



Information About

Employment Protections of the Americans with Disabilities Act

The Americans with Disabilities Act (ADA) does not cover every employment situation between an applicant and an employer or an employee and an employer. For the ADA to apply to an employment issue, all of the following have to be true:

- the employer is a covered employer;
- the employee or applicant has a disability according to the ADA;
- the employee or applicant is qualified to perform the job; and
- the employer discriminates against an applicant or employee on the basis of disability.

What Is a Covered Employer?

Private employers with 15 or more employees and state and local governments are considered to be a covered employer. Public schools, police and fire departments, public libraries, and public parks and recreation facilities are some examples of state and local employers.

The ADA does not apply to the federal government. Federal government employees are protected under another anti-discrimination law, the Rehabilitation Act of 1973.

What Is a Disability According to the ADA?

The employee or applicant must have a physical or mental impairment that substantially limits one or more of life's major activities.

Can a Person Without a Disability Be Protected By the ADA?

Sometimes a person does not have a physical or mental impairment that substantially limits a major life activity but that person is still protected by the ADA. Examples include the following:

- A qualified person who has a record of a disability or substantially limiting impairment.
- A qualified person who is regarded as having such an impairment.
- A person who has a known relationship or association with a person with a disability.
- A person who has testified, assisted, or participated in an investigation, proceeding, or hearing about discrimination under the ADA.

How Do You Know if a Person with a Disability is Qualified to Perform the Job?

A person with a disability must meet the minimum qualifications for the job. Job qualifications include, but are not limited to, the skill, experience, education, medical, safety, physical, and other requirements a covered employer sets as requirements for a job.

Not only must a person meet the minimum qualifications for the job, the person must also be able to perform the essential functions (important or necessary job duties) of the job with or without reasonable accommodation(s).

A reasonable accommodation is an adjustment to the job, the workplace, or the way things usually are done that allows a qualified person with a disability to enjoy an equal employment opportunity.

When Does the ADA Prohibit an Employer from Discriminating on the Basis of Disability?

If a person is a qualified person with a disability and works for a covered employer, the ADA prohibits an employer from discriminating on the basis of disability. The ADA makes job discrimination practices against qualified persons with disabilities unlawful in areas such as hiring, promotion, assignments, and termination.

How Do You File a Complaint?

If you feel you have been discriminated against by an employer, you are eligible to file a complaint with either the Virginia Council on Human Rights at (804) 225-2292 or the Equal Employment Opportunity Commission (EEOC) at (804) 771-2200.

If you need further information, please feel free to contact us.

Virginia Office for Protection and Advocacy

1910 Byrd Avenue, Suite 5
Richmond, Virginia 23230
800-552-3962 (Toll-Free in Virginia) (Voice and TTY)
804-225-2042 (Voice and TTY)
Fax: 804-662-7057
E-Mail: general.vopa@vopa.virginia.gov
Web: www.vopa.state.va.us

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