

Presented:

The University of Texas School of Law
29th Annual School Law Conference

February 27-28, 2014
AT&T Conference Center, Austin, TX

Meeting Employer Obligations under the ADA

Catosha Woods
Houston ISD
Houston, TX

Meeting Employer Obligations under the ADA

I. Understanding the Purpose of the Statute: The ADA and its amendments require a broad interpretation of the term disability in order to effectuate Congress' purpose:

A. Congress enacted the ADA in 1990 "to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities." 42 U.S.C. § 12101(b)(1).

1. Congress was most concerned with "overprotective rules and policies" and "exclusionary qualification standards and criteria." Id. § 12101(a)(5).

2. Congress further determined that "discrimination against individuals with disabilities persists in such critical areas as . . . education." Id. § 12101(a)(3). For these and other reasons, Congress enacted title II of the ADA, which prohibits discrimination against individuals with disabilities by public entities.

3. Employers have an affirmative obligation to provide an accommodation.

B. Individuals covered under the ADA and its Amendments:

1. A qualified individual: is an individual with a physical or mental impairment that substantially limits one or more major life activities.

a) Physical Impairment: is any medical disorder, condition, disfigurement or loss affecting one of the body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine.

b) Mental impairment: any mental or psychological disorder, such as intellectual disability (formerly termed mental retardation), organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(1) The term “substantially limits” is interpreted consistent w/ with the findings and purposes of the ADA Amendments Act of 2008 and is intended to be construed liberally. Substantially limits means

(a) An impairment no longer needs to prevent or severely or significantly restrict a major life activity to be considered “substantially limiting.”

(b) For example: An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

(2) Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. [See, 42 U.S.C. § 12102(4)(a)(2)(A).]

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: Meeting Employer Obligations under the ADA

Also available as part of the eCourse

[Employment Issues on Campus: Federal and State Employment Law Update; Use of Criminal History; ADA and FMLA; plus On-the-Job Injuries](#)

First appeared as part of the conference materials for the
29th Annual School Law Conference session

"Americans with Disabilities Act and the Family Medical Leave Act"