



**UNDERSTANDING THE KEY CONCEPTS OF THE ADA
 AMERICANS WITH DISABILITY ACT** 1st quarter

IMPAIRMENT

- ADA defines disability as a physical or mental impairment that substantially limits one or more of the individual's major life activities.
- Many disorders can be considered an impairment; but it must also be disabling
 - Abdominal Distress
 - Chest Pain
 - Depression
 - Panic Disorder
 - Back Strain
 - Knee Strain
 - Migraine Headaches
 - Tennis Elbow
- Having a predisposition to illness or disease is not an impairment
- Cause of a disability is irrelevant, a lung impairment can be caused by smoking
- A health or wellness "Expert" can certify impairment; an MD is not required.

SUBSTANTIALLY LIMITS A MAJOR LIFE ACTIVITY

- Plaintiff may have to explain impairment and what major life activity it affects

WHAT IS A "MAJOR LIFE ACTIVITY"

From the Equal Employment Opportunity Commission

- The EEOC's list includes the following
 - Caring for Oneself
 - Performing Manual Tasks
 - Walking
 - Seeing
 - Hearing
 - Breathing
 - Learning
 - Working
 - Mental Processing
 - Emotions Processing
 - Thinking
 - Concentrating
 - Interacting with Others
 - Sleeping
 - Control of Bodily Functions
 - Eating
 - Communicating in Writing
 - Depth Perception
- The EEOC says "an impairment substantially limits a major life activity if the person is either unable to perform a major life activity that the average person in the general population can perform or is significantly restricted as to the condition, manner or duration under which the activity is performed as compared to the average person."

From the US Supreme Court and other Courts

- US Supreme Court held that reproduction is a major life activity
- US Supreme Court says "to be substantially limited in a major life activity an individual must have an impairment that prevents or severely restricts the individual from doing activities that are of central importance to people's daily activities."

Educated = Empowered

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