



## Labor and Employment *ALERT*

Current Law Developments and Legal Issues

That May Affect You Or Your Business

Lafayette Shreveport

September 26, 2008

### **ADA Amendments Act Becomes Law**

In a move that will put in place sweeping changes to the Americans with Disabilities Act (ADA), President Bush signed the ADA Amendments Act of 2008 (ADAAA) into law on September 25, 2008. The ADAAA, which received bipartisan support, overturns a line of Supreme Court cases that have led to a very narrow application of the ADA.

Under the ADAAA, several key provisions will expand coverage for individuals with disabilities. The ADAAA specifically states that the term "disability" must be construed in favor of broad coverage. The ADAAA also makes the following changes:

- \* An impairment that substantially limits one major life activity does not have to limit other major life activities to be considered a disability.
- \* The status of an individual with an impairment that is episodic or in remission will be evaluated based on how the impairment limits the person's activities when the condition is active.
- \*The effect of mitigating measures may not be considered when evaluating whether a person is disabled. (For example, the effect of medication that diminishes or eliminates an impairment caused by a condition cannot be considered.)
- \* An individual will be regarded as having a disability if the employer perceives the employee as being disabled whether or not the impairment actually limits or is perceived as limiting a major life activity.

#### Important Links

##### [Newsletter](#)

Read full text of the Onebane newsletter on our web site.

##### [The Onebane Firm](#)

See our complete web site for other information.

##### [Questions](#)

About this news item? E-mail [manuelm@onebane.com](mailto:manuelm@onebane.com) or call her at (337) 237-2660.

The amendments also list specific activities which will be considered major life activities, including walking, standing, lifting, learning, reading, and thinking. In addition, a major life activity can be "the operation of a major bodily function", such as the immune system, digestive system, cell growth, and reproduction.

The amendments will become effective on January 1, 2009. These changes are intended to make it easier for an employee to state a claim of disability discrimination, and many court observers predict a major increase in the number of claims that will be brought.

For questions about this article, please contact **Maria Fabre Manuel** at [manuelm@onebane.com](mailto:manuelm@onebane.com).

To Unsubscribe to this email, click on the link below. Thank you.

[Unsubscribe to Alert](#)