

Title I of the ADA prohibits employment discrimination on the basis of disability.

An individual with a disability is:

1. any person who has a physical or mental impairment that substantially limits one or more of the major life activities;
2. any person who has a record of such an impairment;
3. any person who is regarded as having such an impairment.

A person must meet one of these three criteria to be an individual with a disability under the ADA.

Physical or Mental Impairment - Any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems; neurological, musculoskeletal, special sense organs, respiratory, cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin and endocrine or;

Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Substantially Limits - An impairment is substantially limiting when it prevents an individual from performing a major life activity or when it significantly restricts the condition, manner or duration under which an individual can perform a particular major life activity. The individual's ability to perform the major life activity must be restricted as compared to the ability of the average person in the general population to perform the activity.

Example: a case of borderline cerebral palsy that slightly interferes with an individual's ability to read and speak is not a disability. The impairment affects a major life activity, but it does not substantially restrict those activities.

Major Life Activity - Those basic activities that the average person can perform with little or no difficulty. Functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Record or History of Impairment - Persons who have a history of, or a record of having been misclassified as having an impairment.

This part of the definition is intended to prevent discrimination against people who have been misclassified or who have recovered from a physical or mental impairment.

Example: a recovered alcoholic who experiences discrimination based on his/her past record of alcoholism is protected under the ADA.

Regarded as Having a Substantially Limiting Impairment - This covers persons who have impairments that do not substantially limit major life activities but are:

1. treated by the employer as having such an impairment;
2. it also covers persons whose impairments are substantially limiting because of attitudes of others toward the impairment;
3. persons who have no impairments but are regarded as having substantially limiting impairments.

This part is designed to guard against myths, fears, stereotype and other attitudinal barriers about disability.

The ADA asks employers to make reasonable accommodations to the known physical or mental limitations of an otherwise qualified applicant or employee, unless the employer can demonstrate that the accommodation would impose an undue hardship.

Reasonable Accommodation is - Any change in the work environment or the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities.

Examples:

Modification of equipment;
Qualified interpreters, readers;
Allowing part-time or modified work schedules;
Restructuring jobs;
Making facilities used by employees readily accessible and usable.

Some accommodations used/available:

Office lighting adjusted
Amplified phone
Color coding math functions, info columns, etc.
Taping of classes, books on tape
Allowing extra time for tests
CCTV system - located in the Library and 7th floor of the EERC building.
TTY phone system - located on the ground floor of the MUB
Software packages
Modified work schedules
Golf Carts are available for transportation
Parking accommodation

Qualified Individual With a Disability Means -

A person with a disability who is able to perform the essential functions of a job, with or without a reasonable accommodation.

Essential Functions - Are the fundamental job duties of the employment position the individual with a disability holds or desires.

EEOC regulations can be used to determine if a function is essential if:

1. the position exists to perform the function;
2. there are a limited number of employees available to perform the function, or among whom the function can be distributed;
3. requires a certain degree of skill or specialization.

Non-Essential Functions - These are the functions that are the "also to be done."

Undue Hardship - In determining whether a requested accommodation creates an undue hardship on the University, the appropriate University personnel will consider on a case-by-case basis whether such a request is unduly costly, extensive, substantial, disruptive and/or would fundamentally alter the nature of the University's operation of its business.

Retaliation and Coercion

The ADA prohibits retaliation, coercion or threats against people involved in complaints under the Act.

Michigan Tech ADA Statement: Michigan Tech complies with all federal and state laws and regulations regarding discrimination, including the Americans with Disabilities Act of 1990 (ADA).

Students: If you have a disability and need a reasonable accommodation for equal access to education or services at Tech, please call the Associate Dean of Students at 2212. For other concerns about discrimination you may contact your advisor, department head or the Affirmative Action Office at 3310. All discussions are confidential.

Employees: If you have questions or concerns about the ADA or accommodations for your working conditions, please contact the Affirmative Action Officer, at 3310 or email slkauppi@mtu.edu. All discussions are confidential.

Job Accommodation Network (JAN) – is a free consulting service that provides information about job accommodations, the Americans with Disabilities Act (ADA), and the employability of people with disabilities, 1-800-526-7232.

Michigan Technological University is an equal opportunity educational institution/equal opportunity employer and complies with the guidelines of the Americans with Disabilities Act.

<http://www.admin.mtu.edu/aa/>

AMERICANS WITH DISABILITIES ACT

KEY CONCEPTS OF THE LAW

The Americans with Disabilities Act of 1990, prohibits discrimination against individuals with disabilities in employment, public services and transportation, public accommodations, and telecommunications services.

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