

JAN

Job Accommodation Network

Practical Solutions • Workplace Success

Accommodation and Compliance Series

Accommodation and Compliance Series: Definition of Disability

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JAN'S Accommodation and Compliance Series

Introduction

The Americans with Disabilities Act Amendments Act (ADAAA) made major changes to the definition of disability, leading employers to question how to determine whether an employee now has a disability. For ADA purposes, this question typically comes up when an employee requests an accommodation, so the following are practical tips for employers making disability determinations related to accommodation requests.

If the requested accommodation is something you provide for all employees, then you do not need to determine whether the employee has a disability; you can just give the employee what he/she asked for.

If the requested accommodation is not something you provide for all employees, then you may choose to make a disability determination before granting the request; the disability determination is not required.

The definition of disability is an impairment that substantially limits a major life activity. So when determining whether an employee has a disability, you need to know:

- Does the employee have [an impairment](#)? If yes,
- Does the impairment affect [a major life activity](#)? If yes,
- Does the impairment [substantially limit](#) the major life activity? Keep in mind:
 - If an impairment is on the EEOC's list of conditions that are virtually always disabilities, get the diagnosis and move on to making the accommodation. If not on the list:
 - Consider how limited the employee would be without any [mitigating measures](#)
 - Consider how limited the employee is when the impairment is [active](#).
 - If needed, consider the [condition, manner, or duration](#) in which an employee performs a major life activity.

And remember, the definition of disability is now very broad so if you are not sure whether an employee has a disability, err on the side of caution and process the accommodation request. Accommodations are [not typically costly](#) and the benefits usually far outweigh the costs, so what do you have to lose!

Additional JAN Resources

- [A to Z by Topic: ADAAA](#)

Situations and Solutions:

The following situations and solutions are real-life examples of accommodations that were made by JAN customers. Because accommodations are made on a case-by-case basis, these examples may not be effective for every workplace but give you an idea about the types of accommodations that are possible.

An employer received a request from an employee who disclosed that he had diabetes and needed to modify his break times so he could check his blood sugar levels and administer insulin.

Because diabetes virtually always meets the definition of disability (substantially limits the functions of the endocrine system), the employer did not require medical documentation to show the employee has a covered disability, but instead focused on the need for accommodation.

An employee with a history of cancer needed time off periodically to get follow up medical testing to make sure his cancer had not returned.

The employee had a history or record of a disability and therefore was entitled to an accommodation.

A newly hired production worker in a manufacturing plant was injured in an accident at home and asked his employer for leave time to recover.

He did not have any accrued leave so the employer considered whether he might have a disability under the ADA. The employee's doctor indicated that the employee had a 10 pound lifting restriction that would last for up to 6 months so the employer determined that the employee met the definition of disability on that basis.

A local government employee with quadriplegia requested to be allowed to have her personal attendant come into the workplace to help her eat lunch and take care of personal needs on her breaks.

Because it was obvious that the employee had a disability and needed the requested accommodation, the employer provided the accommodation without requesting any documentation.

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