



Equal Employment Opportunity Commission Summary for Employees with Vision Impairments

The American with Disability Act (ADA) with the Disabilities Act Amendments Act of 2008 ("Amendments Act" or "ADAAA," a federal law that prohibits discrimination against qualified individuals with disabilities. Individuals with disabilities include those who have impairments that substantially limit a significant life activity, have a record (or history) of a substantially limiting impairment, or are regarded as having a disability.

The U.S. Equal Employment Opportunity Commission (EEOC) enforces the employment provisions of the ADA by addressing particular disabilities in the workplace, and explains how the ADA applies to job applicants and employees with vision impairment, such as:

- When an employer may ask an applicant or employee questions about their vision impairment and how it should treat voluntary disclosures
- What types of reasonable accommodations employees with visual disabilities may need?
- How an employer should handle safety concerns about the applicant and employees with visual disabilities.
- How an employer can ensure that no employee is harassed because of a visual disability or any other disability.

General Information about Vision Impairments

Estimates vary as to the number of Americans who are blind and visually impaired. One reason for the different estimates is that inconsistent terminology is used to assess individuals with some degree of vision problems. According to one estimate, about 6.6 million people in the United States are blind or visually impaired. Another source estimates that there are 10 million blind or visually impaired people in the U.S., 1.3 million of whom are considered legally blind. The National Health Interview Survey Preliminary Report estimated that 21.2 million American adults reported that they had trouble seeing when wearing corrective lenses or were blind or unable to see. Only 36.8% of non-institutionalized working-age adults (21-64) with a significant vision loss are employed.

The Centers for Disease Control and Prevention (CDC) defines "vision impairment" to mean that a person's eyesight cannot be corrected to a "normal level." Vision impairments may result in loss of visual acuity, where the individual does not see objects as clearly as the average person, and/or in a loss of visual field, where an individual cannot see as wide an area as the average person without moving their eyes or turning their head.

The CDC and the World Health Organization define low vision as a visual acuity between 20/70 and 20/400 with the best possible correction or a visual field of 20 degrees or less. Blindness is described as visual acuity that is worse than 20/400 with the best possible correction or a visual

field of 10 degrees or less. In the United States, the term "legally blind" refers to visual acuity of 20/200 or worse with the best possible correction or a visual field of 20 degrees or less. Although there are varying degrees of vision impairments, the visual problems an individual faces cannot be described simply by the numbers; some people can see better than others with the same visual acuity.

Job Applicants – Before an Offer of Employment is Made

- **Not Allowed:** The employer may not ask questions about an applicant's medical condition or require an applicant to have a medical examination before making a conditional job offer.
- **Allowed:** The employer may ask questions about the applicant's ability to perform the position's essential functions, with or without reasonable accommodations.
- **Disclosure:** The ADA does not require applicants to disclose their vision impairment or other disability before accepting an offer.
 - Disclosure is required when requesting reasonable accommodations for the application process: written application materials to be printed in a larger font.
 - An applicant with a visual impairment may request an accommodation after becoming an employee even if they did not do so when applying for the job or after receiving the job offer.
 - Suppose the applicant has an obvious impairment or has voluntarily disclosed the existence of vision impairment. The employer reasonably believes that they will require an accommodation to perform the job because of an impairment. In that case, the employer may ask whether and what type of accommodations the applicant will need.
 - The employer must keep any information an applicant discloses about their medical condition confidential.

After an Offer of Employment Is Made:

- **Allowed:** The employer may ask questions about the applicant's health (including questions about the applicant's disability) and may require a medical examination, as long as all applicants for the same type of job are treated equally.
 - The employer may ask specific individuals for more medical information if the request is medically related to the previously obtained medical information.
 - The employer may ask the applicant additional questions, such as how long the individual has had the visual impairment, what vision the applicant has, what specific visual limitations the individual experiences, and what reasonable accommodations the applicant may need to perform the job.
 - The employer may send the applicant for a follow-up vision or medical examination or ask them to submit documentation or have their doctor answer questions specifically designed to assess their ability to perform the job's functions safely.
- **Not Allowed:** An employer may not withdraw an offer from an applicant with a visual impairment if the applicant can perform the essential functions of the job, with or without reasonable accommodations, without posing a direct threat (that is, a significant risk of substantial harm) to the health or safety of themselves or others that cannot be eliminated or reduced through reasonable accommodations.

Applicant is Employed:

- **Allowed:**
 - An employer may ask disability-related questions or require an employee to have a medical examination when they know about a particular employee's medical condition, have observed performance problems, and reasonably believe that the issues are related to a medical condition.
 - An employer may ask for medical information when they have observed symptoms, such as difficulties visually focusing, or have received reliable information from someone else indicating that the employee may have a medical condition that causes performance problems.
 - An employer also may ask an employee about a vision impairment when they have a reasonable belief that the employee will be unable to safely perform the essential functions of their job because of visual impairment.

Keeping Medical Information Confidential:

With limited exceptions, an employer must keep confidential any medical information it learns about an applicant or employee. Under the following circumstances, however, an employer may disclose that an employee has a vision impairment:

- Provide to supervisors or managers, if necessary, to provide a reasonable accommodation or impose an employee's work restrictions.
- Provide to first aid and safety personnel if an employee needs emergency treatment or requires some other assistance at work.
- Provide individual investigation, compliance with the ADA and similar state and local laws.
- Provide when needed for workers' compensation or insurance purposes to process a claim.

Accommodating Employees with Visual Disabilities:

The ADA requires employers to provide adjustments or modifications – called reasonable accommodations to enable applicants and employees with disabilities to enjoy equal employment opportunities unless doing so would be an undue hardship (i.e., significantly difficult or expensive). Accommodations vary, depending on the needs of the individual with a disability. Not all employees with a visual disability need accommodation or require the same accommodations.

Typical Reasonable Accommodations Employees with Visual Disabilities May Need

- Assistive technology
- Closed Circuit Television System (CCTV) to read printed materials
- External computer screen magnifier
- Digital recorders
- Software that reads the information on the computer screen
- An optical scanner that can create documents in electronic form from printed ones
- Refreshable Braille display
- Braille embosser

- Written material in an accessible format, such as in large print, Braille, in a recorded format, or on a computer disk
- Modification of employer policies to allow the use of a guide dog in the workplace
- Modification of an employment test
- A person to read printed materials
- A driver or payment for the cost of transportation to enable the performance of essential functions
- An accessible website
- Permission to work at home
- Modification training or training in the use of assistive technology.
- Modified work schedule

Concerns About Safety

An employer only may exclude an individual with a visual impairment from a job for safety reasons when the individual poses a direct threat. A “direct threat” is a significant risk of substantial harm to the individual or others that cannot be eliminated or reduced through reasonable accommodations. This determination must be based on objective, factual evidence, including the best recent medical evidence.

In making a direct threat assessment, the employer must evaluate the individual’s present ability to safely perform the job. The employer also must consider:

- The duration of the risk
- The nature and severity of the potential harm
- The likelihood that the potential harm will occur
- The imminence of the potential harm
 - The harm must be serious and likely to occur, not remote or speculative.
 - Employer must determine whether any reasonable accommodation would reduce or eliminate the risk.