

# INSTRUCTIONS FOR IDENTIFYING ESSENTIAL FUNCTIONS

## A. INTRODUCTION:

In order to be in compliance with the Americans with Disabilities Act, position descriptions must be written outlining the "Essential Functions" and "Marginal Functions" of each position.

## B. IDENTIFYING THE ESSENTIAL FUNCTIONS OF A JOB

### 1. **Reasons Why Functions Could Be Considered Essential**

The Equal Employment Opportunity Commission (EEOC) has stated that there are several reasons why a function could be considered essential:

- a. The position exists to perform the function.

*For Example: A person is hired to keyboard documents. The ability to keyboard accurately is an essential function, because this is the reason that this position exists.*

- b. There are a limited number of other employees available to perform the function, or among whom the function can be distributed. This may be a factor because there are only a few other employees, or because of fluctuating demands of the department's operation.

*For example: It may be an essential function for a file clerk to answer the telephone if there are only three employees in a very busy office and each employee has to perform many different tasks. Or, a department with a large workforce may have periods of very heavy labor - intensive activity alternating with less active periods. The heavy work flow during peak periods may make performance of each function essential, and limit an employer's flexibility to reassign a particular function.*

- c. A function is highly specialized, and the person in the position is hired for special expertise or ability to perform it.

*For example: A department wishes to expand its services with a diverse community. For a new position, in addition to experience, it requires a person who can communicate fluently in another language. Fluent communication in the language is an essential function of the job.*

### 2. **Evidence to Consider in Determining Whether Function is Essential.**

The EEOC has stated that there are several types of evidence to be considered in determining whether a function is essential. Evidence to be considered includes, but is not limited to, the following:

- a. The employer's judgment

An employer's judgement as to which functions of a job are essential is important evidence. Legislative history of the ADA, however, indicates that Congress did not intend that this should be the only evidence, or that it should be the prevailing evidence. It is simply a factor to be considered along with other relevant avenues. However, an employer will not be second-guessed on production standards, setting the quality or quantity of work that must be performed by a person holding a job, or be required to set lower standards for the job.

- b. Written Job Descriptions

A written job description that is prepared before advertising or interviewing applicants for a job will be considered, along with other relevant factors, as evidence of the essential functions of the job. A job description will not be given greater weight than relevant evidence.

The issue of job descriptions has received significant attention since the passage of the ADA. It is true that job descriptions can be helpful in supporting an employer's position as to what functions of a job are essential; however, **it is important to note that out-dated and/or inaccurate job descriptions may actually do more harm than good.** The weight that evidence of a job description will be given will depend directly on how closely it is tailored to the actual duties of the job. A job description that does not accurately reflect the actual functions of the position, especially the essential functions, may actually work to the detriment of an employer.

In identifying an essential function to determine if an individual with a disability is qualified, the employer should focus on the purpose of the function and the result to be accomplished, rather than the manner in which the function presently is performed. An individual with a disability may be qualified to perform the function if an accommodation would enable this person to perform the job in a different way, and the accommodation does not impose an undue hardship. Although it may be essential that a function be performed, frequently it is not essential that it be performed in a particular way.

*For example: In a job requiring use of a computer, the essential function is the ability to access, input, and retrieve information from the computer. It is not "essential" that a person in this job enter information manually or visually read the information on the computer screen. Adapted devices or computer software can enable a person without arms or a person with impaired vision to perform the essential functions of the job.*

c. Amount of Time Spent Performing Function

The amount of time that the employee spends performing the function is an important consideration in determining whether or not the function is essential.

*For example: If an employee spends most of the time or a majority of the time operating a particular piece of equipment, this would be evidence that operating this equipment is an essential function.*

d. Consequences of Not Requiring Function to be Performed

Sometimes a function that is performed infrequently may be essential because there will be some serious consequences if it is not performed.

*For example: A clerical worker may spend only a few minutes a day answering the telephones, but this could be an essential function if no one else is available to answer the phones at that time, and business calls would go unanswered.*