



FAQ about Hearing Loss and the Americans with Disability Act

Is hearing loss a disability under the ADA?

The ADA does not contain a list of medical conditions that constitute disabilities. Instead, the ADA has a general definition of disability that each person must meet (EEOC Regulations . . . , 2011). Therefore, some people with hearing loss will have a disability under the ADA and some will not.

A person has a disability if he/she has a physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or is regarded as having an impairment (EEOC Regulations . . . , 2011). For more information about how to determine whether a person has a disability under the ADA, visit <http://AskJAN.org/corner/vol05iss04.htm>.

Is it a reasonable accommodation for an employer to make sure that an employee wears a hearing aid or uses another mitigating measure?

No. The ADA does not require employers to monitor an employee to ensure that he uses an assistive hearing device. Nor may an employer deny an individual with a hearing disability a reasonable accommodation because the employer believes that the individual has failed to take some measure that would improve his hearing (EEOC, 2006).

Must an employer provide a sign language interpreter as a job accommodation?

An employer may be required to provide a qualified interpreter as an accommodation, absent undue hardship. An interpreter may be requested and required during any stage of the employment process (e.g., interview, training, on-the-job) (EEOC, 1992).





Must an employer provide reasonable accommodation, such as a sign language interpreter or realtime CART captioning service, so an employee may attend training programs?

According to the Equal Employment Opportunity Commission (EEOC), an employer must provide sign language interpreters, CART services, and other reasonable accommodations, that will provide employees with disabilities with an equal opportunity to participate in employer-sponsored training, absent undue hardship. This obligation extends to in-house training, as well as to training provided by an outside entity. Similarly, the employer has an obligation to provide reasonable accommodation whether the training occurs on the employer's premises or elsewhere (EEOC, 2002).

Is an employer required to purchase a prescribed hearing device (e.g., hearing aid or cochlear implant) as a reasonable accommodation?

An employer is not required to provide an accommodation that is primarily for personal use. Reasonable accommodation applies to modifications that specifically assist an individual in performing the duties of a particular job. Equipment or devices that assist a person in daily activities on and off the job are considered personal items that an employer is not required to provide. However, in some cases, equipment that otherwise would be considered "personal" may be required as an accommodation if it is specifically designed or required to meet job-related rather than personal needs (EEOC, 2002).

When an employee does not own or benefit from a hearing aid, an employer may be required to provide a reasonable accommodation(s) that will enable effective communication, barring undue hardship.





FAQ

Is more information available regarding hearing loss and the ADA?

Yes. The EEOC enforces the employment provisions of the ADA and offers a fact sheet regarding hearing loss and the ADA. For more information, visit Questions and Answers about Deafness and Hearing Impairments in the Workplace and the Americans with Disabilities Act at <http://www.eec.gov/facts/deafness.html>.



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700 University Avenue, Suite 303
Syracuse, New York 13244