



# DEFINITION OF A DISABILITY

## ADA-AA Definition of a Disability

The Americans with Disabilities Act (ADA) defines disability as a **"physical or mental impairment that substantially limits one or more major life activities."** This is a legal definition, rather than a medical definition. The ADA definition of disability does not apply to disability-related services such as Social Security. The definition of disability was expanded and clarified by the ADA Amendments Act in 2008.

The ADA definition of disability does not include a list of required medical conditions or categories. There is no "national registry" or any other type of certification process that people must complete to qualify as a person with a disability under the ADA.

At first glance, determining whether a person has a condition that meets the ADA definition of a disability may seem complicated and confusing. However, the determination is based on three fairly straight-forward questions.

### **1) Is there a condition/impairment that impacts major life activities or body system functions?**

- When active-does not have to be a daily 24/7 impact.

### **2) Is the impact on major life activities or body system functions substantial?**

- Based on the level of impact when not using medication, an assistive device, receiving treatment, etc. (mitigating measure).
- Based on comparison with the general population and peers.

### **3) Is the condition/impairment permanent or long-term?**

The purpose of this article is to clarify this process by explaining the definition's terminology and providing several real-life examples.

## **Major Life Activities**

Major life activities are basic activities that most people can perform with little or no difficulty. These activities may be physical such as walking, seeing, hearing, standing, use of hands, etc. Cognitive and social/emotional activities such as memory, paying attention, processing information, and maintaining well being and moods are considered major life activities.

Major life activities also include the activities required for body system functioning. Conditions which affect the functioning of the digestive, neurological, immune, and circulatory systems, etc. would be considered conditions that affect major life activities.

The definition of a disability was specifically expanded to include conditions or impairments that affect body functions (such as diabetes or rheumatoid arthritis) to ensure people with all types of disabilities are included in the definition and receive protections under the ADA.

## **Episodic Conditions and Remission**

Some conditions and/or impairments have symptoms that are not always present. These types of conditions are called episodic. Disability is assessed on the impact of these conditions on major life activities and body functions when the symptoms are active.

If a person's active symptoms meet the definition of a disability, then the individual is always covered by the ADA, even when the symptoms are not present. This reasoning also applies to conditions that may go into remission such as

cancer.

**Example:**

Marla has multiple sclerosis and uses a wheelchair. At work, there are times when she walks short distances with a cane. When her condition is in remission, she only uses a cane. Some of Marla's co-workers think she shouldn't receive accommodations because she doesn't always use a wheelchair.

Marla is considered a person with a disability at all times. She does not have to use a wheelchair daily to receive accommodations related to using a wheelchair.

---

Jamal has completed chemotherapy and, at his last follow-up appointment, was told his cancer is in remission, but will still require follow-up care. Jamal is concerned that he will no longer be able to use his flex schedule to make-up time for follow-up appointments and continued treatments.

Jamal condition is in remission, but without continued treatment, the cancer would have a substantial impact on major life activities. Jamal's condition is considered a disability under the ADA.

---

Linn has Seasonal Affective Disorder. His symptoms of depression only affect major life activities at certain times of the year. Because Linn's condition is long-term and impacts major life activities when present, it is considered a disability under the ADA, even though the condition is not always present.

---

## Invisible Disabilities

A condition does not have to be visible or "readily apparent" to be considered a disability. Many conditions that are not readily apparent to the general population still affect major life activities. Whether or not a condition is "visible" is not a consideration when determining whether a person is covered

by the ADA. It is the impact of the condition on major life activities that determines disability.

**Examples:**

Maria has dyslexia. She uses assistive technology to get information and prepare reports. Because reading and writing are major life activities, Maria is a person with a disability.

---

Joshua has been diagnosed with PTSD and receives treatment. Joshua is outgoing and physically fit and probably would not be perceived as a person as a disability. However, based on how his condition affects his major life functioning (anxiety), Joshua is a person with a disability covered by the ADA.

---

## Substantially Limited

Once it is determined that a person has a condition or impairment that affects major life activities, the next step is to assess the impact of the condition/impairment. The impact of the condition/impairment on a major life activity must be substantial to be considered a person with a disability under the ADA. The criteria used to determine whether or not the impact of a condition is substantial is based on two factors:

- The nature and severity of impact on major life activities.
- How long the impact will last or is expected to last (permanent or long-term).

A common sense assessment should be used to determine the nature and severity of a condition based upon comparing the person's ability to perform a specific major life activity with that of most people in the general population. The same criteria is used for assessing body system functions.

**Example:**

Tamra is in her thirties. She has poor vision without glasses and must wear them to see clearly and function. Since

wearing glasses or contacts to correct vision impairments is common in the general adult population, Tamra would not be considered a person with a disability.

Jean, on the other hand, is also in her thirties and has low vision and difficulty seeing contrast. She wears glasses, but still cannot see clearly and requires assistive technology to use computer screens and her smart phone. Jean's level of visual difficulty is not typical for her age group in the general population. She would be considered to have a disability under the ADA.

---

**Example:**

**Two employees have the diagnosis of asthma:**

- One employee uses an inhaler occasionally, and his asthma is very mild.
- The other employee uses an inhaler occasionally, but flare-ups are severe and could be life-threatening.

In this example, the frequency that the condition occurs is the same, but the severity of the condition is different. The severity of asthma is the basis of determining which employee has a disability under the ADA.

---

**Example:**

**Two employees experience migraine headaches.**

One employee has a severe migraine headache two to three times a year, causing her to miss up to three days of work annually.

Another employee has a severe migraine headache 3-4 times a month, causing him to miss up to four days of work each month.

In this scenario, the severity of the condition is similar, but the frequency and impact on major life activities is different. While experiencing a migraine headache is not uncommon in the general population, the severity and frequency of the second employee's migraines result in a substantial impact

on major life activities.

---

## Assessment of Disability and Mitigating Measures

Actions taken to eliminate or reduce the impact of an impairment/condition are called mitigating measures. This includes, but is not limited to, medication, treatments, assistive devices, hearing aids, wheelchairs, and therapies. **The extent that a condition impacts major life activities is based upon how the condition affects a person without using a mitigating measure.**

### Example:

Bill has Type II diabetes, and insulin is his "mitigating measure." Bill has no limitations on his major life activities when he monitors his blood sugar and uses insulin. However, he uses insulin because his endocrine system is substantially impaired. Without insulin, the impact on his major life activities and overall body functions would be severe. Bill is covered by the ADA as a person with a disability.

---

**Takeaway:** Whether or not a person has a disability is based upon the impact of the condition or impairment on major life activities and body functions **without** the use of a mitigating measure. A person does **not** have to use a reasonable accommodation in the workplace or other modifications to be covered by the ADA.

---

## Length of Time or Duration of a Disability

Conditions and/or impairments that are short-term do not meet the definition of a disability under the ADA, even if the

condition meets the other criteria: substantial impact on major life activities.

**Example:**

Evan injured his back and is required to limit most physical activities for at least a week. He is in pain and must take medication. However, he is expected to fully recover in 2 weeks.

Even though the impact of Evan's condition is substantial, the impact is short-term and would not be considered a disability under the ADA.

---

**Example:**

Shawna became very ill with a life-threatening infection. She spent two days in the hospital before returning to work 1/2 days for a week. She then returned to work full time. Her infection is gone and she requires no extended treatment.

Although the impact of the condition was life-threatening, the impact was short-term with a full recovery. Shawna would not be considered a person with a disability under the ADA.

---

**Example:**

Glenda was in a car accident. Her injuries were severe and she will require rehabilitation. Although Glenda is expected to fully recover, she will use a wheelchair and then a cane for at least six months.

Glenda's injuries will not have a permanent impact on major life activities. However, she is covered under the ADA because of the length of time that her condition impacts major life activities.

---

## **Other Factors Covered by the ADA**

ADA protections are provided to people who don't have a

disability, but may experience disability related discrimination based upon:

- Having a record of a disability that is no longer present.
- Having a condition or appearance that is regarded as a disability, but actually has no impact on major life activities.

#### **Example: Record of Disability**

Tim has been cancer-free for five years and is considered to be in complete remission. His employer does not promote him as expected because the employer says the "cancer may come back".

Under the ADA, Tim is protected from discrimination that is based solely on his history of having a disability.

---

#### **Example: Regarded As**

Jenna has noticeable burn scars on her face. Her scars have no impact on major life activities and require no medical care. However Jenna is turned away from a job interview because of her facial scars. The employer believes her scars will "make her unable to work with customers."

Under the ADA, Jenna would be protected from discrimination because her employer regarded her scars as a disabling condition.

---

## **Definition of a Disability and Employment**

A person with a condition that meets the definition of a disability under the ADA is protected from employment discrimination, **but they must also be:**

- Qualified for the position they seek.
- Able to perform the essential functions of the job with or



without reasonable accommodations.

In other words, Title I of the ADA protects qualified individuals with disabilities who can perform the essential functions of the job with or without reasonable accommodations.

A person with a disability may be asked to provide documentation from their medical professional if their disability is not "readily apparent."

## Summary: Key Concepts

- The definition of a disability is a legal definition rather than a medical definition. The definition does not apply to qualifying for disability-related services such as Social Security.
- There is no list of required medical conditions or categories included in the law. There is also no "national registry" or any other type of certification process that people must complete to be considered to have a disability under the ADA.
- The ADA applies to all ages. Children with disabilities are covered by the ADA.
- The ADA makes no distinction between types of disabilities. Individuals who meet the definition of a disability all have have the same rights under the ADA.
- The criteria used to determine disability is based on the impact of the condition/impairment on major life activities instead of just the presence of the condition.
- The impact of a condition on major life activities is assessed by how the condition affects major life activities **without** the use of mitigating measures (actions taken to alleviate symptoms or improve functioning such as medication, therapy, or hearing aids.)

- The ADA protects people who have a past record of disability from discrimination. The ADA also protects people who do not have a disability, but are "regarded as" having a disability.
  - The ADA protects people with disabilities from discrimination in the workplace, but they must be qualified for the job they hold or are seeking.
- 



## Great Plains ADA Center

University of Missouri-Architectural Studies Department

---

The Great Plains ADA Center is part of the [ADA National Network](#), a project of the National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR). NIDILRR is a program of the Administration for Community Living (ACL), Department of Health and Human Services (HHS). Our grant (#90DPAD0007) is awarded through the [Dept. of Architectural Studies](#) at the University of Missouri. The contents of this website do not necessarily represent the policy of NIDILRR, ACL, HHS, and you should not assume endorsement by the Federal Government.