How the Americans with Disabilities Act (ADA) Applies to Job Seekers with Addiction and Recovery

Employment is a motivator for entering and completing treatment and results in better treatment outcomes, greater success in recovery, and reduced relapses after treatment.

(Mathematica, 2020)

Addiction is a disability when a person has a ...
- Physical or mental impairment that substantially limits one or more major life activities
- History of an impairment
- Regarded as having an impairment

Substance Use Disorder (SUD)
- Generally considered a disability because it is an impairment that affects brain and neurological functions.
- Persons with SUD must be in recovery or no longer engaging in current illegal use of drugs.

Substance use disorder may affect these major life activities...
- Walking
- Seeing
- Thinking
- Concentration
- Bodily Functions such as brain and neurological systems

The Employment Process

Application & Interview
- All disability related questions are prohibited.
- An employer **CAN** ask about gaps in work history.
  An applicant in recovery can answer the question “I had a condition. I’m fine now and excited to get back to work.”

Job is Offered but Before Starting the Job
**An employer may:**
- Make medical inquiries, require medical exams, and ask disability-related questions as long as the employer does this for all individuals in a job category.
- At this stage, an individual must disclose a disability, if asked.

On the Job
**An employer may only** make disability-related inquiries and require medical exams if they are job-related and consistent with business necessity.
- An individual must disclose their disability if they are asking for accommodations such as requesting time off to participate in a supervised rehabilitation program.

Contact For More Information:
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