



The University of Georgia  
**ADA**  
Frequently Asked Questions

Further questions? Please contact the Human Resources Office of Faculty & Staff Relations at 706.542.9756

**1. Who is an individual with disability?**

Under the ADA, a person with a disability is one who has a record of permanent or chronic physical or mental impairment. This excludes impairments with actual or expected duration of six months or less. An impairment that is “correctable” is not a disability under ADA (i.e., poor eyesight may be correctable with proper eyewear/glasses). Determinations must be made on a case-by-case basis.

**2. Who is a qualified individual with a disability?**

An individual, in addition to having a disability, must satisfy the requisites (e.g. education, experience, skills, etc.) of the employment sought or held and must be able to perform the essential functions of the position with or without reasonable accommodation.

**3. Do employees/applicants with a history of illegal drug use have rights under ADA?**

Casual drug use is not a disability under the ADA. In order for an individual’s drug addiction to be considered a disability under ADA, individuals who are addicted to drugs must have a record of such addiction or impairment under ADA. In addition, the individual can not currently be using illegal drugs.

**4. What are essential functions of a job?**

Essential functions are fundamental job duties intrinsic to the position. Whether a function is “essential” depends upon such factors as the amount of time the employee spends performing the function and the effect on the institution if the employee did not perform the function.

**5. Is the employer required to create a position for an employee, who because of a disability, can no longer perform the essential functions of his/her position even with reasonable accommodation?**

No, the ADA does not require an employer to create positions for people with disabilities. However, the employee may be reassigned to a vacant position for which the individual is qualified if it does not involve a promotion and it would not result in an undue hardship

**6. Are requests for accommodation confidential?**

The reasonable accommodation process is confidential and UGA respects an individual’s right to privacy. The submitted information will be reviewed only by those individuals who have a legitimate need to know such information or who have a legitimate need to know of the determination of the request.

**7. Are employees/applicants protected from retaliation?**

An individual making a request for reasonable accommodation is protected from retaliation for making such a request. If the individual perceives that s/he is subjected to retaliation for such a request, this should be brought to the immediate attention of the University’s Equal Opportunity Office.

**What is a reasonable accommodation?**

“Reasonable accommodation” is a modification or adjustment to a job, an employment practice, or the work environment for an employee/applicant with qualifying physical or mental limitation(s). An accommodation request may be denied if it imposes an undue hardship to UGA.

Examples of reasonable accommodations requests (unless it creates an undue hardship):

- (1) Job restructuring
- (2) Modifying work schedules
- (3) Reassignment to vacant position
- (4) Modifying/acquiring facilities or equipment

Reasonable accommodation does NOT require:

- (1) Lowering quality or quantity of job standards
- (2) Providing person with eyeglasses, hearing aids, etc.
- (3) Actions that are excessively costly, extensive, substantial or disruptive; or that would fundamentally alter the nature or operation of the business.
- (4) Reassigning essential functions of a job