



EQUAL EMPLOYMENT
OPPORTUNITY

BULLETIN

CONSTRUCTORS ASSOCIATION OF WESTERN PENNA.



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Suggested Routing

- Company Management
- Field Supervision
- EEO Officer

EEO Bulletin #05-08
October 24, 2008

TO: CAWP/H2AP Contractors

FROM: Jason Koss, CSP, Director of Industry Relations

RE: **Americans With Disabilities Act (ADA) Amendments Act Of 2008**

Amendments to the Americans with Disabilities Act expands Coverage

On September 25, 2008, the President signed the Americans with Disabilities Act Amendments Act of 2008, which will take effect on January 1, 2009. The ADA Amendments Act expands the definition of a disability and rejects several U.S. Supreme Court decisions that limited what was considered a disability. Contractors should be aware of the changes and understand that there will be an increase in the number of employees claiming to have disabilities as a result of these amendments.

The Americans with Disabilities Act of 1990 (ADA) prohibits employers from discriminating against a qualified individual with a disability. This applies to job application procedures, hiring, advancement and discharge of employees, worker's compensation, and job training. The ADA defines a disability as an impairment that "substantially limits one or more major life activities."

The ADA Amendments Act of 2008 broadens the definition by including a list that specifically recognizes the following as "major life activities": caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.

In addition to expanding the definition of "major life activities," the ADA Amendments Act also:

- states that mitigating measures other than "ordinary eyeglasses or contact lenses" shall not be considered in assessing whether an individual has a disability;
- clarifies that an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active;
- provides that an individual subjected to an action prohibited by the ADA (e.g., failure to hire) because of an actual or perceived impairment will meet the "regarded as" definition of disability, unless the impairment is brief and minor;
- provides that individuals covered only under the "regarded as" prong are not entitled to reasonable accommodation; and
- emphasizes that the definition of "disability" should be interpreted broadly.

Contractors should not take any adverse action against employees or job applicants based on a physical or mental disability, nor should contractors ignore any requests for work-related help because of a person's disability. Also, contractors should recognize that the definition of a "disability" has been broadened.

Source: EEOC

This EEO Bulletin may be downloaded at www.cawp.org under EEO. If you have any questions or need assistance in handling an employee or job applicant who has notified you of a disability, please contact the Association at (412) 343-8000.