



EMPLOYEE MENTAL HEALTH

 **ROUND ROCK**
INDEPENDENT SCHOOL DISTRICT

1

Mental Health
What is Required



 **ROUND ROCK**
INDEPENDENT SCHOOL DISTRICT

2

Americans with Disabilities Act

- Prohibits employment discrimination against individuals based on disability.
- Requires employers to provide reasonable accommodations to employees with disabilities.
- Defines “disability” as a physical or **mental impairment that substantially limits one or more major life activities**, has a record of such impairment, or is regarded as having such an impairment.
- “Major life activity” is broadly defined to include, “Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breath, learning, reading, concentrating, thinking, communicating, interacting with others, and working; and the operation of a major bodily function.”

- The term “substantially limits” is broadly construed.
- A condition may qualify by making activities more difficult, uncomfortable, or time consuming to perform compared to the way that most people perform them.
- Federal regulations specifically state that some mental disorders should easily be found to be “disabilities,” including major depressive disorder, bipolar disorder, post-traumatic stress disorder, obsessive compulsive disorder, schizophrenia, and other.



- Determination of whether an impairment substantially limits a major life activity should be made without regard to the effects of mitigating measures such as medication or medical equipment.
- Mitigating measures may be considered when determining what, if any, reasonable accommodation is necessary for the disability.



- Reasonable accommodations only apply to an employee who is “qualified.”
- Employers are not required to lower the standards of performance or change the qualifications for a job.
- The ADA doesn’t protect employees who exhibit or threaten violence on the job, because in most cases violent behavior will be disqualifying.



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: Employee Mental Health: What Response is Required

Also available as part of the eCourse

[eSupplement to the 30th Annual Labor and Employment Law Conference](#)

First appeared as part of the conference materials for the
38th Annual School Law Conference session

"Employee Mental Health: What Response is Required"