

Definitions

Disability means with respect to an individual:

- a physical or mental impairment that substantially limits one or more major life activities;
- a record of having such an impairment;
- being regarded as having such an impairment.

In addition, an individual may not be discriminated against due to association with a person who has, has a record of, or is regarded as having a disability.

Essential Functions are job duties that are fundamental to the position the individual holds or desires that s/he cannot do the job without performing them. Duties are WHAT must be accomplished, NOT HOW it is accomplished. Evidence of what constitutes an essential function may include, but is not limited to: the employer's judgment; written job descriptions; amount and/or proportion of time spent performing the function; the consequences of not requiring a function; and the work experience of incumbents.

Major Life Activity are those basic activities the average person in the general population can perform with little or no difficulty including breathing; walking; hearing; seeing; speaking; learning; self-care; performing manual tasks such as reaching, standing and lifting; sleeping; or [working \(working in general, not the ability to perform a specific job\).](#)

Mental Impairment is any mental or psychological disorder or characteristics, such as mental retardation, head injury, emotional/mental illness, or learning disability.

Physical Impairment is any physiological disorder, disfigurement, or anatomical loss affecting one or more of the following body systems; neurological, musculoskeletal, sense organs, respiratory, speech, cardiovascular, digestive, skin or endocrine.

Qualified Individual with a Disability is a person who satisfies the requisite skills, experience, education and other job-related requirements of the position and who, with or without reasonable accommodations, can perform the essential functions of the job.

Reasonable Accommodation means a change in the work environment or to the manner or circumstances under which the duties of a position are customarily performed that would enable a qualified individual with a disability to accomplish the essential functions of the position or enjoy equal employment opportunities.

Substantially Limits means unable to perform a major life activity that the average person in the general population can perform; or 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.

Undue Hardship means an action that is excessively costly, extensive, substantial, disruptive, would substantially impede completion of the employer's mission, would create a danger to the employee or others, or that will fundamentally alter the nature of the job or employment program at issue. This determination is made on a case-by-case basis and considers the nature, cost of the accommodation, and/or impact of the accommodation on the operation of the office or facility involved.

Working “To be substantially limited in the major life activity of working.... One must be precluded from more than one type of job, a specialized job, or a particular job choice. If jobs utilizing an individual’s skills (but perhaps not his or her unique talents) are available, one is not precluded from a substantial class of jobs.” (Squipp v. Memorial Med. Ctr., 497 F3d 775, 782 (7th Cir. 2007) (quoting Sutton v. United Air Lines, 527 U.S. 471(1999)).