

How Are Essential Job Functions Defined by the ADA? What Employers Should Know

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Most employers know that under the Americans With Disabilities Act (“ADA”), they have a legal duty to provide workplace accommodations to employees with disabilities who can perform the essential job functions of their role, unless doing so would pose undue hardship. But what are essential job functions? They are the basic job duties that an employee must be able to perform (with or without a reasonable accommodation) as part of an employment position.

EEOC Guidance on Defining Essential Job Duties

Guidance from the Equal Employment Opportunity Commission (“EEOC”), the agency that enforces the ADA, suggests that employers review multiple issues in determining whether a job duty is an essential function. The first question an employer should ask is whether the reason the job exists is to perform that function. The function(s) identified by the employer as the reason the job exists are clearly essential functions.

The EEOC considers written job descriptions as evidence of essential functions, but a written job description is not the end of the inquiry into what tasks are essential functions. There may be tasks on an employer’s written job description that are never or seldom performed and do not actually constitute essential functions. An employer should review the following factors when considering whether a job duty is an essential function:

- The actual work experience of present or past employees in the position
- The amount of time spent performing a function
- The consequences of not requiring that an employee perform a function

A union employer may also want to review the terms of any collective bargaining agreement in place, which may contain job descriptions or other language that defines the essential functions of a position.

When An Essential Function Is Disputed

An employer may run into difficulty when an employee requesting an accommodation disagrees with the employer’s evaluation that a particular job duty is an essential function of the employee’s position. Employers must ensure that any identified essential function can withstand scrutiny. The function must actually be performed by employees. More specifically, an essential job function would typically entail more than minimal time and, if not performed, there would be clear consequences to the business. An employer may have a hard time showing that a job duty is an essential function if it is not normally performed as part of the job, little time is spent on the job duty or there are no consequences to the employer if the job duty is not performed.

Are Your Job Descriptions Legally Compliant?

Employers should review job descriptions for ADA compliance to ensure they reflect the essential functions of each role accurately and defensibly.

If you are an employer who needs to determine whether to grant an accommodation requested by an employee or any other employment law, please contact [Stephanie Gironda](#) or any member of the Wilentz [Employment Law](#) Team.

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