



Title I: Employment

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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Reference Number: MTAS-1048

The ADA prohibits employers from discriminating against a qualified person who has a disability. This protection extends to applicants as well as employees. Title I requires employers with 15 or more employees to provide qualified individuals with disabilities equal employment opportunities commensurate to that of others. The law requires that employers make reasonable accommodations to qualified individuals with disabilities.

ADA is enforced by the Equal Employment Opportunity Commission (EEOC) and the Department of Justice. Title I complaints must be filed within 180 days of the date of discrimination or 300 days if the charge is filed with a designated state or local fair employment practice agency. The new law makes it clear that the focus should be on “accommodating employees and applicants” and not the impairment itself from which the individual suffers. Employers should not need extensive analysis to determine if a condition qualifies under ADA.

ADA does not say your city has to give preference to those with disabilities, or hire someone who is not qualified to perform the essential functions of the job. ADA simply gives a qualified person with a disability the same opportunity as a qualified person without a disability. This protection covers all aspects of the employment process, including:

- application process
- assignments
- benefits
- compensation
- disciplinary actions
- evaluation
- hiring
- layoff/recall
- leave
- medical examinations
- promotion
- termination
- testing
- training

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

Source URL (retrieved on 09/21/2021 - 1:47pm): <https://www.mtas.tennessee.edu/reference/title-i-employment>



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