



ADA Policy Guide Series #7 Americans with Disabilities Act (ADA): Important Terms

DHRM's series of ADA Policy Guides rely upon the terms listed below.

Americans with Disabilities Act	Title I of the Americans with Disabilities Act of 1990 prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. The ADA covers employers with 15 or more employees, including state and local governments. 29 CFR Part 1630
Applicant	A person who expresses interest in employment through the submission of an application or resume for employment.
Applicant Interactive process	The interactive process involves collaborative communication between the Agency's representative and the applicant to determine an effective reasonable accommodation for a disability. Such accommodation should enable the applicant to complete the application and/or selection process.
Disability	The ADA defines a disability as: (1) A person who has a physical or mental impairment that substantially limits one or more major life activities, (2) A person with a record of a physical or mental impairment that substantially limits one or more major life activities, and (3) A person who is regarded as having a physical or mental impairment that substantially limits one or more major life activities.
Essential Job Functions	Job duties and responsibilities that are fundamentally necessary to the purpose of the job and documented in position descriptions.
Job Accommodation Network	The Job Accommodation Network (JAN) is the leading source of free, expert, and confidential guidance on workplace accommodations and disability employment issues.
Major Life Activities	May include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

Also includes operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Mental Impairment	“Mental impairment” means (i) a disability attributable to intellectual disability, autism, or any other neurologically handicapping condition closely related to intellectual disability and requiring treatment similar to that required by individuals with intellectual disability or (ii) an organic or mental impairment that has substantial adverse effects on an individual's cognitive or volitional functions, including central nervous system disorders or significant discrepancies among mental functions of an individual.
Minimally qualified	Employees who are determined by agency management to possess the necessary knowledge, skills, abilities (KSAs) and other bona fide job requirements as outlined in the job description (or other document used by the agency to describe the nature of the position and the position’s qualifications.)
Physical Impairment	Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine.
Pregnancy-Related Accommodations	In accordance with the Providing Urgent Maternal Protections Act under the FLSA (PUMP Act), the Pregnant Workers Fairness Act (PWFA), agencies must accommodate pregnancies and lactating employees upon request. Examples of reasonable accommodations include more frequent or longer bathroom breaks, breaks to express breast milk, access to a private location other than a bathroom for the expression of breast milk, acquisition or modification of equipment or access to or modification of employee seating, a temporary transfer to a less strenuous or hazardous position, assistance with manual labor, job restructuring, a modified work schedule, light duty assignments, and leave to recover from childbirth.
Treating Health Care Provider	A licensed medical professional with knowledge of the employees’ or applicant’s disability and suggestions for accommodations.
Virginia Human Rights Act	Covers employment discrimination based on race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, or disability. § 2.2-3900 et seq.

Resources:

- [EEOC's Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation](#)
- [EEOC Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act](#)
- [Job Accommodation Network](#)