



Serving Customers with Disabilities (series) Definitions and Online Resources

Legal Definitions

Legal Definitions vary considerably...a person may be considered “disabled” under the Americans with Disabilities Act but not by their state’s vocational rehabilitation agency. Also, particular conditions specify the criteria that a person must meet in order to have that condition. The following are some important legal definitions of “disability”:

- **Americans with Disabilities Act (ADA):** A physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.
- **Social Security:** The inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment(s) which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months.
- **Rehabilitation Act:** The term “individual with a disability” means any individual who has a physical or mental impairment which for such individual constitutes or results in a substantial impediment to employment **and** can benefit in terms of an employment outcome from vocational rehabilitation services.
- **WIOA Regulations:** The definition of disability that applies to services provided under the Workforce Innovation and Opportunity Act is the Americans with Disabilities Act (ADA) definition (*see above*).
 - **Note:** WIOA represents new opportunities for support for job seekers with disabilities that increases responsibility of Workforce Boards and NCWorks Career Centers to be fully accessible and offer necessary accommodations to provide job seekers with disabilities effective and meaningful participation in the use of skills training and career pathways for 21st century jobs. On a practical level, this means that there will be people who utilize the Career Center services who are considered to have a disability, but do not meet the more restrictive definition under the Rehabilitation Act, and therefore are not eligible for services from Vocational Rehabilitation.

Online Resources: Material for this Interactive Online Training (IOT) was collected from the following sites. Click any of the links below to continue your learning and research of this topic.

- **Office of Disability Employment Policy:** ODEP is the only non-regulatory federal agency that promotes policies and coordinates with employers and all levels of government to increase workplace success for people with disabilities.
- **Job Accommodation Network:** JAN is the leading source of free, expert, and confidential guidance on workplace accommodations and disability employment issues.
- **Return to Work Toolkit for Employees and Employers:** USDOL produced this toolkit to help both employers and employees understand the return-to-work process and provides resources to assist in getting employees back on the job quickly and smoothly.
- **National Center on Workforce and Disability:** NCWD provides training, technical assistance, policy analysis, and information to improve access for all in the workforce development system.
- **Alliance for Full Participation:** AFP is a formal partnership of leading developmental disabilities organizations with a common vision—to create a better and more fulfilling quality of life for people with developmental disabilities.
- **Employer Assistance and Resource Network on Disability Inclusion:** EARN supports employers' efforts to recruit, hire, retain and advance qualified individuals with disabilities through education, resources, research, and more.
- **NC Vocational Rehabilitation:** VR is helping customers find or keep a job. As a result many services are provided to people with a disability who meet eligibility criteria.
- **United Spinal Association:** United Spinal Association is dedicated to enhancing the quality of life of all people living with spinal cord injuries and disorders (SCI/D), including veterans, and providing support and information to loved ones, care providers and professionals.