



Not Covered as a Disability Under ADA

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

Not Covered as a Disability Under ADA	3
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Some examples of impairments not covered under ADA may be: appendicitis, short bouts of depression, weight conditions within normal ranges, normal height deviations, traits and behaviors, cultural or economic disadvantages, normal pregnancies, quick temper, poor judgment, irritability, physical characteristics such as being left-handed, hair color, eye color, homosexuality, bi-sexuality, gender disorders, broken limbs, gambling addiction, eye or hair color, height, weight, lack of education, old age, poor judgment, sprains, current use of illegal drugs, sexual behavioral disorders, and disorders caused by the use of illegal drugs.

Stress

According to the EEOC, stress may be shown to be related to a mental or physical impairment. Similarly, traits such as irritability, chronic lateness, and poor judgment are not, in themselves, mental impairments, although they may be linked to mental impairments.

Other Examples of Non-covered Conditions

Broken limbs, sprains, concussions, appendicitis, common colds, or influenza generally would not be disabilities. A broken leg that heals normally within a few months, for example, would not be a disability under the ADA. However, if a broken leg took significantly longer than the normal healing period, and during this period the individual could not walk, he or she would be considered to have a disability. Or, if the leg did not heal properly, and resulted in a permanent impairment that significantly restricted walking or other major life activities, he or she would be considered to have a disability.

This list is not all inclusive and does not cover all possible scenarios related to these conditions. Additionally, each individual should be assessed on a case-by-case basis. Complications to common non-covered conditions can often result in eligibility under ADA.

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.

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