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1

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2



## Listening to the Webinar, *continued*

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3



## Listening to the Webinar, *continued*

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4



## Captioning

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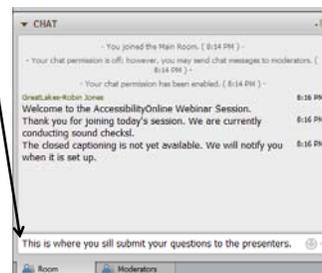
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5



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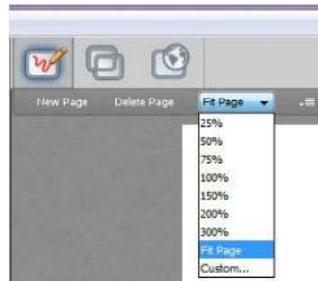
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6



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7



## Customize Your View *continued*

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8

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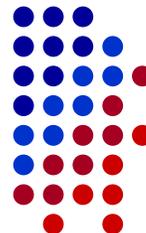
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9

## IS IT A DISABILITY UNDER THE ADA AMENDMENTS ACT?



NOVEMBER 13<sup>th</sup>, 2013



10

## Housekeeping Matters:



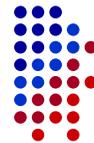
- **Protocol:**
  - Really, none ...
  - Ask questions at any time!
    - I'm serious!
    - Please ask questions.



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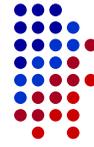
11

## Webcast Goals:

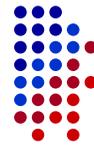


- Goal 1: Define disability under the ADA and ADAAA
- Goal 2: Discuss the limits of the definition
- Goal 3: Explore application of ADA protection to what some consider outlier impairments or situations
  - But not necessarily in that order ...

12



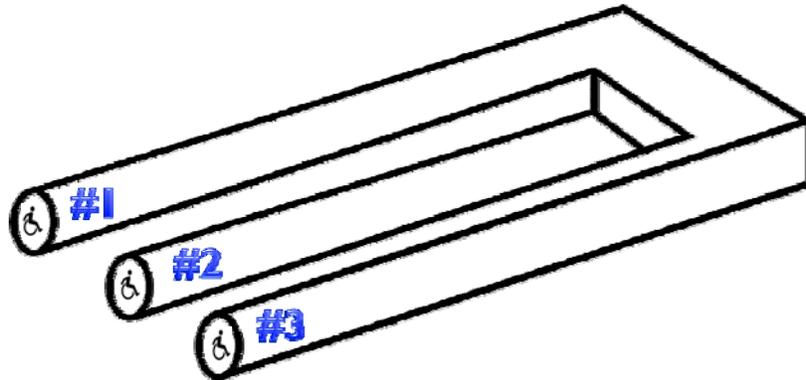
**The ADA was signed July 26<sup>th</sup>, 1990 by  
President George H. W. Bush**



**What the definition of disability  
under the ADA is NOT!**

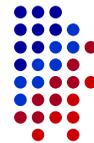


## Definition of Disability under the ADA --- 3 prongs:



15

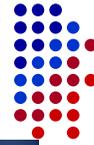
## Definition of Disability under the ADA --- 3 prongs:



- The term "disability" means, with respect to an individual
  - (i) a physical or mental impairment that substantially limits one or more major life activities of such individual;
  - (ii) a record of such an impairment; or
  - (iii) being regarded as having such an impairment
- 42 USC § 12102(2)

16

## US Supreme Court + ADA

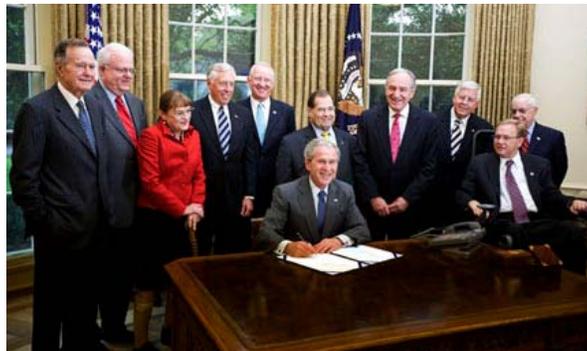
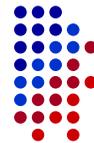


FYI

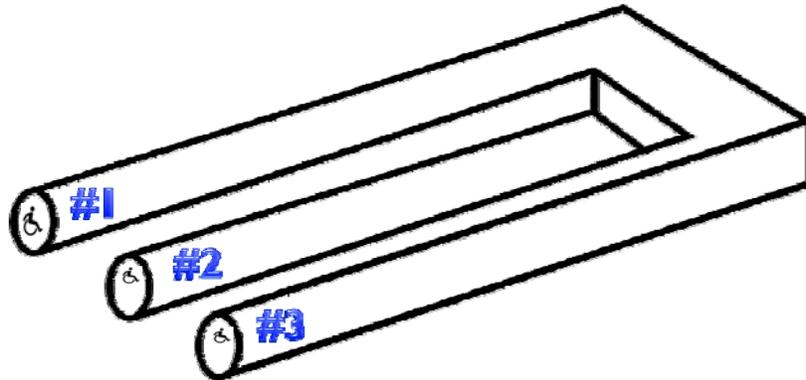
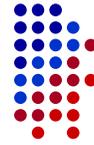


17

The **ADA Amendments Act** was signed  
September 25<sup>th</sup>, 2008 by  
President **George W. Bush**

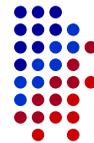


## Definition of Disability under the ADAAA --- 3 prongs:



19

## Definition of Disability under the ADAAA --- *still 3 prongs, but:*



- “The term "disability" means, with respect to an individual
- #1**
- (A) a physical or mental impairment that substantially limits one or more major life activities of such individual;
- #2**
- (B) a record of such an impairment; or
- #3**
- (C) being regarded as having such an impairment ”
- 42 USC § 12102 (1) – retains definition language but clarifies key terms

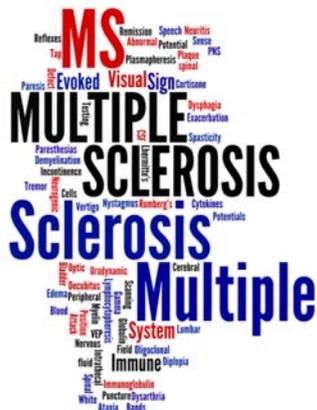
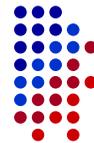
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## Effects of the changes to the definition ADAAA in brief:



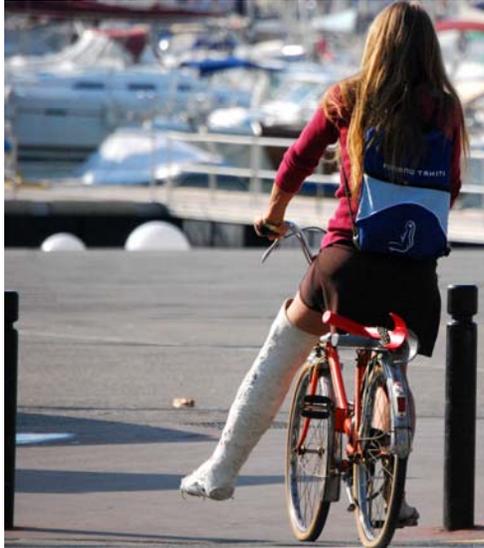
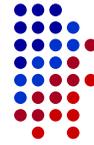
21

## Episodic or Cyclical Impairments, & Impairments in Remission:



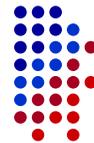
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## Temporary impairments & the ADA?



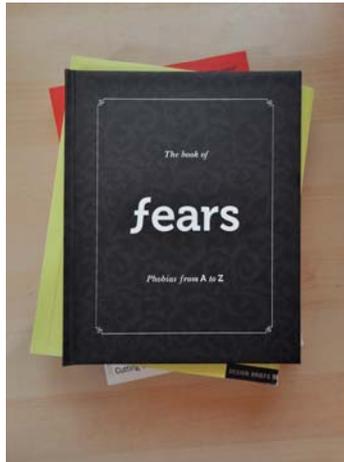
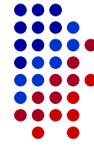
23

## Pregnancy as a Disability?



24

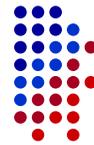
## Phobias & the ADA?



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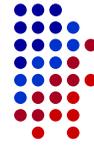
## Alcohol & the ADA?



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26

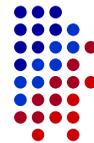
## Drugs & the ADA?



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27

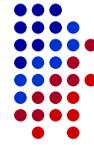
## “Legal” medical marijuana & the ADA?



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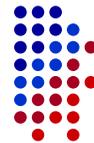
## Domestic violence, stalking, sexual assault & the ADA:



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29

## QUESTIONS?



30



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31



Thank you for Participating In Today's Session

Please join us for our next session:

**January 14, 2014**

***“The Top ADA Cases of 2013”***

<http://www.ada-audio.org/Webinar/ADALegal/>



32

## Photo Credits:

Slide #	Title	Author	URL	Note
4	Webcasting behind the scenes URL:	Jon Juan	<a href="http://farm4.staticflickr.com/3588/3387195729_28ba94b4a3_b.jpg">http://farm4.staticflickr.com/3588/3387195729_28ba94b4a3_b.jpg</a>	DESCRIPTION: image of webcast camera, light and teleprompter set-up with altered text: "Hello, my name is Aaron. Welcome to the ...."
15	Cancer Survivors Day 2013 Author: URL:	Spectrum Health	<a href="http://farm3.staticflickr.com/2850/8962696416_0a8f44a6ea_c.jpg">http://farm3.staticflickr.com/2850/8962696416_0a8f44a6ea_c.jpg</a>	Close-up of t-shirt logo stating "Celebrate Cancer Survivors Day 2013" in the center of multi-colored circle
16	untitled	Ben Roffer	<a href="http://farm6.staticflickr.com/5087/5317733361_0c002c26cd_b.jpg">http://farm6.staticflickr.com/5087/5317733361_0c002c26cd_b.jpg</a>	Girl on bicycle in foreground with apparently broken left leg in cast. Boat marina in background
17	Pregnant	Areta ekarafi	<a href="http://farm9.staticflickr.com/8024/7513889574_22a43a2c09_b.jpg">http://farm9.staticflickr.com/8024/7513889574_22a43a2c09_b.jpg</a>	Triptych of the same pregnant woman's belly where her hands embrace the belly in three separate poses.



33

## Photo Credits:

Slide #	Title	Author	URL	Note
18	The Book of Fears: Phobias from A to Z	Jonathan Guy	<a href="http://farm4.staticflickr.com/3625/3557622154_9eb663f716_b.jpg">http://farm4.staticflickr.com/3625/3557622154_9eb663f716_b.jpg</a>	Image of dark, cloth bound book with the title "The Book of Fears: Phobias from A to Z"
19	Six Martini Lunch	Chris Robinson	<a href="http://farm4.staticflickr.com/3115/2687601081_049fbeb2f_b.jpg">http://farm4.staticflickr.com/3115/2687601081_049fbeb2f_b.jpg</a>	Close-up image of several empty martini glasses on a table
20	Day 43: Rehab...Ubiquitous Word	Protoflux	<a href="http://farm4.staticflickr.com/3172/2287498600_7723ec8f02_o.jpg">http://farm4.staticflickr.com/3172/2287498600_7723ec8f02_o.jpg</a>	Day time photo of unlit neon sign with the word "REHAB" spelled out in neon tubing
21	Zen Healing Medical Marijuana Pharmacy	WeHo City	<a href="http://farm5.staticflickr.com/4002/4688581268_70c166dfea_b.jpg">http://farm5.staticflickr.com/4002/4688581268_70c166dfea_b.jpg</a>	Image of neon signs in window of medical marijuana dispensary. One sign spells "open," and the other is a stylized marijuana leaf
22	Domestic Violence toolkit for employers launched	Province of British Columbia	<a href="http://farm8.staticflickr.com/7044/6880906246_fc2f20897a_b.jpg">http://farm8.staticflickr.com/7044/6880906246_fc2f20897a_b.jpg</a>	Image of female standing at a podium with a sign attached to it reading "domestic violence in the workplace"



34