

JAN

Job Accommodation Network

Practical Solutions • Workplace Success

Accommodation and Compliance Series

Accommodation and Compliance Series: Volunteers and the Americans with Disabilities Act (ADA)

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Introduction

Volunteering is an excellent way for people with disabilities to gain work experience, explore career choices, and establish relationships with employers. In some situations, a person with a disability may need an accommodation to serve as a volunteer. One of the questions JAN often gets related to volunteering is whether volunteers are covered under the ADA and therefore entitled to reasonable accommodations. The following addresses this question under various titles of the ADA.

Title I (Employment)

Under Title I, only individuals with disabilities who meet the definition of "employee" are entitled to reasonable accommodations. According to the Equal Employment Opportunity Commission (EEOC), a volunteer is typically not a protected employee under Title I of the ADA because an employer-employee relationship usually is not formed. However, if a volunteer receives "significant remuneration" (e.g., pay and benefits) as a result of volunteer service or the volunteer service usually leads to employment with the employer, then the volunteer may be considered an employee.

For more information about Title I and volunteers, see section [2-III-A-1-c of the EEOC Guidance: Threshold Issues](#).

Title II (State and Local Government)

Title II requires that all state and local government services, programs, or activities, when viewed in their entirety, be accessible to and usable by individuals with disabilities. According to the U.S. Department of Justice (DOJ), there could be an argument that a volunteer for a state or local government might be protected by Title II of the ADA as a participant of a program. If a volunteer is a program participant, it would follow that the program must be made accessible to volunteers with disabilities, which sometimes means providing reasonable accommodations.

For further discussion about Title II and volunteers, please contact the ADA Division of the DOJ at (800) 514-0301 (V), (800) 514-0383 (TTY).

Title III (Public Accommodations)

Title III requires public accommodations, such as hotels, restaurants, and medical services, to provide accommodations so customers and patients can access the goods and services offered. The question is whether a volunteer program could be considered goods and services. The answer is uncertain – the DOJ has not specifically addressed the application of Title III of the ADA to volunteers.

For further discussion about Title III and volunteers, please contact the ADA Division of the DOJ at (800) 514-0301 (V), (800) 514-0383 (TTY).

Regardless of whether the ADA applies to volunteers, providing reasonable accommodations to volunteers with disabilities can be a winning proposition for businesses – they get all the great benefits of hiring people with disabilities for the low, low cost of providing an accommodation!

Situations and Solutions:

A volunteer fireman with a minor shoulder injury was having difficulty opening valves and unloading heavy items from the fire truck. He

He was provided a wheel valve wrench and drum handling equipment. Other volunteer firemen found the equipment useful as well.

A volunteer at a food bank had a lifting restriction from a back condition and had trouble moving heavy donation deliveries to the sorting area.

A supply of small containers was provided so he could divide the deliveries into smaller amounts for sorting.

A volunteer softball coach used a wheelchair for mobility and was able to coach from the sidelines after an accessible route of travel was created.

A volunteer reader in a library had a weak voice due to a previous infection that damaged her vocal cords. She

She was given a voice amplifier so she would not have to strain her vocal cords trying to talk loud enough for the children to hear her.

A volunteer student aide with arthritis had trouble helping out on the playground when the weather turned cold.

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