



DELIVERING STRATEGIC SOLUTIONS ACCA'S 2000 ANNUAL MEETING

THE CATHOLIC UNIVERSITY OF AMERICA

Office of the General Counsel

ADA Guidelines

Job Descriptions/Essential Job Functions

Job Descriptions: The employer should take care that the qualification standards do not screen out individuals with disabilities, and if they do, such standards must be job-related and consistent with business necessity. The ADA does not require job descriptions to identify essential job functions, but the employer may wish to rewrite job descriptions to clearly identify essential job functions and the physical/mental requirements of each function. The essential functions should be described in terms of the results or outcome of a function, not solely on the way it customarily is performed. A reasonable accommodation may enable a person with a disability to accomplish a job function in a manner that is different from the way an employee who is not disabled may accomplish the same function.

Definition of Essential Functions: A job function is essential if removal of that function would fundamentally change the job. Ask the following questions to determine whether a particular function is essential:

- * Does the position exist to perform that function? If yes, then it is an essential job function.
- * Can the function only be performed by a limited number of employees? If yes, then is likely to be considered an essential job function.
- * Does the position require highly specialized skills? If the function is highly specialized it is likely to be considered an essential job function.
- * How much time does the employee spend performing the particular function? The more time spent on a function, the more likely that it will be considered an essential job function.
- * What is the consequence of not performing the function? If failure to perform the function has adverse effects, it is likely to be considered an essential job function.
- * Does the collective bargaining agreement (CBA) or a job posting or description define the position? If yes, look to see if that function is listed as part of the job. The CBA job description, as well as any other position description, while not determinative, will be considered as evidence of what is or is not as essential job function.
- * What is the work experience of the person who held the position in the past? This information will also be considered relevant in determining whether or not a job function is essential.

Espirit de corps: The ability to get along with coworkers and superiors has been held to be an essential job function. It may be wise to include this ability in all job descriptions as an essential job function. This requirement may conflict with the recently issued EEOC guidelines on accommodating employees with psychiatric disabilities.

Sample job descriptions may be obtained from the CUA [Office of Human Resources](#).

N.B. The summary of how to determine essential functions was adapted from an excerpt from *Americans with Disabilities Act Audit Guidelines* by Stephen S. Dunham, Morrison and Foerster and is used with permission.

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Case law: *Grenier v. Cyanamid Plastics, Inc.*, 70 F.3d 667 (1st Cir. 1995).

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