

## An overview of Title I of the Americans with Disabilities Act

This Technical Update is the first in a series on the Americans with Disabilities Act of 1990 (ADA). The series will focus on Title I of the Act which was designed to protect people with disabilities from employment discrimination.

### What is the ADA?

The ADA is a federal civil rights law designed to prevent discrimination and enable individuals with disabilities to participate fully in all aspects of society.

### Who is protected by the ADA?

The ADA applies to a person who has a physical or mental impairment that substantially limits one or more major life activities (like sitting, standing or sleeping)

- The ADA covers more than just people who are deaf, blind, or use wheelchairs.
- People who have physical conditions such as epilepsy, diabetes, HIV infection or severe forms of arthritis, hypertension, or carpal tunnel syndrome may be individuals with disabilities.
- People with mental impairments such as major depression, bipolar (manic-depressive) disorder, and mental retardation may also be covered.

The ADA also protects a person with a record of a substantially limiting impairment. For example, a person with a history of cancer that is now in remission may be covered.

And the ADA protects a person who is regarded (or treated by an employer) as if s/he has a substantially limiting impairment. A person may be covered even if s/he has no impairment or has a minor impairment, particularly if the employer acts based on myths, fears, or stereotypes about a person's medical condition.

For example, an employer may not deny a job to someone who has a history of cancer because of a fear that the condition will recur and cause the employee to miss a lot of work.

The ADA only protects a person who is qualified for the job s/he has or wants.

- The individual with the disability must meet job-related requirements (for example, education, training, or skills requirements).
- S/he must be able to perform the job's essential functions (i.e., its fundamental duties) with or without a reasonable accommodation.

Any applicant with a disability that meets these tests must be considered for hire on an equal basis with other qualified applicants. The goal of the ADA is to provide equal access and opportunities to individuals with disabilities, not to give them an unfair advantage.

### What does the ADA require an employer to do?

Employers covered by the ADA (which includes all state and local governments regardless of size) have to make sure that people with disabilities:

- Have an equal opportunity to apply for jobs and to work in jobs for which they are qualified;
- Have an equal opportunity to be promoted once they are working;
- Have equal access to benefits and privileges of employment that are offered to other employees, such as employer-provided health insurance or training; and
- Are not harassed because of their disability.

For more information, contact CTSI at 303-861-0507.

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**Technical Updates are available online at: [www.ctsi.org](http://www.ctsi.org)**

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