

ADA & FEHA Quick Reference Guide

Definition

Definition of “Disability”

ADA: A physical or mental impairment that substantially limits one or more major life activities. Includes individuals with a record of such impairment or regarded as having such impairment.

FEHA (California): Broadly defined to include physical, mental, and special education disabilities. Covers conditions that limit a major life activity (not just substantially limit).

➔ What is/isn't covered

- **Covered:** Chronic or episodic conditions such as epilepsy, diabetes, HIV/AIDS, multiple sclerosis, heart disease, depression, PTSD, autism, intellectual disabilities, and perceived disabilities.
- **Not Covered:** Current unlawful drug use, sexual behavior disorders, compulsive gambling, kleptomania, pyromania. Minor conditions like colds, flu, or minor cuts and sprains are also excluded.
- **Special Note (Obesity):** Under FEHA, obesity may be a disability if there is a physiological cause. *Cassista v. Community Foods, Inc.* (1993).

➔ Employer Size Threshold

- **ADA:** Applies to private employers, state and local governments, and labor organizations with 15 or more employees.
- **FEHA:** Applies to public and private employers with 5 or more employees.

