**Section 2500.30 Who is Protected Against Disability Discrimination**

a) Section 1-103(I) of the Act provides that a person is protected against discrimination if he/she

1) is currently exhibiting a condition that constitutes a "disability";

2) has a history of exhibiting such a condition; or

3) is perceived by an employer, employment agency or labor organization as being or having exhibited such a condition.

b) An individual has a "history" of a disabling condition if he/she is restored or recovered from a prior disability or if the individual's symptoms are in remission. For example, persons who have had heart attacks or cancer are protected against discrimination based upon their medical histories. The perception of a disabling condition may occur with regard to an individual who has been misdiagnosed, misclassified, or erroneously viewed as one who is disabled or as having had a history of disability; the individual similarly is protected against discrimination based upon that erroneous perception. The perception may also occur in connection with a person whose current non-disabling condition, e.g., hypertension, is viewed as creating the potential for future disability.

(Source: Amended at 33 Ill. Reg. 3506, effective February 5, 2009)