

Good job descriptions can prevent ADA lawsuits

Managers often feel uncomfortable when interviewing applicants with disabilities. Always remember that the focus of the job interview should be on what the job involves, not the disability of the applicant. You should have a complete job description, detailing all of its demands. Then you and the applicant can judge together what, if any, accommodations might be necessary.

The best way to avoid a trip to the courtroom to deal with an Americans with Disabilities Act (ADA) accusation is to use a job description that concentrates on the following components:

Essential duties: Describe what is to be accomplished in terms of guidelines instead of specifying the method of performing duties. For example, describe a task as “communicating information,” instead of “writing information on a notepad.” Workers with disabilities may perform certain jobs in a unique manner, such as typing or audio-recording information, if writing is a problem.

Mental function: List all elements that might be required, such as inspecting, cataloging and calculating, so you can determine what abilities are required. For instance, if a job requires visual inspection, the ability to see is required.

Physical functions: Break down each task into physical elements such as lifting, carrying, bending, breaking, removing and packing.

Methods: List the factors necessary to accomplish the essential duties of the job, e.g., the extent of lifting or reaching involved, the amount of interaction with co-workers, or the amount of manual dexterity required.

Output: Estimate how many times a day physical tasks are performed and how much stamina is required.

Working conditions: Include factors such as work site temperatures, noise levels, gases, fumes or hazardous materials, and space restrictions.

Equipment, tools, materials: Will slight adjustments mean that the individual with the disability will be able to perform the job effectively?

Note: An employer does not have to provide an accommodation that causes undue hardship (e.g., is an economic burden, is unduly expensive or disruptive, or fundamentally alters the nature or operation of the business). For example, a small company will likely not have to install costly adaptive lifting and driving equipment in its delivery van to accommodate a wheelchair-bound job candidate who seeks a job as a delivery driver.