

# Definitions and Concepts

## ADA/FEHA

- Americans with Disabilities Act (ADA) and the California Fair Employment & Housing Act (FEHA) are Federal and State laws that prohibit discrimination against employees or potential employees with disabilities in the terms and conditions of employment.

## DISABILITY (UNDER FEHA):

- A physical or mental disability that limits one or more major life activities including work.
- A history of such an impairment known to the employer.
- Applies to an individual who is *incorrectly regarded or treated* as having an impairment or
- Is regarded or treated as having an impairment with no presently disabling effects then is covered and protected such as a recovered cancer patient.

## MEDICAL RESTRICTIONS

- Medical information that identifies functional limitations and accommodation issues related to employee's job.
- Medical restrictions are defined by a physician based on the essential functions of the job as provided by the employer.

## FUNCTIONAL LIMITATIONS

- A functional limitation is the inability to perform an action or a set of actions, either physical or mental, because of a physical or emotional restriction.

## ESSENTIAL FUNCTIONS OF A JOB

- Essential function means the fundamental job duties of the employment position.
- The position exists to perform the function.
- Function requires significant time to perform.
- Serious consequence of not performing this job function.

## NON ESSENTIAL FUNCTIONS/MARGINAL TASKS

- Any function of the job which does not meet the test of essential.

## INTERACTIVE PROCESS

- A good faith communication process between the employer and employee to identify a reasonable accommodation that allows the employee to perform the job effectively.

- This is an ongoing obligation of the employer and should be documented in writing.

#### REASONABLE ACCOMMODATION

- A reasonable accommodation is a logical adjustment to the job that allows a person with a disability to perform the essential functions of the position.
- The term also applies to any adjustment which allows the person to participate in any and all aspects of the employment process, including recruitment, application and promotion, as well as all other employee privileges and benefits.

#### SPECIAL SELECTION / REASSIGNMENT

- A University process established to assist employees in remaining employed after becoming disabled.
- An employee who becomes disabled, and who meets various criteria, may be selected for a position which has not been publicized.
- Administered through Human Resources, Disability Management Services and Employment Services.