

GLO CPAs, LLLP

1900 West Loop South, Suite 1150

Houston, Texas 77027

P: 713.621.4700

F: 713.623.0074

www.glocpa.com



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RE: Current Events Memorandum Significant changes to the American Disabilities Act

Enacted in 1990, the ADA was designed to provide a clean and comprehensive national mandate to eliminate discrimination against employees with disabilities. Under the ADA, employers must not discriminate based on disability and they must make reasonable accommodations to employees or potential employees with disabilities so that the disability does not become a controlling factor in employees' advancement, hiring, termination or pay.

Congress reversed the Supreme Court's severe limits on what types of health issues may be called a disability. Under two previous Supreme Court cases, the meaning of "disability" was very narrow. Now that the definition of disability is wide open, employers must be very careful in two respects: 1. not to consider a person's disability in hiring, firing, promoting, training and maintaining them; and 2. to consider any possible disability and make accommodations to allow the prospective or existing employee to perform he job.

Employers should remember that they are not required to completely give in to the demands of a disabled employee, however it is better to err on the side of accommodation because a wrong decision may result in costly litigation.