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Employer Requirements Under the ADA 2026

Boulder Chamber of Commerce
November 18, 2026

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EmployersCouncil.org

Published by Employers Council, Inc.

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Employer Requirements Under the ADA 2026

Boulder Chamber of Commerce

"Leading Change: Accessibility in Action"

Presented By:

Sara Arfmann, Esq.

November 18, 2026

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Who is Employers Council?

Employers Association Founded in 1939	Employment Law, HR, ODL, Training, Surveys
Professional services provided to nearly 3,000 employers	Colorado Offices: Colorado Springs, Denver, Loveland

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EMPLOYER REQUIREMENTS UNDER ADA 2026

Americans with Disabilities Act (ADA)

Covers employers with 15 or more employees, including state and local governments*

Prohibits disability discrimination

Requires reasonable accommodation for qualified disabled applicants and employees



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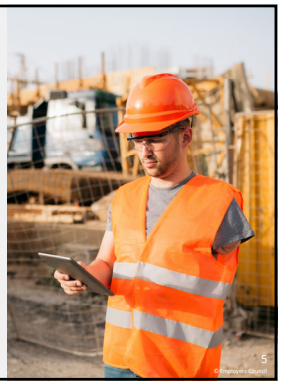
EMPLOYER REQUIREMENTS UNDER ADA 2026

What Is a Disability Under the ADA?

"Disability" includes physical and mental health conditions that:

- Substantially limit one or more major life activities
- A record of such an impairment
- Being regarded as having such an impairment



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What Does it Mean to be Qualified?

"Qualified" means:

- Meets all prerequisites of position
- Can perform all essential job functions with or without reasonable accommodation
- Employer determines essential job functions

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What Is a Reasonable Accommodation?

Changes to time, place, and/or manner of performance:

- Enables performance of all essential functions
- May require removal of non-essential job functions
- May require auxiliary aids or policy modification

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What Is Not a Reasonable Accommodation?

Removing essential job functions

Lowering work quality/quantity standards

Promotion

Creating a new position

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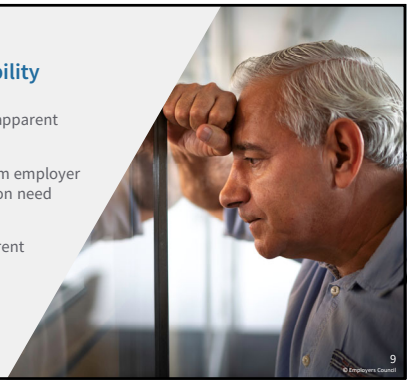
Mental vs. Physical Disability

Mental disabilities usually not apparent

Employee generally must inform employer of disability and accommodation need

Accommodations may be different

Process is similar



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ADA Requirements for Workplace Disabilities

When an employee informs employer that employee's job may be affected by a health condition:

- Engage in interactive process
- Identify essential job functions
- Request medical information, if necessary
- Remember medical privacy

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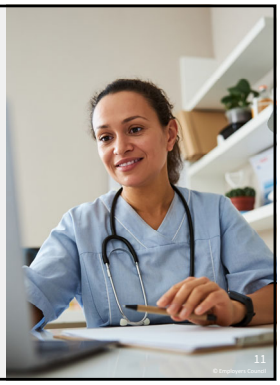
Medical Inquiries and the ADA

Pre-Offer– no medical inquiries

Post-Offer/Pre-Employment– may make medical inquiries and require medical examinations consistent with position

Employment– must be job-related and consistent with business necessity



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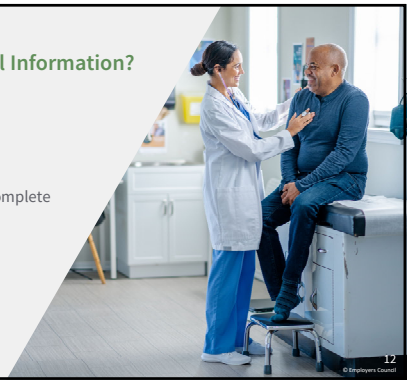
Who Can Provide Medical Information?

Use provider of employee's choice unless reason not to

Employee's provider gives incomplete or non-responsive information

Impairment requires special medical expertise



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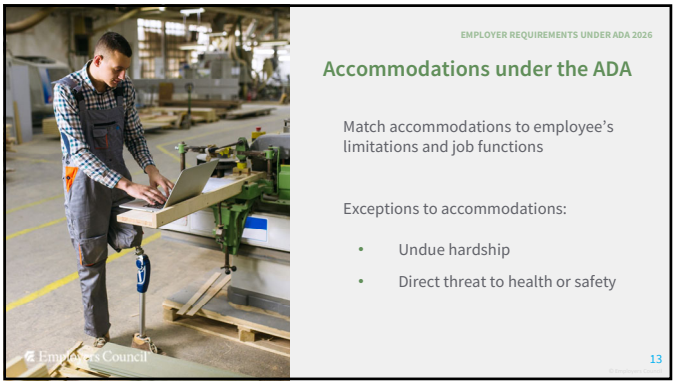
EMPLOYER REQUIREMENTS UNDER ADA 2026
Accommodations under the ADA
Match accommodations to employee's limitations and job functions
Exceptions to accommodations:
• Undue hardship
• Direct threat to health or safety
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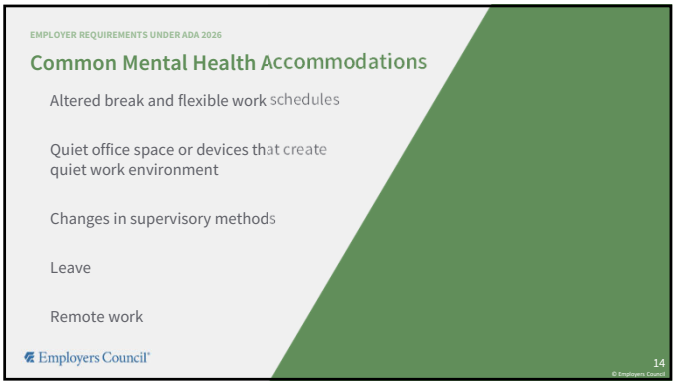
EMPLOYER REQUIREMENTS UNDER ADA 2026
Common Mental Health Accommodations
Altered break and flexible work schedules
Quiet office space or devices that create quiet work environment
Changes in supervisory methods
Leave
Remote work
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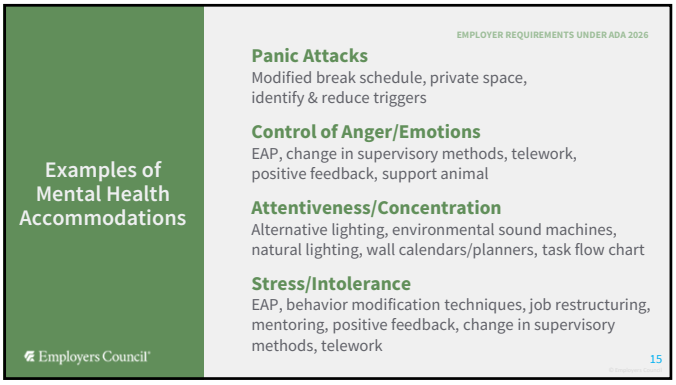
Examples of Mental Health Accommodations
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Panic Attacks
Modified break schedule, private space, identify & reduce triggers
Control of Anger/Emotions
EAP, change in supervisory methods, telework, positive feedback, support animal
Attentiveness/Concentration
Alternative lighting, environmental sound machines, natural lighting, wall calendars/planners, task flow chart
Stress/Intolerance
EAP, behavior modification techniques, job restructuring, mentoring, positive feedback, change in supervisory methods, telework
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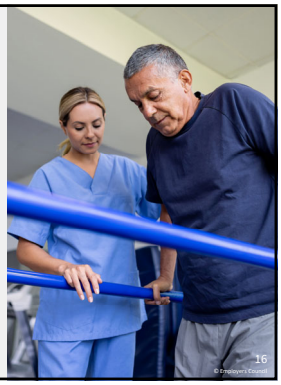
Leave As a Reasonable Accommodation

- When additional leave allows employee to return to performing all essential job functions with or without reasonable accommodation
- Open-ended or indefinite leave not reasonable
- How much leave is enough? *More than 6 mos. not reasonable*



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Accommodation Resources

- The Job Accommodation Network (JAN), www.askjan.org
- U.S. Dept. of Labor: Accommodations for Employees with Psychiatric Disabilities
- Center for Workplace Mental Health American Psychiatric Association Foundation

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How Employers Can Make a Difference

- Educate yourself
- Engage leadership
- Train supervisors and managers
- Review and enhance benefits
- Build a culture of well-being



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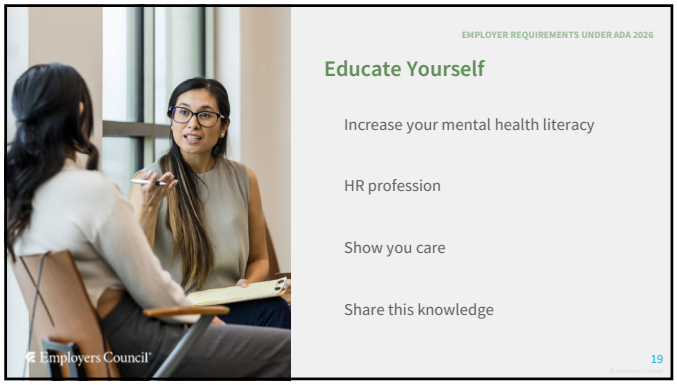
EMPLOYER REQUIREMENTS UNDER ADA 2026
Educate Yourself
Increase your mental health literacy
HR profession
Show you care
Share this knowledge
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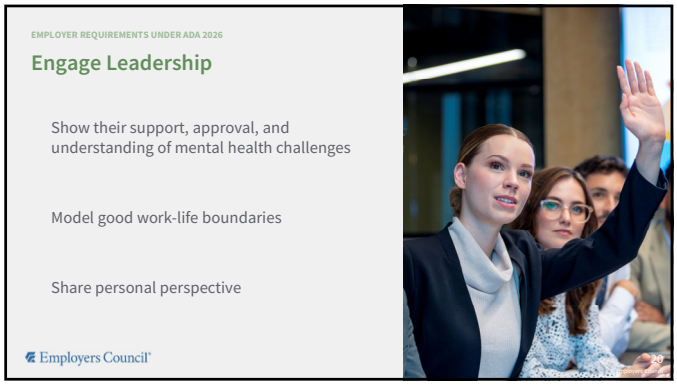
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Engage Leadership
Show their support, approval, and understanding of mental health challenges
Model good work-life boundaries
Share personal perspective
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EMPLOYER REQUIREMENTS UNDER ADA 2026
Train Supervisors and Managers
Mental health literacy
Recognize signs and symptoms
1x1 meetings
Change language used
ADA/FMLA/Medical privacy
Address performance issues early
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EMPLOYER REQUIREMENTS UNDER ADA 2026

Review and Enhance Benefits

- Employee Assistance Plans (EAP)
- Health plan & pharmacy
- Expand virtual/telehealth
- PTO, sick days
- On-demand resources
- Create employee awareness
- Provide opportunities to learn

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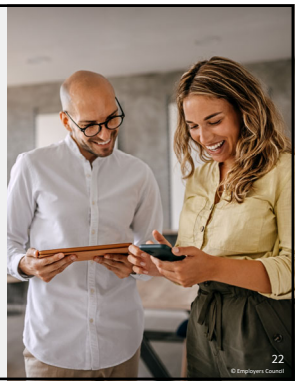

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Build a Culture of Well-Being

- Reduce the stigma
- Consider work stressors
- Treat mental health like physical health
- Recovery-friendly workplace
- Help build social and community networks
- Appreciation and gratitude
- Visible leadership support

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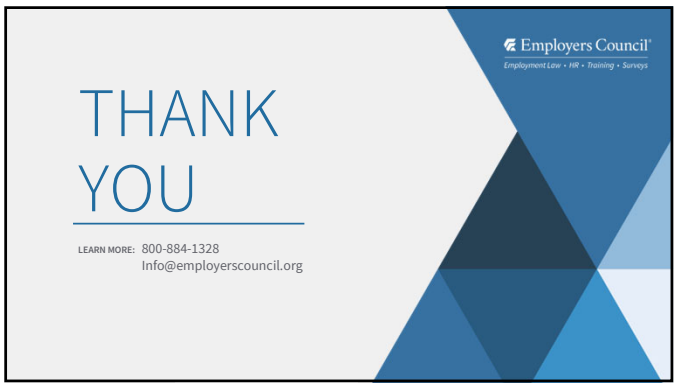
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