Facts About the ADA (taken from the www.eeoc.gov website)

The Americans with Disability Act (1990), which took effect July 26, 1992, and the ADA Amendments Act of 2008, which took effect January 1, 2009, require employers to provide reasonable accommodations to enable people with disabilities to perform the essential functions of their job.

A person with a disability is someone 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.

Major life activities include, but are not limited to:
- caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. Major life activities also include major bodily functions such as functions of the immune system; normal cell growth; and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Reasonable accommodations may include, but are 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 positions;
- acquiring or modifying equipment or devices, adjusting or modifying training materials or policies, and providing qualified readers or interpreters.

An employer is required to make a reasonable accommodation 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. Reasonable accommodations are adjustments or modifications provided by an employer to enable people with disabilities to enjoy equal employment opportunities. Accommodations vary depending upon the needs of the individual applicant or employee. Not all people with disabilities (or even all people with the same disability) will require the same accommodation. For example:

- A deaf applicant may need a sign language interpreter during the job interview.
- An employee with diabetes may need regularly scheduled breaks during the workday to eat properly and monitor blood sugar and insulin levels.
• A blind employee may need someone to read information posted on a bulletin board.
• An employee with cancer may need leave to have radiation or chemotherapy treatments.

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. In addition, an employer does not have to provide a reasonable accommodation unless an individual with a disability has asked for one. If an employer believes that a medical condition is causing a performance or conduct problem, the employee may be asked how best to solve the problem and if he/she needs a reasonable accommodation. Where more than one accommodation would work, the employer may choose the one that is less costly or that is easier to provide.

Once a reasonable accommodation is requested, the employer and the employee will discuss the individual’s needs and identify the appropriate reasonable accommodation. The ADA places the initial responsibility on the employee to inform his/her employer of the need for an accommodation. An individual with a disability may request a reasonable accommodation at any time during the application process or during the period of employment.

Requests for reasonable accommodation do not need to be in writing. Individuals may request accommodations in conversation or may use any other mode of communication. An employer may choose to write a memorandum or letter confirming the individual’s request. Alternatively, an employer may ask the individual to fill out a form or submit the request in written form, but the employer cannot ignore the initial request. An employer also may request reasonable documentation that the individual has an ADA disability and needs a reasonable accommodation. In requesting documentation, an employer may specify what types of information the employer is seeking regarding the disability, its functional limitations, and the need for a reasonable accommodation.

An employer may require that the documentation about the disability and the functional limitations come from an appropriate health care or rehabilitation professional. The appropriate professional in any particular situation will depend on the disability and the type of functional limitation it imposes. Appropriate professionals include, but are not limited to, doctors, psychiatrists, psychologists, nurses, physical therapists, occupational therapists, speech therapists, vocational rehabilitation specialists, and licensed mental health professionals. If an individual’s disability or need for reasonable accommodation is not obvious, and he/she refuses to provide the reasonable documentation requested by the employer, then he/she is not entitled to a reasonable accommodation.

If you need a reasonable accommodation to work or study at the MBL, please contact MBL’s EEO Coordinator Jane MacNeil, 109 Homestead Building, Marine Biological Laboratory, 7 MBL Street, Woods Hole, MA 02543, fax 508-289-7931, eeo@mbl.edu.