

An Overview of the Americans with Disabilities Act of 1990

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By Antoinette W. Blanchette and Sonya D. Johnson

The Americans with Disabilities Act of 1990 (ADA) prohibits discrimination against disabled employees "because of the disability of such individual[s]" and requires employers to make "reasonable accommodations to the known physical or mental limitations" of disabled employees.

The ADA defines a disability as "a physical or mental impairment that substantially limits one or more major life activities." A substantial limitation exists if a person is either "(i) unable to perform a major life activity that the average person in the general population can perform; or (ii) significantly restricted as to the condition, manner or duration under which an individual can perform a particular major life activity as compared to the condition, manner, or duration under which the average person in the general population can perform that same major life activity."

In this context, major life activities are defined as "functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working."

The ADA also extends the definition of the term disability to include individuals with "a record of having such an impairment" or "regarded as having such an impairment."

Under the ADA, disabled employees may request reasonable accommodation by the employer. In determining what is a reasonable accommodation under the ADA, employers have a duty to thoroughly investigate and fairly consider accommodation options. However, the employer's duty does not arise until the employee requests an accommodation.

Moreover, an accommodation is deemed "reasonable" only if its costs are not clearly disproportionate to the benefits that the change will produce. Still, a reasonable accommodation may require changes to an employer's procedures, facilities, or performance requirements that will permit an otherwise qualified individual with a disability to perform the essential functions of his or her job.

In recent years, the United States Supreme Court has attempted to clarify the types of physical and mental impairments that qualify for ADA protection. For example, in *Sutton v. United Airlines, Inc.*, 527 U.S. 471 (1999), and *Murphy v. United Parcel Serv.*, 527 U.S. 516 (1999), the Supreme Court held that the plaintiffs were not disabled within the meaning of the ADA because their conditions were practically eliminated with corrective measures.

Specifically, in *Sutton*, the Supreme Court found that the plaintiffs' severe myopia did not "substantially limit a major life activity" because their vision was 20/20 or better with the use of corrective lenses.

And in *Murphy*, the Supreme Court similarly found that the plaintiff's hypertension did not "substantially limit a major life activity" because he was able to function normally in everyday activities with medication.

These landmark decisions now require courts and employers to take into account any mitigating measures an employee uses to ameliorate their condition. In essence, if an impairment can be corrected or mitigated with medication or other medical intervention, the impairment generally will not be deemed an ADA-protected disability.

The Supreme Court has also recently elaborated on the meaning of a "major life activity" within this context. In *Toyota Motor Mfg., Ky., Inc. v. Williams*, 534 U.S. 184 (2002), the Supreme Court held that individuals with impairments are covered by the ADA only if their impairments affect activities central to daily life—major life activities — and not just their ability to perform a specific job.

The Supreme Court concluded that terms such as "major life activity" and "substantially limits" used in the ADA "need to be interpreted strictly to create a demanding standard for qualifying as disabled."

It is clear, as illustrated by the above-noted decisions, that the ADA's scope remains ripe for continued debate and judicial interpretation.

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