

Broader ADA Definitions to Impact Employers

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The passage of amendments to the Americans with Disabilities Act (ADA) will result in massive changes for many employers. The new law, which took effect Jan. 1, requires human resources professionals, managers and business owners to adopt new policies and procedures for dealing with accommodation requests. It also will have a tremendous impact on the litigation of disability-related claims. The following outlines some of the major changes associated with this new law:

1. "Disability" definition to be interpreted broadly
2. Most "mitigating measures" should be ignored
3. Most anything is a "major life activity"
4. Expansion of the "regarded as" prong
5. EEOC directed to issue regulations

When it comes to day-to-day human resources management, employers must review all of their employment policies that relate to individuals with disabilities, including those addressing non-discrimination, non-harassment, non-retaliation, modified duty, reasonable accommodations and leaves of absence. Employers should revise their procedures for interacting with employees and offer accommodations to a wider percentage of persons who request them.

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