



Diabetes and civil rights law

An overview of your legal right to equal access to programs, benefits, opportunity, accommodations, education, and employment



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Table of contents

Are you disabled?	1
Your civil rights for administering diabetes self-care in public and in the work place.....	1
The legal definition of a disability	2
Definition of physical and mental impairments.....	3
What is not considered an impairment?.....	3
The importance to persons with diabetes of the Rehabilitation Act Amendments of 1974	4
An impairment must substantially limit one or more major life activities	5
How “limitation” factors pertain to persons with diabetes.....	5
Additional considerations of the term “substantially limits”.....	6
Pre-diabetes.....	7
Gestational diabetes	7
Major life activities	7
The meaning of “record of such an impairment”.....	8
Regarded As Having Such an Impairment.....	8
Illegal drug use and the ADA	9
Discrimination by association with a person who has diabetes	9
Your right to file a grievance: ADA protection against retaliation or coercion	9
Americans with Disabilities Act	10
ADA Title I: Employment.....	10
Definition of a qualified individual with a disability under Title I.....	11
ADA Title II: State and Local Government Activities	12
Definition of a qualified individual with a disability under Title II and Title III.....	13
ADA Title II: Public Transportation.....	13
ADA Title III: Public Accommodations.....	14
Title IV: Telecommunications relay services	14
Where to file ADA civil rights complaints	15
The Rehabilitation Act of 1973.....	16
Key purposes of The Rehabilitation Act.....	16
The Rehabilitation Act stated policy.....	17
Filing a complaint under The Rehabilitation Act	17
Summary of The Rehabilitation Act civil rights coverage by Section	18
Individuals with Disabilities Education Act (IDEA)	19
Frequently asked questions about diabetes discrimination in the work place	22
What questions can an employer ask during the application process?	22
Do I need to provide a doctor’s note about my diabetes to my employer?	22
What information is a person with diabetes required by law to disclose during the application process?.....	23
What can an employer do <i>after</i> a person with diabetes has been offered a job and then discovers that the person has diabetes?.....	23
When can an employer ask if medical problems, including diabetes are affecting work my performance?	23

Table of Contents (continued)

Is poor job performance for any reason enough cause for my employer to ask for or obtain medical information about me?	24
What information can my employer share about my diabetes?	24
Do I have to tell other employees I have diabetes? Can my employer tell my co-workers about my diabetes?.....	24
What if a co-worker asks why I am getting certain accommodations?	25
Frequently asked questions about diabetes for employers	25
I am concerned that an employee with diabetes may be unable to safely perform his/her job. Can I ask the employee questions about his/her diabetes or send him/her for a medical exam?	25
I have an employee who misses a lot of work for diabetes (or other medical reason). Can I ask the employee to submit proof of the reason for his/her absenteeism?.....	25
If an employee has missed work due to diabetes problems, can an employer request a medical exam or documentation before allowing him/her to return to work?.....	25
Does the ADA apply when another federal law prohibits an employer from hiring anyone who takes insulin for a particular position?.....	26
Does everyone with diabetes have a disability covered under the ADA?.....	26
Resources	27
Americans with Disability Act (ADA).....	27
Diabetes information.....	28
Sources of information for this publication	28
Footnotes.....	29



Are you disabled?

Many people with diabetes may not see themselves as disabled because they are able to lead a normal life. Yet, they may still face discrimination despite being able to do a job, attend school, or may even be denied access to programs based on being *perceived* as having a disability.

Others with diabetes require reasonable accommodations (i.e., students at school) and may qualify as being disabled based on their ability to participate in one or more major life activities.

Civil rights laws are complicated and if you feel you are being discriminated against you should obtain professional legal counsel. But a great place to start is by knowing and understanding that diabetes, contrary to what many employers, child care facilities, and learning institutions might tell you, is often covered under civil rights laws.

It is not simply having diabetes that qualifies a person as being disabled, but how diabetes has impacted their life. Just because some individuals with diabetes may not qualify for protection under civil rights laws does not mean you don't.

Your civil rights for administering diabetes self-care in public and in the work place

It is important to understand that even when a person with diabetes is not specifically classified as “disabled” there are no federal laws that prohibit a diabetic person from testing blood sugars or injecting insulin in public, private, or the work place. While some states have enacted laws that restrict diabetes care in public schools these laws may conflict with federal civil rights laws and are being challenged in some states.

Federal disability laws are designed to protect the rights of people with disabilities which may include those with diabetes, and allowing them *equal* access to many things include programs, benefits, employment, facilities, transportation, opportunities, and education.

Many states have laws requiring the safe disposal and handling of medical waste including syringes from diabetes care to protect the health interests of the public. However, legislation aimed at the safe disposal of syringes is often hampered by concerns over whether such laws will encourage illegal IV drug use. Therefore, often, the disposal of used syringes is left to local jurisdictions and individual policies and procedures vary from place to place.

Key federal laws affecting persons with disabilities in public and private places including the work place, schools, and day care are:

- The Americans with Disabilities Act (ADA)
- The Rehabilitation Act
- Individuals with Disabilities Education Act (IDEA)

The legal definition of a disability

The guiding anti-discrimination legislation used for identifying a person has having a disability can be found in the Rehabilitation Act and the Americans with Disabilities Act (ADA). Both the Rehabilitation Act and the ADA have been amended since they were enacted in order to further clarify the term “disability” as it applies to civil rights of persons with disabilities.

Anti-discrimination laws are continually being challenged and therefore, subject to dynamic legal interpretation and possible further amendment. To find out if there have been any recent changes regarding disability laws in the United States contact your regional Disability and Technical Assistance Center (DBTAC) at 1-800-949-4232 V/TTY or visit them on the web: <http://www.dbtac.vcu.edu/>.

Under the ADA there are three key aspects used in defining the term “disability.” The ADA definition of disability reconciles with the term “disability” under the Rehabilitation Act. Both the ADA and Rehabilitation Act work to identify specific types of discrimination that people with disabilities may encounter. While these two important sets of laws agree on what constitutes a disability, other laws do not use this same definition. Laws that may use other, broader *or* more defining criteria for the term “disability” include state and federal laws providing benefits to disabled persons (i.e., state worker’s compensation laws) and veterans.

In some cases, even if a person with diabetes is qualified as having a disability, other federal or state laws may prohibit or restrict the hiring of someone who uses insulin for a particular job. In this case, anti-discrimination laws may or may not apply.

Note: This publication deals with the type of discrimination people with disabilities may encounter in the work place and public settings.

Both the ADA and The Rehabilitation Act of 1973 (which was further clarified in The Rehabilitation Act Amendments of 1974) define a person with a disability as:

“anyone who:

- (i) has a physical or mental impairment which substantially limits one or more major life activities,
- (ii) has a record of such an impairment, or
- (iii) is regarded as having such an impairment.”

Definition of physical and mental impairments

“Impairment” under the ADA is defined as a having physiological or mental disorder.

Neither the statute nor the regulations of ADA or The Rehabilitation Act list all diseases or conditions specifically mentioned under "physical or mental impairments." This does not mean that something not listed is not covered. It would be impossible to provide a comprehensive list, given the variety of possible impairments and so both the ADA and The Rehabilitation Act use the “three prongs” to define a disability.

A physical impairment is defined as:

"Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine." (See note 1, below.)

A mental impairment is defined as:

"[a]ny mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities."

Note 1: Diabetes is a permanent, incurable disease of the endocrine system that requires major lifestyle changes, medical interventions, and limitations. Diabetes may be considered an impairment under both ADA and The Rehabilitation Act based on the definition of “physical impairment” even though it is not specifically mentioned.

What is not considered an impairment?

Anti-discrimination laws have been amended several times to help clarify what and who is covered. The following are examples of things that are not considered impairments and therefore, would not be considered a disability:

- Environmental, cultural, or economic disadvantages, such as lack of education or a prison record;
- A physical condition that is not the result of a physiological disorder, such as pregnancy;
- Having a predisposition to a certain disease;
- Physical characteristics, such as eye or hair color, left-handedness, or height or weight within a normal range;
- Personality traits including poor judgment, quick temper or irresponsible behavior;
- Sexual orientation;

- Sexual behavior including transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments;
- Behavior disorders including compulsive gambling, kleptomania, or pyromania;
- Psychoactive substance use disorders that result from current illegal use of drugs; and
- Religious beliefs that restrict a person's activities.

Sometimes, understanding the law can be tricky. For example, a person who cannot read due to lack of education or inability to speak English would not be considered disabled. But a person who could not read because they have dyslexia could be considered disabled under ADA because dyslexia is an impairment.

Depression is not considered an impairment unless it is a result of another documented impairment such as a mental disorder. Stress is not considered a disability either. However, if a person has been diagnosed by a psychiatrist as having an identifiable stress disorder, it may be considered a disability because the stress disorder itself *may* be an impairment.

Having a contagious disease may be considered an impairment. The Supreme Court has already ruled that an individual with tuberculosis which affected her respiratory system had an impairment under Section 504 of the Rehabilitation Act [U.S. Supreme Court in *School Board of Nassau County v. Arline*. 480 U.S. 273, reh_g denied, 481 U.S. 1024 (1987), on remand, 692 F. Supp. 1286 (M.D.Fla. 1988)].

This important Supreme Court decision not only affects persons with contagious disease (i.e., persons with Human Immunodeficiency Virus (HIV) are considered to have an impairment) the wording also affects persons with non-contagious disease like diabetes.

The importance to persons with diabetes of the Rehabilitation Act Amendments of 1974

In these amendments, it was clarified in prong three; "(iii) is regarded as having such an impairment" that even if the actual mental or physical condition itself is not an impairment (i.e., your diabetes is well-controlled and you do not need special accommodations), having rights and access denied as a result of negative public reaction to the person with the condition, *is* an impairment and therefore, could be qualified as having a disability.

An example includes a person with an extreme facial abnormality who can perform a job without accommodations. Because the condition is simply cosmetic it is not considered an impairment. However, the person may still qualify as disabled if no one will hire or promote them simply because of their deformity under prong three of the ADA.

This third prong is very important to people with diabetes because they are often shunned or banned to dirty bathrooms to provide critical medical care for themselves. This third prong protects against public and employer ignorance that seeks to restrict the necessary medical care a person with diabetes requires.

An impairment must substantially limit one or more major life activities

An impairment is a disability under the ADA *only* if it “substantially limits one or more major life activities.” An individual must be unable to perform, or be significantly limited in the ability to perform, an activity compared to an average person in the general population.

Regulations in ADA and the Rehabilitation Act use three factors that must be considered in determining whether or not a person's impairment substantially limits a major life activity, and therefore, qualifies as a disability. These three factors are:

1. its nature and severity;
2. how long it will last or is expected to last;
3. its permanent or long term impact, or expected impact.

How “limitation” factors pertain to persons with diabetes

Limitation factor	How it pertains to diabetes
1. it's nature and severity	<p>Diabetes is a disease of the endocrine system that can be severe, causing the need for substantial changes in lifestyle. Out-of-control diabetes can lead to serious complications, even death.</p> <p>Blood sugar fluctuations as a result of diabetes and the treatment of diabetes itself (i.e. insulin and oral medications) requires blood sugar testing and prompt treatment for high or low blood sugars.</p> <p>Low blood sugar (hypoglycemia) causes both physical and mental impairment including weakness, confusion, and significant cognitive ability. High blood sugars can also cause problems for people with diabetes.</p> <p>Anyone with diabetes who takes insulin is always at the potential risk of death from untreated hypoglycemia.</p>
2. how long it will last or is expected to last	Both type 1 and type 2 diabetes are incurable. Once a person has become diabetic (type 1 or type 2) they will always be diabetic.
3. its permanent or long-term impact or expected impact	It is well documented that diabetes can lead to serious complications including blindness, amputation, kidney failure, nerve damage, loss of normal digestive function, stroke, heart attack, seizure, coma, and death. Many of the complications of diabetes, once they occur, are irreversible.

These three factors need to be considered because not all conditions or impairments are listed in anti-discrimination statutes. Rather, it is the *effect* an impairment has on an *individual's* life and *not* the name of an impairment or a condition that determines whether or not a person is protected by the ADA.

Some impairments such as blindness and deafness are by their nature substantially limiting, but many other impairments including diabetes may be disabling for some individuals but not for others, depending on the impact on their activities.

Important point to remember

The determination as to whether an individual is "substantially limited" must always be based on the effect of an impairment(s) on *that* individual's life activities.

This is important to remember because not all persons with diabetes require accommodations or are, by definition, "disabled." But for those whose impairment does limit them, they are covered under the ADA and The Rehabilitation Act.

Additional considerations of the term "substantially limits"

Another important legal decision that affects persons with diabetes came by Supreme Court Ruling in June of 1999. (Murphy v. United Parcel Service, 527 U.S. 516 (1999); decided June 22, 1999).⁽¹⁾

The Supreme Court decided that the disability must be assessed without consideration to corrective services, devices, or medications. For example, a person who has had a limb amputated but can walk with the aid of an artificial leg may still be considered disabled even though a corrective device assists the person in walking. The ruling also clarified that a person may have a disability even if a medication helps the person.

This decision can be important to people diagnosed with diabetes who use lifestyle, insulin or other medications to correct blood sugars and manage the disease. Without medical or corrective intervention the disease still exists and may be an impairment that substantially limits major activities in life. Therefore, simply correcting the affects of the impairment (through diabetes management) with medication or insulin does not automatically disqualify a person as having a disability.

Temporary impairments may or may not be disabilities under the ADA. Having gestational diabetes and pre-diabetes would be considered a temporary impairment. How long an impairment lasts is a significant factor that is considered, but not the deciding factor, in determining a disability.

The basic question is still whether any impairment "substantially limits" one or more major life activities. This question is answered by looking at the extent, duration, and impact of the impairment. Temporary, non-chronic impairments that do not last for a long time and that have little or no long term impact usually are not disabilities.

Pre-diabetes

Pre-diabetes would be difficult to consider as a disability even though changes in lifestyle are necessary. Pre-diabetes is considered transitory (meaning it is not a disease itself, but an early indicator that diabetes could develop). Since pre-diabetes is often completely reversible it could not be considered a permanent impairment. However, if a person were morbidly obese (which can be associated with pre-diabetes) and was denied a job that they were qualified for and able to perform simply because they were morbidly obese, the third prong of the ADA definition of “disability” *might* apply.

Gestational diabetes

Pregnancy itself is not a disability. However, if there are complications from a pregnancy, such as gestational diabetes, under certain conditions, gestational diabetes, although not a permanent condition, *may* qualify as a disability.

For example, if a woman with gestational diabetes needs to test her blood sugars and inject insulin she may need temporary, reasonable accommodations in the work place. The key factor in determining whether or not gestational diabetes could be considered a disability is not gestational diabetes itself, but the impact it has on a woman’s ability to work and perform major life activities.

Major life activities

For a person to have a disability covered by the ADA, an impairment must “substantially limit one or more major life activities.” These are activities that an average person can perform with little or no difficulty. Examples include, but are not limited to, walking, seeing, hearing, speaking, breathing, learning, performing manual tasks, caring for oneself, working, or taking tests at school. Other major life activities considered “normal” include sitting, standing, lifting, or reading.

It is important to remember that a Supreme Court Ruling in 1999⁽¹⁾ determined that is the condition without corrective measures (i.e., prosthetic devices or medications) that is to be considered (i.e., a person with diabetes still may have impairment from diabetes even if insulin is used to manage the disease).

A person with diabetes may suffer in many of the areas mentioned above as a result of diabetes-related blood sugar problems, as well as blood sugar problems that arise from medications and insulin. Examples include, but are not limited to:

- **Hypoglycemia** (low blood sugar) directly affects a person’s ability to walk, perform manual tasks, see, hear, talk, think, learn, communicate, and care for oneself. During episodes of hypoglycemia a person with diabetes cannot participate in physical activities including standing and lifting. During a severe hypoglycemic episode, they may not even be able to sit.

- Hyperglycemia can impact a person’s ability to think, learn, and perform manual and other tasks, and participate in certain activities (i.e., a person with hyperglycemia, especially when ketones are present in the urine, are not able to physically exert themselves without risk of medical complications).

The meaning of “record of such an impairment”

Purpose: This definition prohibits an employer from relying on permanent records to make adverse decisions about employment.

The second prong (definition) of the ADA criteria for defining a disability is when a person “has a record of such an impairment.” A “record” refers to any form of documentation of a past or current disability. It was enacted to protect people whether or not they are currently substantially limited in a major life activity. Examples include people with a history of a debilitating disease such as cancer or heart disease that is in remission or has been cured, or whose condition is now controlled (i.e., as in the case of a person with diabetes).

This definition also protects people with a history of mental illness, or those who have been previously misdiagnosed as having a disability; basically, anyone who has a permanent record of any disability that also meets the ADA definition of “disability.”

According to the ADA & IT Technical Assistance Centers, “To be protected by the ADA under this part of the definition, a person must have a record of a physical or mental impairment that substantially limits one or more major life activities. A person would not be protected, for example, merely because s/he has a record of being a “disabled veteran,” or a record of “disability” under another federal statute or program unless this person also met the ADA definition of an individual with a record of a disability.”⁽²⁾

Regarded As Having Such an Impairment

Purpose: This part of the ADA definition provides protection to persons who may not have an impairment that substantially limits one or more major life activities, but who may still suffer discrimination based on perceived impairment due to ignorance or negative reaction to their impairment.

In 1987 the United States Supreme Court stated, and the Congress reiterated that, “society's myths and fears about disability and disease are as handicapping as are the physical limitations that flow from actual impairments.” (*School Bd. of Nassau County v. Arline*, 480 U.S. 273, 287 (1987)).⁽³⁾

For example, a person with mild or well-controlled diabetes is barred from participating in sports at school because of his/her diabetes, despite being able to safely participate.

Even when a person does not have a disability (i.e., their diabetes does not substantially limit a major life activity) if s/he is still being treated as though s/he does, they are covered under the ADA definition “regarded as having such an impairment.”

Illegal drug use and the ADA

Illegal drug use or problems as a result of illegal drug use are not considered a disability. However, a recovering individual who is actively participating in, or has completed drug rehabilitation and is no longer illegally using drugs, is protected under the ADA.

In most cases, an employer may not refuse to hire someone based on past drug use if they are otherwise qualified for the job and no longer using illegal substances. An employer may, however, request a drug test as part of conditional or continued employment, as long as it is the employer’s policy and practice that extends to other employees.

Discrimination by association with a person who has diabetes

Under the ADA both public and private entities may not discriminate against an individual or an entity because of the known disability of a person with whom the individual or entity has a relationship. For example, an employer could not refuse to hire the single parent of a child with diabetes because of concerns about potential absenteeism. As long as the applicant is qualified for the job and is able to work the hours required s/he cannot be denied a job simply because s/he has a child with diabetes.

Other examples of diabetes-related discrimination by association include:

- A local library could not refuse to allow a diabetes support group to meet or use library facilities because the already has recently permitted diabetes-related events in their facilities.
- If a restaurant asked a patron to leave because they were with someone who had diabetes, the restaurant would be illegally discriminating against *both* individuals.

People without disabilities are not entitled to reasonable accommodation, modifications to policies, practices and procedures, or other accommodations. However, if they face discrimination by association, they may be protected under ADA law.

Your right to file a grievance: ADA protection against retaliation or coercion

People who exercise their rights under the ADA or individuals who assist others in exercising their rights are protected against retaliation or coercion. This includes *any* form of retaliation or coercion including threats, intimidation, denial or services, access, or benefits, or interference.

Some examples of retaliation or coercion that would be in violation of ADA laws include:

- A woman who is blind from diabetes wants to use a service dog. Her landlord allows other tenants to have small dogs, but will not let the blind woman have a dog because it would be considered a large-breed dog. The blind woman sues the landlord. Regardless of the outcome of the court's decision, the landlord could not evict the tenant on the basis of a complaint being filed.
- A public school refuses to let a child with diabetes attend a field trip because the child's parents filed grievance proceedings involving the lack of a school nurse.
- A restaurant may not refuse to serve a customer because he filed an ADA complaint against the restaurant for refusing to let him test his child's blood sugars or inject insulin in the restaurant.
- An employer may not refuse to hire a qualified individual because s/he encouraged another individual to file an ADA complaint against the employer.



The Americans with Disabilities Act (ADA)

The ADA prohibits discrimination on the basis of a person's disability, which may include diabetes, in private employment, State and local government, the United States Congress, public accommodations, commercial facilities including restaurants, transportation, and telecommunications.

In addition to the ADA most states also have their own laws prohibiting employment discrimination on the basis of a person's disability. Some state laws apply to smaller employers than the ADA (the ADA laws apply to employers with 15 or more employees) as well as offer other protections in addition to those available under the ADA.

ADA Title I: Employment

Title I prohibits employers and religious entities with 15 or more employees from discriminating against persons with disabilities in recruitment, hiring, promotions, training, pay, social activities, and other privileges of employment. It requires that employers make reasonable accommodation to the known physical or mental limitations of otherwise qualified individuals with disabilities, unless it results in undue hardship. Religious entities with 15 or more employees are covered under title I.

Some key aspects of Title I of the ADA that may pertain to persons with diabetes include:

- Limiting the medical information that an employer can ask a job applicant during the application stage. Employers may not ask questions about the applicant's medical condition or questions about the use of prescription drugs including insulin during the application process.
- An employer may not require an applicant to take a medical examination before it makes a conditional job offer, or after a job offer unless all applicants are required to do the same.
- If during the application process an applicant voluntarily informs a potential employer that he/she has diabetes, the employer may only ask two questions about their diabetes: if the job applicant needs reasonable accommodations and what those accommodations are.
- After making a job offer, an employer *may* ask questions about an applicant's health (including asking whether the applicant has diabetes) and may require a medical examination as long as it treats all applicants the same.
- If an employer discovers that an applicant has diabetes they may not withdraw a job offer if the applicant is able to perform the fundamental duties ("essential functions") of a job, with or without reasonable accommodation, without posing a direct threat to safety.

Definition of a qualified individual with a disability under Title I

Having a disability alone is not enough to be protected by the ADA when applying for a job. The applicant must also be qualified, and able to perform the essential functions of the job with or without reasonable accommodations. Even under the ADA, an employer is not required to hire or retain a person with a disability who is not qualified to perform a job.

ADA regulations define a qualified individual with a disability as one who:

"satisfies the requisite work, experience, education and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation can perform the essential functions of such position."

There are two basic steps in determining whether an individual with a disability is also "qualified" under the ADA:

1. Determine if the individual meets necessary prerequisites for the job, including, but not necessarily limited to, education, skills, previous experience, training, licenses certificates, training, certificates, job-related requirements, such as good judgment or ability to work with other people, physical ability to perform manual labor tasks.
2. Determine if the individual can perform the essential functions of the job, with *or* without reasonable accommodation.

The second step is determined first identifying the "essential functions of the job," that is, the major requirements of the job. And second, by considering whether the person with a disability can perform these functions, unaided or with a "reasonable accommodation."

The ADA requires an employer to focus on the essential functions of a job to determine whether a person with a disability is qualified. This is an important nondiscrimination requirement because many people with disabilities can perform essential job functions yet are denied employment because they cannot do things that are only marginal to the job.

For example, a receptionist position calls for "occasional light typing." Due to diabetic neuropathy, the applicant is not able to type very well. Since the main or "essential" job requirement is to answer the phone, not typing, the person could not be denied the job.

If an individual with a disability who is otherwise qualified cannot perform one or more essential job functions because of his or her disability, the employers, in assessing whether the person is qualified to do the job, must consider whether there are modifications or adjustments that would enable the person to perform these functions. Such modifications are called "reasonable accommodations."

ADA Title II: State and Local Government Activities

Title II covers all activities of State and local governments regardless of the government entity's size or receipt of any Federal funding. ADA Title II requires:

- State and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities (e.g. public education, employment, transportation, recreation, health care, social services, courts, voting, and town meetings).
- State and local governments must follow specific architectural standards in the new construction and alteration of their buildings to make new facilities accessible to those with disabilities. They are also required to relocate programs or in some way provide access in inaccessible older buildings to people with disabilities, and offer effective communication with people who have hearing, vision, or speech disabilities.

- Public entities are *not* required to take actions that would result in undue financial and administrative burdens but *are* required to make reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination, unless they can demonstrate that doing so would fundamentally alter the nature of the service, program, or activity being provided.

Definition of a qualified individual with a disability under Title II and Title III

Purpose: To protect the rights of qualified persons with disabilities to participate in, and benefit from, services and programs offered by a public or private entity.

Just as in the provisions of Title I definitions, protections under Title II and Title III are only afforded to “qualified” individuals with disabilities (not every person with a disability is necessarily qualified).

For a person with a disability to be covered under Title III they must have a disability *and* qualify by meeting the essential eligibility requirements with or without:

- Reasonable modifications to rules, policies or practices;
- Auxiliary (communications) aids or services; or
- Removal of architectural, communications or transportation barriers.

The "essential eligibility requirements" for participation in many activities may be minimal, such as simply requesting information about a program. In this case, simply requesting the information would satisfy “essential eligibility requirements.” However, to qualify for other programs may require more specific criteria. For example, to enter medical school a person may be required to have first successfully completed certain academic courses.

ADA Title II: Public Transportation

The transportation provisions of ADA Title II cover public transportation services, such as city buses and public rail transit (e.g. subways, commuter rails, Amtrak, etc.). Some specific areas covered under ADA Title II include:

- Public transportation authorities may not discriminate against people with disabilities in the provision of their services.
- They must comply with requirements for accessibility in newly purchased vehicles, make good faith efforts to purchase or lease accessible used buses, remanufacture buses in an accessible manner, and, unless it would result in an undue burden.

- Provide paratransit where they operate fixed-route bus or rail systems. Paratransit is a service where individuals who are unable to use the regular transit system independently (because of a physical or mental impairment) are picked up and dropped off at their destinations.

ADA Title III: Public Accommodations

Title III covers businesses and nonprofit service providers that are public accommodations, privately operated entities offering certain types of courses and examinations, privately operated transportation, and commercial facilities. Public accommodations are private entities who own, lease, lease to, or operate facilities such as restaurants, retail stores, hotels, movie theaters, private schools, convention centers, doctors' offices, homeless shelters, transportation depots, zoos, funeral homes, day care centers, and recreation facilities including sports stadiums and fitness clubs. Transportation services provided by private entities are also covered by Title III.

Some specific areas covered under ADA Title III include:

- Public accommodations must comply with basic nondiscrimination requirements that prohibit exclusion, segregation, and unequal treatment.
- They also must comply with specific requirements related to architectural standards for new and altered buildings; reasonable modifications to policies, practices, and procedures; effective communication with people with hearing, vision, or speech disabilities; and other access requirements.
- Public accommodations must remove barriers in existing buildings where it is easy to do so without much difficulty or expense, given the public accommodation's resources.
- Courses and examinations related to professional, educational, or trade-related applications, licensing, certifications, or credentialing must be provided in a place and manner accessible to people with disabilities, or alternative accessible arrangements must be offered.
- Commercial facilities, such as factories and warehouses, must comply with the ADA's architectural standards for new construction and alterations.

Title IV: Telecommunications relay services

This title applies to persons with hearing and speech disabilities.

Where to file ADA civil rights complaints

Where to File a Complaint	Additional Information
<p>ADA Title I – Employment discrimination grievances Charges of employment discrimination on the basis of disability may be filed at any U.S. Equal Employment Opportunity Commission field office. Field offices are located in 50 cities throughout the U.S. and are listed in most telephone directories under "U.S. Government."</p> <p>Complaints must be filed with the U. S. Equal Employment Opportunity Commission (EEOC) within 180 days of the date of discrimination, or 300 days if the charge is filed with a designated State or local fair employment practice agency. Individuals may file a lawsuit in Federal court only after they receive a "right-to-sue" letter from the EEOC.</p>	<p>For the appropriate EEOC field office in your geographic area, contact:</p> <p>(800) 669-4000 (voice) (800) 669-6820 (TTY) www.eeoc.gov</p> <p>Publications and information on EEOC-enforced laws may be obtained by calling:</p> <p>(800) 669-3362 (voice) (800) 800-3302 (TTY)</p> <p>For information on how to accommodate a specific individual with a disability, contact the Job Accommodation Network at:</p> <p>(800) 526-7234 (voice/TTY) www.jan.wvu.edu</p>
<p>ADA Title II: State and Local Government Activities U.S. Department of Justice Civil Rights Division 950 Pennsylvania Avenue, N.W. Disability Rights Section - NYAV Washington, D.C. 20530</p> <p>Complaints must be filed with the DOJ within 180 days of the date of discrimination.</p>	<p>Cases may be referred to a mediation program sponsored by the DOJ who may also bring a lawsuit where it has investigated a matter and has been unable to resolve violations. Title II may also be enforced through private lawsuits in Federal court. It is not necessary to file a complaint with the Department of Justice (DOJ) or any other Federal agency, or to receive a "right-to-sue" letter, before going to court.</p> <p>www.ada.gov (800) 514-0301 (voice) (800) 514-0383 (TTY)</p>
<p>ADA Title II: Transportation Office of Civil Rights Federal Transit Administration U.S. Department of Transportation 400 Seventh Street, S.W. Room 9102 Washington, D.C. 20590</p>	<p>www.fta.dot.gov/ada (888) 446-4511 (voice/relay)</p>
<p>Title III: Public Accommodations U.S. Department of Justice Civil Rights Division 950 Pennsylvania Avenue, N.W. Disability Rights Section – NYAV Washington, D.C. 20530</p> <p>www.ada.gov (800) 514-0301 (voice) (800) 514-0383 (TTY)</p>	<p>Some cases may be referred to a mediation program sponsored by the DOJ but the DOJ can bring a lawsuit where there is a pattern or practice of discrimination or where an act of discrimination raises an issue of general public importance. Title III may also be enforced through private lawsuits. Note: It is not necessary to file a complaint with the DOJ (or any Federal agency), or to receive a "right-to-sue" letter, before going to court.</p>
<p>Title IV: Telecommunications Relay Services</p>	<p>Federal Communications Commission 445 12th Street, S.W., Washington, D.C. 20554 www.fcc.gov/cgb/dro (888) 225-5322 (Voice) (888) 835-5322 (TTY)</p>

The Rehabilitation Act of 1973

The Rehabilitation Act is a Federal civil rights law that provides similar protections as the ADA related to federal employment. Different sections of the Rehabilitation Act cover different areas of disability rights and protection. The Rehabilitation Act also has different procedures than the ADA and applies to the federal government, and most exclusively to those in the Executive Branch.

Students with diabetes are entitled to a Section 504 plan to address their needs at school. Additionally, students with diabetes may also qualify for an Individualized Education Plan (IEP).

Specifically:

“The Rehabilitation Act is the Federal legislation that authorizes the formula grant programs of vocational rehabilitation, supported employment, independent living, and client assistance. It also authorizes a variety of training and service discretionary grants administered by the Rehabilitation Services Administration.

The Act authorizes research activities that are administered by the National Institute on Disability and Rehabilitation Research and the work of the National Council on Disability. The Act also includes a variety of provisions focused on rights, advocacy and protections for individuals with disabilities.”

Source: United States Department of Education; Special Education and Rehabilitative Services. 12/31/06. web: <http://www.ed.gov/policy/speced/reg/narrative.html>

Key purposes of The Rehabilitation Act

- (1) to empower individuals with disabilities to maximize employment, economic self-sufficiency, independence, and inclusion and integration into society, through:
 - (A) statewide workforce investment systems implemented in accordance with title I of the Workforce Investment Act of 1998 that include, as integral components, comprehensive and coordinated state-of-the-art programs of vocational rehabilitation;
 - (B) independent living centers and services;
 - (C) research;
 - (D) training;
 - (E) demonstration projects; and
 - (F) the guarantee of equal opportunity; and
- (2) to ensure that the Federal Government plays a leadership role in promoting the employment of individuals with disabilities, especially individuals with significant

disabilities, and in assisting States and providers of services in fulfilling the aspirations of such individuals with disabilities for meaningful and gainful employment and independent living.

Source: United States Department of Education; Special Education and Rehabilitative Services. 12/31/06. web: <http://www.ed.gov/policy/speced/reg/narrative.html>

The Rehabilitation Act stated policy

It is the policy of the United States that all programs, projects, and activities receiving assistance under this Act shall be carried out in a manner consistent with the principles of--

- (1) respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers, based on informed choice, of individuals with disabilities;
- (2) respect for the privacy, rights, and equal access (including the use of accessible formats), of the individuals;
- (3) inclusion, integration, and full participation of the individuals;
- (4) support for the involvement of an individual's representative if an individual with a disability requests, desires, or needs such support; and
- (5) support for individual and systemic advocacy and community involvement.

Source: United States Department of Education; Special Education and Rehabilitative Services. 12/31/06. web: <http://www.ed.gov/policy/speced/reg/narrative.html>

Filing a complaint under The Rehabilitation Act

To file a complaint you must contact an equal employment opportunity counselor at the agency where the discrimination occurred within forty-five (45) days of the discrimination.

The complaint is then investigated by the receiving agency. The employee filing the complaint can ask for a hearing to be conducted by an administrative law judge from the Equal Employment Opportunity Commission (EEOC) or for a final decision by the agency.

The employee can also appeal to the EEOC and then go to court or can go directly to court.

The following chart summarizes the different sections under The Rehabilitation Act, what is covered, and where and how to file a complaint.

Summary of The Rehabilitation Act civil rights coverage by Section

Section and coverage	Where to file a complaint or find more information
<p>Section 501 requires adherence to affirmative action practices (laws aimed at establishing the same percentage of minority group members and women at all levels of the workplaces and unions as there are in the general population) and nondiscrimination in employment by Federal agencies of the executive branch.</p>	<p>To obtain more information or to file a complaint, employees should contact their agency's Equal Employment Opportunity Office. For the appropriate EEOC field office in your geographic area, contact:</p> <p>(800) 669-4000 (voice) (800) 669-6820 (TTY) www.eeoc.gov</p> <p>Publications and information on EEOC-enforced laws may be obtained by calling:</p> <p>(800) 669-3362 (voice) (800) 800-3302 (TTY)</p>
<p>Section 503 requires adherence to affirmative action practices and prohibits employment discrimination by Federal government contractors and subcontractors with contracts of more than \$10,000.</p>	<p>Office of Federal Contract Compliance Programs U.S. Department of Labor 200 Constitution Avenue, N.W. Room C-3325 Washington, D.C. 20210</p> <p>www.dol.gov/esa/ofccp (202) 693-0106 (voice/relay)</p>
<p>Section 504 mandates that "no qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under" any program or activity that either receives Federal financial assistance or is conducted by any Executive agency or the United States Postal Service.</p> <p>Agencies that provide Federal financial assistance also have section 504 regulations covering entities that receive Federal aid. Requirements common to these regulations include reasonable accommodation for employees with disabilities; program accessibility; accessible new construction and alterations and also covers communication accommodations for people who have hearing or vision disabilities.</p>	<p>Each Federal agency is responsible for enforcing its own Section 504 regulations. Section 504 may also be enforced through private lawsuits. It is not necessary to file a complaint with a Federal agency or to receive a "right-to-sue" letter before going to court.</p> <p>For information on how to file 504 complaints with the appropriate agency, contact:</p> <p>U.S. Department of Justice Civil Rights Division 950 Pennsylvania Avenue, N.W. Disability Rights Section - NYAV Washington, D.C. 20530</p> <p>www.ada.gov (800) 514-0301 (voice) (800) 514-0383 (TTY)</p>

Summary of The Rehabilitation Act civil rights coverage by Section (continued)

Section and coverage	Where to file a complaint or find more information
<p>Section 508 establishes requirements for electronic and information technology developed, maintained, procured, or used by the Federal government. It also requires Federal electronic and information technology to be accessible to people with disabilities, including employees and members of the public.</p> <p>Accessibility-related software or peripheral devices in order to use systems that comply with Section 508 may or may not be required by employers.</p>	<p>For more information on section 508, contact:</p> <p>U.S. General Services Administration Center for IT Accommodation (CITA) 1800 F Street, N.W. Room 1234, MC:MKC Washington, DC 20405-0001</p> <p>www.gsa.gov/section508 (202) 501-4906 (voice) (202) 501-2010 (TTY)</p> <p>U.S. Architectural and Transportation Barriers Compliance Board 1331 F Street, N.W., Suite 1000 Washington, DC 20004-1111</p> <p>www.access-board.gov 800-872-2253 (voice) 800-993-2822 (TTY)</p>

Individuals with Disabilities Education Act (IDEA)

IDEA was originally named the Education for All Handicapped Children Act. In 1990, it was renamed the Individuals with Disabilities Education Act and mandates that school districts provide *every* student with a disability with a "free appropriate public education (FAPE)." Not only are districts required to test students at a young age to identify possible disabilities they must also provide children with disabilities with a *specialized curriculum*, services and the assistive technologies they need to reach their educational goals.

Section 504 of the Rehabilitation Act is a federal civil rights law enacted to protect persons with disabilities against discrimination for reasons related to their disabilities. Section 504 does not guarantee that a child with a disability will receive an individualized educational program that is designed to meet the child's individual educational needs. If your child requires special academic accommodations at school, you will need to request an Individualized Education Plan (IEP). This request needs to be done in writing.

Even though IDEA guarantees FAPE to children with disabilities, not all children with a disability or impairment automatically qualifies for special education services under the IDEA. Only children with a disability who required special education services will qualify for special education and related services under the IDEA. However, even when a child may

not qualify for special services under IDEA s/he may still receive protections under Section 504 of the Rehabilitation Act.

While it is the school's responsibility to identify children, parents often must make requests for evaluation services. It is important that you do not rely strictly on the law and schools to offer services for your child. Even more than in the work place, you will often have to work hard to assert your rights in schools.

Key aspects of IDEA include:

- Mandates that all children with disabilities have equal access to free, appropriate public education.
- Emphasizes special education and related services designed to meet unique needs for persons with disabilities to prepare them for employment and independent living.
- Provides funds to assist states in the education of students with disabilities.
- Requires that states ensure the rights of children with disabilities and their parents are protected.
- Assists states in providing early intervention services for infants and toddlers with disabilities and their families.
- Applies to children ages 3 through 21 who need special education and related services because of a disabling condition. (Note: States, in agreement with local education agencies, may use the category of developmental delay to serve children ages three through nine to avoid mislabeling children.)
- Requires schools to conduct an evaluation to determine whether the child has a disability and what the child's educational needs are. The evaluation must use testing materials free from racial or cultural bias and presented in the child's native language or means of communicating.

For more information about IDEA:

Islets of Hope for persons with diabetes. IOH Publication PA-07-2006, "Diabetes at school: *Your civil rights in public and private schools and child care facilities.*" Download: www.isletsofhope.com/pdf/diabetes-at-school.pdf

California Association of Family Empowerment centers. Web: <http://cafec.org/>

Disability Rights & Education Fund (DREDF). This organization has actively and successfully sued school districts and states in violation of diabetes civil rights laws. Web: <http://www.dredf.org/>

United States Department of Education – Special Education & Rehabilitation Services.
Web: <http://www.ed.gov/policy/speced/guid/idea/idea2004.html>

Office of Special Education and Rehabilitative Services. Offers complete text of IDEA.
Web: http://www.ed.gov/offices/OSERS/Policy/IDEA/the_law.html

The National Information Center for Children and Youth with Disabilities (NICHCY).
Publications list available at P. O. Box 1492, Washington, D.C. 20013. Telephone: 1-800-695-0285 (voice/TTY) and 202-884-8200 (voice/TTY). Web: <http://www.nichcy.org>

The Parent Training and Information Center. To locate the center in your state contact NICHCY (above) or on the web: <http://www.npnd.org>.

FAPE Project, % PACER Center, Inc. 1-888-248-0822. Web site: <http://www.fape.org> e-mail: Pacer@pacer.org



Frequently asked questions about diabetes discrimination in the work place

What questions can an employer ask during the application process?

A potential employer may questions about your employment history and qualifications to do the job. They may not ask you questions about your medical history or prescription drug use but they may ask if you use illegal drugs or have a criminal history.

Diabetes is not obvious unless you wear an insulin pump during an interview. Even if a potential employer notices that you are wearing an insulin pump they may not ask you questions about your medical history or condition. They may, however, ask if you require special accommodations in the work place and what those accommodations are.

After employment, an employer may ask an employee about diabetes when an employee has asked for a reasonable accommodation because of his diabetes, or is participating in a voluntary wellness program that focuses on early detection, screening, and management of diseases such as diabetes.

Do I need to provide a doctor's note about my diabetes to my employer?

No, not as part of the application process, but an employer may ask for doctor's note or medical examination that you are able to do a job as part of a conditional employment offer. However, an employer can only make this request if it is the usual policy or practice that applies to other applicants as well (i.e., an applicant is given a conditional offer of employment as a fire fighter pending passing a physical examination that s/he can do the job, if this is required of all applicants for the same or similar positions).

If an employee's work performance has suffered due to diabetes, or the employer has justifiable reason to believe that diabetes could have contributed to, or could cause a work-related accident, the employer may require a doctor's note stating that the employee is able to meet the demands of the job. (Example: an employee appears shaky, confused, or sweaty and drops a heavy box or loses consciousness while on the job from low blood sugars. An employer may require a medical examination and doctor's note clearing the employee for work.)

Additionally, an employer may request a medical examination or doctor's note when an employee:

- Requests a change in shifts or job duties because of their diabetes;
- Requests accommodations related to diabetes (in order to prove they have diabetes);
- Is newly diagnosed or needs time off for treatment, recuperation, or diabetes training; or
- When the employer has just cause to suspect an employee's job performance has suffered due to diabetes.

An employer may also require an employee who has been hired to provide a doctor's note or other explanation to justify his use of sick leave for diabetes-related causes, as long as the employer's policy or practice requires all employees who use sick leave to do so.

What information is a person with diabetes required by law to disclose during the application process?

None. You may however, voluntarily offer information. If you do disclose that you have diabetes during the application process you cannot be disqualified simply on the basis of having diabetes. If you tell an employer that you have diabetes, they can only ask if you require special accommodations in the work place and what those accommodations are.

What can an employer do *after* a person with diabetes has been offered a job and then discovers that the person has diabetes?

In most cases, even after employment is offered without prior knowledge of a person's diabetes, an employer may not ask for or obtain medical information from an employee unless there is a valid reason to believe that a suspected *or* known medical condition (including diabetes) has lead to changes in the employee's job performance. Additionally, if the employer believes that the employee may pose a direct threat to safety standards on the job because of a medical condition the employer may ask for medical information or evaluation.

If an employer finds out an employee has diabetes after the employee has been hired they may not fire, demote, or transfer the employee simply on the basis of having discovered the person has diabetes.

When can an employer ask if medical problems, including diabetes are affecting work my performance?

If an employer has a legitimate reason to believe that diabetes (or any medical condition) is affecting an employee's ability to do their job, the employer may ask questions about the employees medical history or condition.

An example would be if a person has to make frequent trips to the rest room and their job performance (i.e., having to be at a desk to answer phones or perform tasks on an assembly line) is compromised. An employer then has the right to ask if the employee has diabetes because s/he suspects that diabetes is affecting work performance. The employer may also request a medical evaluation to determine if the employee can safely and adequately perform the requirements of the job.

Is poor job performance for any reason enough cause for my employer to ask for or obtain medical information about me?

No. Medical evaluation or information can only be requested if there is reasonable cause to believe that, based on objective evidence, a medical condition may be the reason for poor job performance.

What information can my employer share about my diabetes?

Generally, with few exceptions, an employer *may not* share any medical information it learns about an applicant or employee.

Some exceptions include:

- Information about an employee's diabetes *may* be shared with supervisors and managers in order to provide reasonable accommodations or to meet an employee's work restrictions;
- Information *may* be given to first aid and safety personnel if an employee would need emergency treatment or require some other assistance because, for example, blood sugar levels are too low and any type of medical intervention or assistance could be necessary.
- Information *may* be shared with agencies and individuals investigating compliance with the ADA and similar state and local law.
- Information *may* be shared where needed for workers' compensation or insurance purposes (for example, to process a claim).

Do I have to tell other employees I have diabetes? Can my employer tell my co-workers about my diabetes?

No. You do not have to tell co-workers you have diabetes and your employer cannot share your medical information with other employees.

What if a co-worker asks why I am getting certain accommodations?

You do not have to answer if another employee asks why you are receiving what they might consider “special treatment, “ (i.e., breaks for snacks when others don’t get breaks) and your employer may respond only in a general manner. For example, an employer may legally offer that it is the company policy that reasonable accommodations are sometimes made but if and when such accommodations are made they are confidential. An employer may be able to better reassure the questioning employee stating that their privacy too, would be respected if s/he ever had to ask the employer for some kind of workplace change for personal reasons.

Frequently asked questions about diabetes for employers

I am concerned that an employee with diabetes may be unable to safely perform his/her job. Can I ask the employee questions about his/her diabetes or send him/her for a medical exam?

If an employer has reason to believe that a person’s diabetes (or other medical condition) is contributing to, or the cause of, poor job performance, or whose condition may pose a “direct threat” to him/herself or others in the work place, an employer may ask questions about the condition (including diabetes) or even request a medical evaluation. The employer may even have the right send the employee to a company designated physician for evaluation.

It is important, from a legal standpoint, that the employer’s concerns are based on objective evidence and not on myths, hearsay, or general assumptions.

I have an employee who misses a lot of work for diabetes (or other medical reason). Can I ask the employee to submit proof of the reason for his/her absenteeism?

Yes, if it is a company policy that extends to all employees, you may request medical documentation to substantiate why the person has been absent.

If an employee has missed work due to diabetes problems, can an employer request a medical exam or documentation before allowing him/her to return to work?

Yes, but only if the employer has a valid, objective reason to believe that the employee may be unable to perform his/her job or poses a “direct threat” to him/herself or others in the work place.

Any inquiries made by the employer must be limited to obtaining only information needed to make an assessment of the employee's present ability to safely perform his/her job. This

limitation also extends to medical evaluations. Only information relative to an employee's ability to perform a job safely can be requested.

An example would be if a change in a person's insulin schedule, or perhaps going from shots to an insulin pump, had led to episodes of hypoglycemia on the job. If the employee was unable to safely perform the job, or required time off for recuperation, the employer can require the employee to submit to a medical exam or provide medical documentation that he/she can safely perform the job without posing a direct threat before allowing him/her to return to work.

However, if a person has been newly diagnosed with diabetes and had to take time off from work for recuperation or training, an employer may not require a doctor's note before the employee may return to work. The reason why is that no incident on the job has taken place and there is no reason to indicate that the employee will no longer be able to perform the job. However, if it is the policy of the company to require proof of *why* the absence took place for any employee, the employer may ask for a doctor's note stating that the person was in fact absent, for medical reasons.

Does the ADA apply when another federal law prohibits an employer from hiring anyone who takes insulin for a particular position?

Some federal laws prohibit an employer from hiring a person who takes insulin for certain positions. In this case, the employer would not be liable under the ADA. However, since some laws have certain exceptions, waivers, or may be voluntary, the employer should be certain, that compliance with the law restricting hiring a person who takes insulin is actually required, not voluntary, without exceptions.

Does everyone with diabetes have a disability covered under the ADA?

No. While "endocrine diseases" are specifically listed in the ADA, not all persons with diabetes have an impairment that qualifies. The impairment or disability must also substantially limit one or more major life activities and for many persons with diabetes this is often the case.

Resources

CDC Diabetes Factsheets

web: <http://www.cdc.gov/omh/AMH/factsheets/diabetes.htm>

Employer Healthcare Alliance Cooperative. Tools to assist: Assessment tools for employers (of employees with diabetes)

web: <http://www.alliancehealthcoop.com/diabetes/EmplWorkplaceTools.htm>

Job Accommodation Network: "Volume 02, Issue 04: How to Determine Whether a Person Has a Disability under the Americans with Disabilities Act (ADA);" Linda Carter Batiste, J.D. Web page viewed on 01/01/07.

web: <http://www.jan.wvu.edu/corner/vol02iss04.htm>

Job Accommodation Network. "Ideas for writing an accommodation request letter;" Linda Carter Batiste, J.D.; 11/06/2006.

web: <http://www.jan.wvu.edu/media/accommrequestltr.html>.

United Cerebral Palsy (UCP): "What is the Legal Definition of a Disability?" web:

http://www.ucp.org/ucp_channel/doc.cfm/1/13/12632/12632-12632/6184

U.S. Department of Labor. Family and Medical Leave Act (FMLA) information.

web: Employees with diabetes may be entitled to leave under the FMLA, which provides for up to 12 weeks of unpaid leave for a serious health condition. For more information, visit on the web: www.dol.gov/esa/whd/fmla/

U.S. Equal Employment Opportunity Commission. For more information on the Supreme Court rulings and their impact on determining whether specific individuals meet the definition of "disability," consult the *Instructions for Field Offices: Analyzing ADA Charges After Supreme Court Decisions Addressing "Disability" and "Qualified,"* which can be found on EEOC's website at <http://www.eeoc.gov>.

Americans with Disability Act (ADA)

ADA Information Line

(800) 514-0301 (voice) (800) 514-0383 (TTY) www.ada.gov

Regional ADA & IT Technical Assistance Centers

(800) 949-4232 (voice/TTY) web: www.adata.org

U.S. Department of Justice

"A Guide to Disability Rights" web: <http://www.usdoj.gov/crt/ada/cguide.htm>.

U.S. Equal Employment Opportunity Commission
web at: http://www.eeoc.gov/abouteeo/overview_practices.html

Diabetes information

American Diabetes Association
web: <http://www.diabetes.org>

Children with Diabetes
web: <http://www.childrenwithdiabetes.com>

Islets of Hope for persons with diabetes. Information about living with diabetes, diabetes laws in your state, and advocacy resources, support groups, forums, and more.
web: <http://www.isletsofhope.com>.

Juvenile Diabetes Research Foundation.
web: <http://www.jdrf.org>

National Diabetes Information Clearinghouse
web: <http://diabetes.niddk.nih.gov/>

Sources of information for this publication

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web: <http://www.jan.wvu.edu/links/scrulings.html>

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web: <http://www.jan.wvu.edu/corner/vol02iss04.htm>

National Council on Disability. Policy Brief Series: Righting the ADA; No. 15: *The Supreme Court's Decisions Discussing the "Regarded As" Prong of the ADA Definition of Disability;* May 21, 2003
web: <http://www.ncd.gov/newsroom/publications/2003/regardedas.htm>

United Cerebral Palsy: "What is the Legal Definition of a Disability?"
web: http://www.ucp.org/ucp_channel.doc.cfm/1/13/12632/12632-12632/6184

U.S. Department of Justice; "A Guide to Disability Rights"
web: <http://www.usdoj.gov/crt/ada/cguide.htm>

U.S. Equal Employment Opportunity Commission; "Section 902 Definition of the Term Disability;" 02/01/2000.
web: <http://www.eeoc.gov/policy/docs/902cm.html>

U.S. Equal Employment Opportunity Commission; “Executive Summary: Compliance Manual Section 902, Definition of the Term "Disability;" 02/01/2000.
web: <http://www.eeoc.gov/policy/docs/902sum.html>

U.S. Equal Employment Opportunity Commission; “The Rehabilitation Act of 1973: Sections 501 and 505.” 01/15/1997.
web: <http://www.eeoc.gov/policy/rehab.html>

U.S. Equal Employment Opportunity Commission. “Discriminatory Practices;” 09/02/2004.
web at: http://www.eeoc.gov/abouteeo/overview_practices.html

Footnotes

(1) MURPHY v. UNITED PARCEL SERVICE, INC.; certiorari to the united states court of appeals for the tenth circuit; No. 97-1992. Argued April 27, 1999--Decided June 22, 1999.
web: <http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=000&invol=97-1992>

(2) ADA & IT Technical Assistance Centers. What is the ADA: Definition of a disability;
web: <http://www.dbtac.vcu.edu/whatsada-definition.aspx>

(3) National Council on Disability. Policy Brief Series: Righting the ADA; No. 6: *Defining "Disability" in a Civil Rights Context: The Courts' Focus on Extent of Limitations as Opposed to Fair Treatment and Equal Opportunity*; 02/13/2003.
web: <http://www.ncd.gov/newsroom/publications/2003/extentoflimitations.htm>