The 2009 ADA Amendment and Your Company
A Moving Target or Business as Usual?

January 2009, the American's with Disabilities Act of 1990 (ADA) was amended to expand the definition and coverage of illnesses and conditions considered disabling. With this broadened definition come new challenges for company human resources and health and safety representatives. Now, more than ever, businesses should review their job descriptions and hiring procedures to ensure that they are not only hiring the best and most qualified candidates, but are also protecting the organization from a potential claim for discrimination or failure to accommodate.

Prior to the 2009 ADA amendment, job descriptions were, generally, rather simple documents used to inform potential new employees about the tasks they would be expected to perform in the new position. Most of these descriptions were generated without regard to the specific physical requirements of each job, in favor of a one-size-fits-all list of requirements encompassing many positions. Companies are now finding simple, generalized job descriptions, are the weak foundation on which their hiring practices are constructed.

Without a Functional Job Description (FJD) for each position, employers may experience difficulty separating essential and non-essential functions of a job when defending ADA Failure to Accommodate and/or Undo Hardship claims. However, with an FJD from Advanced Consulting & Ergonomics (ACE), employers can establish an ADA compliant groundwork for defending these actions. All job functions deemed essential to the job (specified prior to hiring/placement) are considered to be legally defensible (ADA section 12111.8). Avoid the costly mistake of writing your own job descriptions. Leave your job descriptions to the professionals at Advanced Consulting & Ergonomics.

Building a solid foundation for defending ADA claims is only the first campaign in the battle to reduce work place injuries and worker's compensation claims. Advanced Consulting & Ergonomics also offers post-offer screening evaluations. Post-Offer Evaluations (POE) are job-specific physical tests designed to **screen new hires** or intra-company transfers. POEs ensure all new employees are physically able to perform the essential functions of a job before they start. POEs are ADA compliant and are constructed with the use of an **FJD** to increase the quality of new hire candidates, and to reduce a company's risk for hiring employees prone to workplace injuries.

Call (317) 390-5590 to learn more about these services.

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