



FAQ about PTSD and the Americans with Disability Act

Is PTSD a disability under the ADA?

The ADA does not contain a list of medical conditions that constitute disabilities. Instead, the ADA has a general definition of disability that each person must meet on a case by case basis (EEOC Regulations . . . , 2011). A person has a disability if he/she has a physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or is regarded as having an impairment (EEOC Regulations . . . , 2011).

However, according to the Equal Employment Opportunity Commission (EEOC), the individualized assessment of virtually all people with PTSD will result in a determination of disability under the ADA; given its inherent nature, PTSD will almost always be found to substantially limit the major life activity of brain function (EEOC Regulations . . . , 2011).

Are employees with PTSD required to disclose their disability to their employers?

No. Employees need only disclose their disability if/when they need an accommodation to perform the essential functions of the job. Applicants never have to disclose a disability on a job application, or in the job interview, unless they need an accommodation to assist them in the application or interview process (EEOC, 1992).

Can an employer ask an employee with PTSD to submit to a medical examination?

Yes, if the need for the medical examination is job-related and consistent with business necessity. Typically, employers will ask an employee with PTSD to





submit to a medical examination (also called a fitness-for-duty exam) after the employee had an incident on the job that would lead the employer to believe that this employee is unable to perform the job, or to determine if the employee can safely return to work, and if any accommodations will be needed on the job (EEOC, 1992).

Special note: Pre-job offer medical examinations or inquiries are illegal under the ADA. People with PTSD (or any disability) do not have to submit to a medical exam or answer any medical questions until after they are conditionally offered a job (EEOC, 1992).

Do employees with PTSD pose a direct threat to themselves or others?

People who have PTSD do not necessarily pose a direct threat to themselves or others. Employees who control their conditions through medication or therapy probably pose no current risk. Even if direct threat exists, employers should reducing or eliminating the threat by providing an accommodation (EEOC, 1992).

How and when does a person with PTSD ask for an accommodation?

An employee with PTSD can ask for an accommodation at any time when he/she needs an accommodation to perform the essential functions of the job. The employee can make a request verbally or in writing and is responsible for providing documentation of a disability (EEOC, 1992).

Can an employer discipline an employee with PTSD who violates conduct or performance standards?

Yes, an employer can discipline an employee with PTSD who violates conduct standards or fails to meet performance standards, even if the behavior being





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exhibited is caused by the employee's disability. However, an employer is obligated to consider reasonable accommodations to help the employee with PTSD meet the conduct or performance standards (EEOC, 1992).



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