



Explanation of "Regarded As"

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

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,

The University of Tennessee
Municipal Technical Advisory Service
1610 University Avenue
Knoxville, TN 37921-6741
865-974-0411 phone
865-974-0423 fax
www.mtas.tennessee.edu

Table of Contents

Explanation of "Regarded As".....	3
-----------------------------------	---

Explanation of "Regarded As"

Reference Number: MTAS-1054

An "individual with a disability" is an individual who:

- has a physical or mental impairment that substantially limits a "major life activity," or;
- has a record of such an impairment, or;
- is regarded as having such impairment

The "regarded as" prong of ADA was meant to keep employers from making employment-based decisions based on myths, fears, and stereotypes. In 2008, ADAAA made changes to this third part of the definition of disability. An individual no longer must show that the employer believed the impairment substantially limited ability to perform a major life activity. Individuals are covered under this provision when an employer takes action prohibited by ADA such as making an adverse employment decision based on an actual or perceived impairment (i.e., not hiring someone due to a history of a brain tumor). This means an individual could take legal action against an employer who made an adverse employment decision as a result of erroneous information.

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 11/14/2019 - 9:34pm): <https://www.mtas.tennessee.edu/reference/explanation-regarded>



Municipal Technical Advisory Service
INSTITUTE for PUBLIC SERVICE