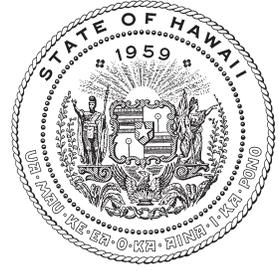


Americans with Disabilities Act -Title I

Definition of an Individual with a Disability



Covered Entities

Title I of the Americans with Disabilities Act of 1990 (P.L. 101-336) applies to **covered entities**. Covered entities are private employers, state and local governments, employment agencies, labor unions, and joint labor management committees with 15 or more employees.

Key Terms

The terms **individual with a disability** and **qualified individual with a disability** are key to the Title I provisions.



Individual with a Disability

Title I defines an individual with a disability as a person who (1) has a physical or mental impairment that substantially limits one or more major life activities, (2) has a record of such an impairment, or (3) is regarded as having such an impairment.

Physical or Mental Impairment



Title I defines a physical impairment as “any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, and endocrine.”

Title I defines a mental impairment as “any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.”

Excluded Conditions

Title I does not protect individuals with the following conditions: homosexuality, bisexuality, transvestism, transsexualism, pedophilia, exhibitionism, voyeurism,



gender identity disorders not resulting from physical impairment, other sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from current illegal use of drugs.

In addition, simple physical characteristics (such as eye or hair color, left-handedness, or height or weight within a normal range), personality traits (such as poor judgment, quick temper, or irresponsible behavior) or cultural/economic disadvantages (such as lack of education or a prison record) are not impairments. Title I does not protect persons who currently use drugs illegally.



Substantially Limits a Major Life Activity

For Title I protection, an individual's impairment must **substantially limit** one or more major life activities. Major life activities are those performed by an average person with little or no difficulty. They include walking, speaking, breathing, performing manual tasks, speaking, hearing, learning, caring for one's self, working, sitting, standing, lifting, and reading.

Under Title I, an impairment is a disability only if it substantially limits one or more major life activities as compared to an average person in the general population. A covered entity should consider certain factors in determining whether an individual's impairment substantially limits a major life activity, including its nature and severity; duration (how long it is expected to last); and permanent or long-term impact, or expected impact.

In terms of employment, the individual's impairment must significantly restrict the ability to perform either a class of jobs or a broad range of jobs in various classes as compared to the average person having comparable training, skills, and abilities. The inability to perform a single, particular job does not constitute a substantial limitation in the major life activity of working. An impairment does not have to completely prevent the individual from working in order to consider the individual as substantially limited in the ability to work.

Record of an Impairment

This part of the definition protects individuals who have a record of a physical or mental impairment that substantially limits one or more major life activities. Title I would not protect an individual who has a record of being a disabled veteran or a record of disability under another Federal statute or program, unless the individual met the Title I definition of an individual with a record of a disability. In addition, this part of the definition protects individuals who have a history of a disability whether or not they currently have an impairment that substantially limits a major life activity. It also protects individuals who have a record of having a disability because of a misclassification or misdiagnosis.



Regarded as Having an Impairment

This part of the definition provides protection in the following circumstances:

- The individual has an impairment that does not substantially limit a major life activity, but a covered entity treats the individual as having such an impairment;
- The individual has an impairment that substantially limits a major life activity because of the attitudes of others toward the condition; or
- The individual has no impairment, but a covered entity regards the individual as having a substantially limiting impairment.



This part of the definition protects individuals perceived as having disabilities from employment decisions based on stereotypes, fears, misconceptions about disability, or unsubstantiated concerns about productivity, safety, insurance, liability, attendance, accommodation costs, accessibility, worker's compensation costs, or acceptance by co-workers and customers.

Qualified Individual with a Disability



A **qualified individual with a disability** is a person who satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position. For Title I protection, a person must not only be an individual with a disability, a person must be qualified for the position held or sought.

Determining Qualification

Determining whether an individual is qualified involves the following basic steps:

- Determine whether the individual meets the prerequisites of the job.
- If the individual with a disability meets the necessary job prerequisites, determine whether the individual can perform the **essential functions** of the job, with or without reasonable accommodation.

Essential Functions

A function may be essential if it meets one of the following:

- The reason the position exists is to perform that function;
- There are a limited number of other employees available among whom the performance of that job function can be distributed; and/or



- The function is highly specialized so that the covered entity hired the incumbent in the position for his or her expertise or ability to perform the particular function.

Evidence of whether a particular function is essential includes, but is not limited to, the following:

- The covered entity's judgment as to which functions are essential;
- Written job descriptions prepared before advertising or interviewing applicants for the job;
- The amount of time spent on the job performing the function;
- The consequences of not requiring the incumbent to perform the function;
- The terms of a collective bargaining agreement;
- The work experience of past incumbents in the job; and/or
- The current work experience of incumbents in similar jobs.

Job Analysis

Title I does not require that a covered entity conduct a job analysis to identify the essential functions of a job. However, a covered entity that conducts a job analysis may consider information about the work environment (such as unusual heat, cold, humidity, dust, toxic substances or stress factors). A job analysis should focus on the result or outcome of a function, not solely on the usual method of performing it. A job analysis that focuses on the result or outcome will help in establishing appropriate qualification standards, developing job descriptions, conducting interviews, and selecting people in accordance with Title I requirements.

ADA Information

Visit the EEOC web site to see the Title I regulations and related guidance at eeoc.gov.



919 Ala Moana Blvd., Room 101 • Honolulu, HI 96814
 Oahu: (808) 586-8121 (Voice/TTY), (808) 586-8129 (Fax)

Call toll free from:

Maui: 984-2400, ext. 6-8121# (Voice)

Kauai: 274-3141, ext. 6-8121# (Voice)

Molokai & Lanai: 1(800) 468-4644,
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Big Island: 974-4000,
 ext. 6-8121# (Voice)

E-mail: dcab@doh.hawaii.gov • Web Site: www.hawaii.gov/health/dcab/

