**504 FORM J**

**SECTION 504 OF THE REHABILITATION ACT OF 1973**

"No otherwise qualified individual with a disability in the United States, as defined in section 705(20) of this title, shall, solely by, reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service." (29 U.S.C. Sec.794)

**DEFINITIONS**

**DISABILITY**

The term "disability" means, with respect to an individual -

(A) a physical or mental impairment that substantially limits one or

more major life activities of such individual, (B) a record of such impairment, or (C) being regarded as having such an impairment.

(42 U.S.C. §12102(1))

**PHYSICAL OR**

**MENTAL**

**IMPAIRMENT**

(A) 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; genito-urinary; hemic and lymphatic; skin; and endocrine; or

(B) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(34 Code of Federal Regulations Part 104.3(j)(2)(i))

**MAJOR LIFE**

**ACTIVITIES**

(A) ...major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

(B)... a major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

(42 U.S.C. §12102(2); 29 C.F.R. §1630.2(I(1)(i)(ii))

**HAS A RECORD**

**OF SUCH**

**IMPAIRMENT**

Has a record of such impairment means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(34 Code of Federal Regulations § 104.3(j))

**IS REGARDED AS**

**HAVING AN**

**IMPAIRMENT**

(A) An individual meets the requirement of "being regarded as having such an impairment" if the individual establishes that he or she has been subjected to an action prohibited under this Act because of an actual or perceived or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.

(B) [A person regarded as having an impairment does not qualify as disabled if the] impairments are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

(42 U.S.C. §12102(3))

**CONSIDERATIONS**

**IN DETERMINING**

**DISABILITY**

(A) The definition of disability shall be construed in favor of broad coverage of individuals to the maximum extent permitted by the law and should not require extensive analysis.

(B) An impairment that substantially limits one major life activity need not limit other in order to be considered a disability.

(C) An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

(D) The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures.

(42 U.S.C. §12102(4))