procedures.
50. Accept direction and function cooperatively as one member of a unit.
51. Communicate effectively verbally and in writing, detailing incidents and activities of those involved.
52. Prepare written investigative and other reports, including sketches, using appropriate grammar, symbols and mathematical computations.
53. Read and comprehend legal and non-legal documents, including the preparation and processing of documents such as summonses, affidavits and warrants.
54. Communicate effectively and coherently over telephone, walkie-talkie, or radio initiating or responding to verbal communications.
55. Communicate effectively in court and in other formal settings.
56. Communicate effectively with people, including juveniles, by giving information and direction, by eliciting information, and by advising of rights, processes and procedures.
57. Communicate effectively with individuals in an agitated or distraught condition.
58. Integrate individual activities and goals with the efforts of other members of the law enforcement community for the promotion of common goals and objectives.
59. Mediate disputes and confrontations with hostile and potentially violent individuals.
60. Gather information by observation of behavior, visual inspection and oral communication; determine what information is significant; assess a situation based on the information and exercise independent judgment to make decisions concerning choice of action and equipment.
61. Perform a variety of tasks involving different and sometimes contrasting skills in rapid succession during a short period of time.
62. Exercise independent judgment in determining when there is reasonable suspicion to detain, when probable cause exists to search and/or arrest, and when force may be used and to what degree.
63. Endure verbal, mental and physical abuse including threats, taunts and insults to self, family and fellow officers.
64. Withstand exposure to and deal with stress involved in dealing with hostile views, opinions and behaviors in antagonistic settings: with crime victims, accident victims, disaster victims, and their families: with incidents of suicide and domestic violence.