

Kansas Administrative Regulations

Kansas Human Rights Commission

Article 34.—Discrimination Because of Disability

21-34-14. Essential function; criteria for determination.

(a) A job function may be considered essential for any of several reasons, including but not limited to the following:

(1) the function may be essential because the reason the position exists is to perform that function;

(2) the function may be essential because of the limited number of employees available among whom the performance of that job function can be distributed; and

(3) the function may be highly specialized so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function.

(b) Evidence of whether a particular function is essential includes, but is not limited to:

(1) the employer's judgment as to which functions are essential;

(2) written job descriptions prepared before advertising or interviewing applicants for the job;

(3) the amount of time spent on the job performing the function;

(4) the consequences of not requiring the incumbent to perform the function;

(5) the terms of a collective bargaining agreement;

(6) the work experience of past incumbents in the job; and

(7) the current work experience of incumbents in similar jobs.

(Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009, as amended by L. 1991, Chapter 147, Section 6; effective, T-21-3-27-92, March 27, 1992; effective April 27, 1992.)

***** Authenticated Kansas Administrative Regulation *****