

Kansas Administrative Regulations

Kansas Human Rights Commission

Article 34.—Discrimination Because of Disability

21-34-1. Definitions.

Each of the following terms, as used in this article of the commission's regulations and in K.S.A. 44-1001 et seq. and amendments thereto, shall have the meaning specified in this regulation:

(a) "Covered entity" means an employer, labor organization, employment agency, or joint labor-management committee.

(b) "Direct threat" means a significant risk of substantial harm to the health or safety of an individual or others that cannot be eliminated or reduced by reasonable accommodation.

(c) "Essential function" means the fundamental job duties of the employment position that an individual with a disability holds or seeks. The term "essential function" shall not include the marginal functions of the position.

(d) "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.

(e) "Illegal use of drugs" means the use of drugs, the possession or distribution of which is unlawful under the controlled substances act, 21 U.S.C. 812. This term shall not include the use of a drug taken under the supervision of a licensed health care professional, or other uses authorized by controlled substances act or other provisions of federal or Kansas law.

(f) "Physical or mental impairment" means either of the following:

(1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body organs or body systems; or

(2) any mental or psychological disorder, including an intellectual disability, organic brain syndrome, emotional or mental illness, and learning disabilities.

(g) "Qualified individual with a disability" means an individual with a disability who meets the requisite skill, experience, education, and other job-related requirements of the employment position that the individual holds or seeks and who, with or without reasonable accommodation, can perform the essential functions of the position.

(h) "Qualification standards" means the personal and professional attributes, including the skill, experience, education, physical, medical, safety and other requirements, established by a covered entity as requirements that an individual must meet in order to be eligible for the position held or sought.

(i) "Substantially limits," when used regarding an individual, means that the individual has, is regarded as having, or has a record of having a physical or mental impairment that affects or is perceived as affecting the individual's ability to perform a major life activity that most people in the general population can perform. This term shall not require that the individual be prevented, or significantly or severely restricted, from performing a major life activity.

(Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1002, K.S.A. 44-1006, and K.S.A. 44-1009; effective, T-21-3-27-92, March 27, 1992; effective April 27, 1992; amended Jan. 27, 2023.)

***** Authenticated Kansas Administrative Regulation *****