



ADA Amendments Signed Into Law

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Date/Source: Fall 2008 Personnel Peeks (Reviewed October 2009)

Archived newsletters of the Personnel Peeks publication can be found on the MCHRMA site.

Amendments to the Americans with Disabilities Act (ADA) have been signed into law by President Bush. This sets the stage for the first significant reform of this important federal law in many years. The ADA Amendments Act is a dramatic response to an extensive series of decisions from the United States Supreme Court and the lower courts that have systematically narrowed the applicability and sweep of the law. Two decisions in particular appear to have been legislated away. The first is *Sutton v. United Airlines Inc.*, a landmark Supreme Court decision that removed the ADA's protection from those persons whose limitations could be corrected by medication, treatment or assistive devices. The second is *Toyota Motor Manufacturing, Ky, Inc. v. Williams*, which rejected ADA claims when employees' limitations prevented them from performing only a narrow range of jobs. The new amendments state that the term "substantially limits" must be interpreted consistently with the "findings and purposes" of the ADA Amendments Act. Those findings and purposes are listed at the beginning of the Act, and announce the intention that a less restrictive definition of a covered disability be applied under the ADA.

The amendments also assert that the Act is to be construed "in favor of broad coverage of individuals under this Act, to the maximum extent permitted by the terms of this Act." The amendments have other significant effects, including an expanded definition of what type of "major life activity" must be limited in order for the medical condition to be included as a disability; a limitation on the number of major life activities that must be limited to just one, explanation that impairments that are episodic or in remission are disabilities if they would substantially limit a major life activity when active; and providing that an individual doesn't have to establish that his impairment limits or is perceived to limit a major life activity to be regarded as being disabled.

The amendments became effective on January 1, 2009, to permit the Equal Employment Opportunity Commission (EEOC) to issue new regulations and allow employers to digest and adjust to the changes before having to implement them.

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