



Americans with Disabilities Act of 1990

Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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Reference Number: MTAS-1553

The **Americans with Disabilities Act of 1990 (as amended 2008) (P.L. 110-325)** prohibits discrimination against "otherwise qualified individuals with a disability who can perform the essential functions of the job either with or without a reasonable accommodation". The term "disability" means a physical or mental impairment that "materially restricts" one or more major life activities or situations in which an individual has a record of an impairment or the individual is being regarded as having an impairment. Additionally, the amendment provides that the definition of disability shall be construed in favor of broad coverage of individuals under the act.

The act specifies that major life activities include, but are not limited to (non-exhaustive list), caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and **working**. Major life activities also include the 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. An individual is "regarded as having such an impairment" if the individual establishes that he or she has been subjected to an action prohibited under the law because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

Source URL (retrieved on 07/09/2020 - 5:24am): <http://www.mtas.tennessee.edu/reference/americans-disabilities-act-1990>



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