



S T R A T E G I E S

Employee Benefits

Accommodating People with Disabilities & the Americans with Disabilities Act

BY KEITH HUFFMAN

You need people to run your business. Simple, right? Not so simple. You need *qualified, engaged and productive* people to run your business. When you find them, they are gold and you have to hang on to them – even when they need a reasonable accommodation due to a disability. This is good business and it's the law. It applies to people working for you and those applying for jobs at your company.

The Americans with Disabilities Act of 1990 (ADA) is an equal opportunity law enacted to eliminate discrimination against people with disabilities in employment, housing, public accommodation, education, transportation, access to public facilities and telecommunications. It applies to an employer who employs 15 or more employees on 20 or more calendar weeks in the current or preceding calendar year. The ADA was amended in 2008 (ADAAA) to substantially expand the protections afforded by the original Act.

The Act provides that employers must provide reasonable accommodation to qualified job candidates in order for the candidate to accomplish the essential functions of the job for which you are hiring. In other words, people with disabilities are to have equal opportunity in the hiring process as those who are able-bodied. ADA also requires that an employer make reasonable accommodations for current employees to continue on the job when faced with a limiting condition. Also, employees who are out on disability can request a reasonable accommodation in order to return to work.

This all sounds daunting to many employers, but it doesn't have to be. Often the cost of the accommodation is minimal, and many disability insurance carriers pay the cost and even provide services to ensure a safe return to work. Many also provide these same services to accommodate the person struggling on the job due to a limiting condition and in doing so help prevent a disability claim from occurring. Disability insurers are



happy to offer these value-added services that assist you in complying with the requirements of ADA in return for your disability business.

While all of these compliance matters are important, let's not lose track of what is equally important – you have your valued employee back at work! This is that *qualified, engaged and productive* person who helps you run your business. You are not faced with hiring a new person, training them, living through the mistakes new hires make and the ramp-up time it takes for them to become productive. In the end you save money by having your old employee back. But wait, there's more! Other employees will see how much you care and that's good for employee engagement and something you can't have enough of – loyalty.

ADA – it's the law, it's good business and it's the right thing to do. 🇺🇸



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