

Essential Functions in the Workplace: Learner's Guide

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Overview

Opportunities for Ohioans with Disabilities (OOD) supports employers in creating workplaces that are diverse and inclusive of employees with disabilities. One-way OOD does this is through providing consultations and training on creating disability-inclusive and accessible workplaces.

This can include providing education for employers on Title I of the Americans with Disabilities Act (ADA). The ADA is a civil rights law comprised of five titles. Title I prohibits employment discrimination based on disability and requires covered employers to provide reasonable accommodations to enable individuals with disabilities to compete for and perform jobs, unless doing so causes an undue hardship.

To receive protection under Title I, an individual with a disability must be qualified for the job. Being qualified for the job means the individual meets the employer's job-related qualification standards and can perform the job's essential functions, with or without a reasonable accommodation. Customarily, employers determine whether a candidate meets the job's qualification standards first and then determines if the candidate can perform the job's essential functions, with or without a reasonable accommodation. This process for determining whether a candidate is qualified emphasizes the need for employers to identify the job's essential functions.

This learner's guide is a reference companion to a webinar which addresses essential functions in the workplace. To help employers create and use essential functions, these topics will be addressed:

- Description of Essential Functions,
- Ways to Determine Essential Functions,
- How to Describe Essential Functions Inclusively, and
- The Role of Essential Functions.

The information included is for educational purposes, is not an exhaustive list, and is not intended as legal advice.

Description of Essential Functions

Title I is regulated and enforced by the Equal Employment Opportunity Commission (EEOC). In its guidance, the EEOC defines essential functions as "the basic job duties" an applicant or employee with a disability "must be able to perform, with or without reasonable accommodation." In other words, essential functions are the critical job duties that must be completed to meet the job's expectations and removal of these duties would "fundamentally change a job."

The EEOC guidance states employers should examine its jobs to determine their essential functions before making recruitment efforts, conducting the hiring process, or making employment decisions. Although employers are not required under the ADA to create job descriptions, employers often do, and it is a best practice to include the job's essential functions in these job descriptions.

The EEOC provides information for employers to consider when determining which functions of a job are essential. This will be discussed in the following section.

OOD Resource:

For more information on the requirement to be qualified, view OOD's on-demand webinar "**The Employers' ADA Handbook – Title I Overview**" on the employer's page of the [website](#).

For information on qualification standards, view OOD's on-demand webinar "**Supervisors and Title I of the ADA**" on the employer's page of the [website](#).

Ways to Determine Essential Functions

The ADA generally does not prohibit an employer from establishing or changing its jobs and the functions required to perform them. A job is customarily comprised of essential functions and marginal functions. While essential functions are the main duties of the job, marginal functions are the less critical tasks of the job.

There are a variety of reasons a function might be considered essential. Here are factors from the EEOC for employers to consider when determining essential functions:

- Whether the job exists to perform the function,
- The number of additional employees available to perform the function,
- The number of additional employees the function can be distributed amongst, and
- The level of skill or expertise required to perform the function.

In addition, there are several types of evidence the EEOC considers when determining essential functions. This list is not all-inclusive and no one factor is more relevant than another. Here is the list of evidence to consider from the EEOC when determining whether a task is an essential function:

- The employer's judgment that a task is an essential function,
- A job description written before advertising or interviewing for the job,
- The work experience of past and present employees performing the job,
- The amount of time spent performing the function,
- The consequences of a function not being performed,
- And terms of a collective bargaining agreement.

The Job Accommodation Network (JAN) offers a "Technical Assistance Manual for Title I of the ADA" on its [website](#) which includes examples for the factors and evidence shared above.

For employers who are required by other rules and regulations or who wish to create job descriptions, it's a best practice to include the job's essential functions in these. JAN provides a resource on its [website](#) titled "Job Description Topics" which describes job descriptions, identifies factors for deciding whether to use job descriptions, and shares best practices for completing job descriptions.

Once an employer identifies a job's essential functions, consideration should be given to how these are described. This will be discussed in the following section.

OOD Resource:

Employer partners may consider a worksite accessibility consult to discuss creating job descriptions and determining essential functions. For more information, view OOD's on-demand webinar "**The Employers' ADA Handbook, Session 4, Resources and Funding**" on the employer's page of the [website](#) or go to the "**Worksite Accessibility Services**" page on OOD's [website](#).

How to Describe Essential Functions Inclusively

Essential functions are most effective when written based on the outcome of the job task and in an inclusive way.

Outcome-Based

The focus of an essential function should be on the purpose of the task and the desired outcome, rather than the customary way the job is performed. This is because there is often more than one way to perform a task. An individual with a disability may have a limitation with performing a task in the customary way it has always been done but can perform the task just as effectively using a reasonable accommodation.

Here are some examples of outcome-based essential functions statements and reasonable accommodation ideas from JAN:

- Instead of stating: "writes down notes during meetings"
 - Consider stating: "records notes during weekly meetings"
 - Reasonable accommodation idea: use of a recording device, such as a Smart pen
- Instead of stating: "she files folders"
 - Consider stating: "the clerk files folders alphabetically based on category"
 - Reasonable accommodation idea: use of a reference sheet which lists designated categories in alphabetical order
- Instead of stating: "manually lift and load 50-pound cartons"
 - Consider stating: "maneuver 50-pound cartons from one place to another"
 - Reasonable accommodation idea: coordination of a two-person lift amongst coworkers or use of a lifting device
- Instead of stating: "ability to read technical manuals"
 - Consider stating: "ability to learn technical material"
 - Reasonable accommodation idea: use of audiotapes to receive technical information or through instruction from a job coach

Inclusive Language

Describing essential functions using inclusive language is another way to support the possibility of a job task being performed effectively in more than one way. The following best practices can be helpful to ensure essential functions include inclusive language:

- Use plain language that is clear and concise with words that have a single meaning,
- Define words clearly when the word can be interpreted in more than one way, and

- Avoid using jargon, technical terms, proprietary names, and unnecessary words, terms, or phrases.

When describing the physical demands of a job, certain words are more inclusive than others. PACE University created a [chart](#) of common descriptions of physical demands with suggested inclusive language. A few examples from PACE University include:

- Instead of stating “**stand, sit,**” state “**stationary position**”
- Instead of stating “**walk, run,**” state “**move, traverse**”
- Instead of stating “**use hands/fingers to handle or feel,**” state “**operate, place, detect, adjust**”
- Instead of stating “**talk, hear,**” state “**communicate, convey, exchange information**”
- Instead of stating “**see,**” state “**detect, determine, discern, distinguish, identify, inspect**”
- Instead of stating “**carry, lift,**” state “**move, transport, position, install**”

HR Guide offers guidance on their [website](#) for creating job descriptions and essential functions statements, which they refer to as duty statements. Here are some key points:

- Duty statements (essential functions statements) are recommended to be:
 - Written using action words and focused on the task’s outcome, and
 - Constructed using a verb, object, and purpose. Here are two examples:
 - “Collects financial data to evaluate budget requests.”
 - “Overhauls and repairs equipment daily, or as needed.”

Essential functions play a role in the hiring process and all aspects of employment. This will be discussed in the following section.

OOD Resource:

For more information on creating job descriptions, view OOD’s on-demand webinar “**Inclusive Hiring: Applicants with Disabilities**” on the employer’s page of the [website](#).

The Role of Essential Functions

Essential functions are a valuable tool in an inclusive workplace. They have a role in the hiring process and during employment. This section will discuss how essential functions are useful in the hiring process, performance evaluation, and the interactive process.

Hiring Process

The role of essential functions in the hiring process begins with recruitment. Many applicants rely on job descriptions as a screening tool to decide whether they’re qualified for the job. Creating a written job description that includes the job’s essential functions serves as an effective recruitment tool to attract qualified applicants. Including essential functions in job postings and on applications can result in expanding the pool of qualified candidates for employers to consider for their open positions. In addition, writing essential functions that are outcome-based and use inclusive language may convey a disability-inclusive culture which further encourages qualified individuals with disabilities to apply.

Essential functions have a role in the preemployment process which includes the pre-offer phase and the post-offer phase. The ADA requires employers to determine whether individuals with disabilities are qualified for the job based on their ability to perform the job's essential functions. This requirement makes it unlawful to not hire a candidate with a disability based on their inability to perform the job's marginal functions.

In the pre-offer phase employers are not permitted to ask disability-related questions or administer medical examinations. The pre-offer phase should be focused on whether the candidate is qualified for the job. One way employers can determine this is to ask ALL candidates to describe or demonstrate how they would perform the job's essential functions, with or without a reasonable accommodation, as long as the questions are not phrased in terms of a disability. Here is an example:

- An employer may describe the physical requirements of the job, such as moving 25-pound boxes from where they are stacked on shelves of varying heights to a pallet at ground level and ask each applicant to describe or demonstrate how he or she would perform this task, with or without a reasonable accommodation.

Employers may consider training their hiring professionals on the importance of focusing the interview on the applicant's ability to do the job. One way to support this is to create interview questions in advance for all interviewers to use that specifically address the essential functions of the job.

In the post-offer phase of the preemployment process, which is after a formal job offer is made and before employment begins, employers are permitted to ask disability-related questions and administer medical examinations. These questions and examinations must apply to ALL candidates receiving a job offer in the same job category. The job offer is permitted to be conditioned based on the results of the questions and/or examinations. If these results lead to screening out a candidate due to a disability, the decision must be "job-related and consistent with business necessity." Job-related means a qualification standard, test, performance measure, or selection criterion applies to a specific job, not a general class of jobs. Consistent with business necessity means a qualification standard, test, performance measure, or selection criterion applies to the essential functions of a specific job. Before deciding to screen out a candidate with a disability based on these results, reasonable accommodation must be considered.

Having essential functions identified before the hiring process begins helps employers to determine whether candidates are qualified for the job and helps employers prevent errors when making decisions that screen out candidates based on the results of disability-related questions and medical examinations.

Performance Evaluation

Essential functions play a role in evaluating performance. Once a candidate becomes an employee, the employer can no longer ask disability-related questions or require medical exams, unless the employer can show these questions or exams are "job-related" and "consistent with business necessity." This applies to ALL employees, not just employees with disabilities.

The best way to measure an employee's ability to do a job is through performance of work tasks. Title I of the ADA generally does not prevent employers from establishing qualification standards, essential functions, performance expectations, quality standards, or consequences for low performance.

When evaluating an employee's work performance, employers should evaluate all employees using the same criteria, including employees with disabilities. An employee with a disability is expected to meet the same performance expectations for the job's essential functions as all employees. However, when an employee with a disability is performing the essential functions of the job in an alternative way using a reasonable accommodation, the employee should be evaluated accordingly.

Low performance should generally be addressed with employees with disabilities in the same way it is addressed with all employees with low performance in the same job class. An evaluation that reveals low performance may be the first indication to an employee that their disability is contributing to work performance. An employee may choose to disclose a disability during this discussion and may or may not request a reasonable accommodation.

When an employer addresses a performance-related concern with an employee and the employee discloses a disability, the employer must begin the interactive process promptly and consider reasonable accommodation. During this process, employers are not required to lower quality or production standards as a form of reasonable accommodation.

Interactive Process

Essential functions play a role in the interactive process. The interactive process is the informal and collaborative process an employer engages in with an individual with a disability when the individual requests a reasonable accommodation. Covered employers are required under Title I to provide reasonable accommodations for qualified individuals with disabilities, when needed, to access the hiring process, perform the job's essential functions, and to enjoy the privileges of employment. Employers may receive requests for reasonable accommodations during the hiring process and anytime during employment, including during a performance review. To promote a disability-inclusive workplace culture and to encourage individuals to request what they need to do the job, it is advisable to include a reasonable accommodation statement in the job description so individuals who need reasonable accommodations may feel more comfortable to make a request and are informed of how to do so. JAN provides examples of reasonable accommodation statements on its [website](#) for employers to review.

When an individual with a disability requests a reasonable accommodation to perform a job task, the employer is required to provide a reasonable solution that is effective in enabling the individual to perform the job's essential functions. A job description that includes the job's essential functions can be a useful tool during the interactive process when exploring options. During this process, employers should be open to the many types of reasonable accommodations that exist, such as making the work environment accessible, restructuring the job, permitting a flexible schedule, altering or providing equipment and/or services, modifying policies, and providing reassignment. Restructuring the job speaks directly to the job's essential functions and is discussed in this learner's guide. The remaining types of reasonable accommodations are discussed in OOD's on-demand webinar **"The Employers' ADA Handbook: Reasonable Accommodations and Undue Hardship"** listed in the OOD Resource box at the end of this section.

Restructuring a job includes either redistributing the marginal functions of a job or modifying how marginal or essential functions of the job are performed. Essential functions are the job's fundamental and critical duties. Marginal functions are those job duties that are "tangential" and not as critical. Employers are not required to eliminate or redistribute essential functions of the job as a form of

reasonable accommodation but are permitted to if they wish. When marginal functions of the job are redistributed as a form of reasonable accommodation, the employer may reallocate marginal functions from another job to the responsibilities of the employee with a disability if these are tasks the employee can perform.

Here are some examples from JAN of reasonable accommodations for restructuring a job:

- “A cleaning crew works in an office building. One member of the crew wears a prosthetic leg which enables him to walk very well, but climbing steps is painful and difficult. Although he can perform his essential functions without problems, he cannot perform the marginal function of sweeping the steps located throughout the building. The marginal functions of a second crew member include cleaning the small kitchen in the employee's lounge, which is something the first crew member can perform. The employer can switch the marginal functions performed by these two employees.”
- “An essential function that is usually performed in the early morning might be rescheduled to be performed later in the day, if an individual has a disability that makes it impossible to perform this function in the morning, and this would not cause an undue hardship.”
- “A person who has a disability that makes it difficult to write might be allowed to computerize records that have been maintained manually.”
- “A person with an intellectual disability who can perform job tasks but has difficulty remembering the order in which to do the tasks might be provided with a list to check off each task; the checklist could be reviewed by a supervisor at the end of the day.”

Employers who have prepared written job descriptions with inclusively written essential functions in advance can rely on these when determining reasonable accommodation solutions. The goal of a reasonable accommodation is to enable the individual to perform the job's essential functions effectively in another way. The employer may wish to consult with the individual's supervisor to better understand the work environment and the individual's work performance in relation to the job's essential functions to help determine the effective reasonable accommodation.

Once a reasonable accommodation is implemented, it should be monitored for effectiveness. Employees using reasonable accommodations should be informed about who to contact in human resources if the reasonable accommodation stops being effective. Reasonable accommodations may stop being effective due to a change in the disability or a change in the workplace.

Employers are not required to provide accommodations that cause an undue hardship (too costly or difficult to implement) or a direct threat to health or safety (of the individual or others).

OOD Resource:

For more information on the role essential functions play in job performance, view OOD's on-demand webinar "**The Employers' ADA Handbook: Performance, Conduct, and Safety**" on the employer's page of the [website](#).

For more information on all types of reasonable accommodations, view OOD's on-demand webinar "**The Employers' ADA Handbook: Reasonable Accommodations and Undue Hardship**" on the employer's page of the [website](#).

Conclusion

OOD appreciates your interest in identifying solutions and resources to support a workplace that is diverse and inclusive of employees with disabilities. Each employee with a disability, each employer, and each workplace is unique and because of this, the effective strategy to create a work environment that is accessible and inclusive will be unique. We hope the information shared in this learner's guide and webinar are helpful in supporting your efforts.

Resources

Description of Essential Functions

- ADA National Network. "[What are the 'essential functions' of a job?](#)"
- Job Accommodation Network. "[Job Description Topics](#)"
- Job Accommodation Network. "[Qualification Standards](#)"
- Job Accommodation Network. "[Technical Assistance Manual for Title I of the ADA](#)"
- Opportunities for Ohioans with Disabilities. "[Supervisors and Title I of the ADA](#)"
- Opportunities for Ohioans with Disabilities. "[The Employers' ADA Handbook: Title I Overview](#)"
- U.S. Equal Employment Opportunity Commission. "[The ADA: Your Responsibilities as an Employer](#)"

Ways to Determine Essential Functions

- Job Accommodation Network. "[Job Description Topics](#)"
- Job Accommodation Network. "[Technical Assistance Manual for Title I of the ADA](#)"
- Northeast ADA Center. "[Marginal Function](#)"
- U.S. Equal Employment Opportunity Commission. "[The ADA: Your Responsibilities as an Employer](#)"

How to Describe Essential Functions Inclusively

- HR Guide. "[Job Analysis: Job Descriptions](#)"
- Job Accommodation Network. "[Job Description Topics](#)"
- Job Accommodation Network. "[Technical Assistance Manual for Title I of the ADA](#)"
- Job Accommodation Network. "[The JAN Workplace Accommodation Toolkit](#)"
- Northeast ADA Center. "[Small Business at Work Toolkit](#)"
- Opportunities for Ohioans with Disabilities. "[Inclusive Hiring: Applicants with Disabilities](#)"
- Opportunities for Ohioans with Disabilities. "[Job Developers and Job Coaches in the Workplace](#)"

- PACE University. "[Americans with Disabilities Act Compliant Words for Job Descriptions](#)"

The Role of Essential Functions

- Job Accommodation Network. "[Job Description Topics](#)"
- Job Accommodation Network. "[Making a Statement – About Reasonable Accommodation and Equal Opportunity](#)"
- Job Accommodation Network. "[Technical Assistance Manual for Title I of the ADA](#)"
- Opportunities for Ohioans with Disabilities. "[Inclusive Hiring: Applicants with Disabilities](#)"
- Opportunities for Ohioans with Disabilities. "[The Employers' ADA Handbook: Performance, Conduct, and Safety](#)"
- Opportunities for Ohioans with Disabilities. "[The Employers' ADA Handbook: Reasonable Accommodations and Undue Hardship](#)"
- U.S. Equal Employment Opportunity Commission. "[Applying Performance and Conduct Standards to Employees with Disabilities](#)"
- U.S. Equal Employment Opportunity Commission. "[Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the ADA](#)"

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Business Relations and Career Development Specialists Map

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- * University of Cincinnati
- * Wilberforce University
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Colleges/ Universities

