

My Disability Made Me Do It

News

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Irvine Managing Partner Jim McDonald addressed the Society for Human Resource Management's 63rd Annual conference in Las Vegas on June 28, 2011. His program, entitled "My Disability Made Me Do It," focused on the question of whether employee misconduct is protected under the ADA. While one might assume that the answer to that question is "no," employees are increasingly using disability as a "get-out-of-jail-free card" when caught engaging in misconduct. Jim said there will be cases where no accommodation can take care of the problem. "This is the core of our ability to be able to manage in this area." The employee still must, with accommodation, be able to do the job. He told attendees that there were steps they could take to try to control this growing problem. "Get your job descriptions up to date," he advised, "and be sure your policies address misconduct in detail."

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James J. McDonald, Jr.

Partner

949.851.2424

[Email](#)