

HAPPY ANNIVERSARY?

26. July 2010 By Steve Palazzolo

Did you know that today is the 20th Anniversary of the signing of the Americans with Disabilities Act? It is. On July 26, 1990 President George H. W. Bush (that is the first President Bush for those of you like me who are a bit date-challenged) signed the largely bi-partisan supported bill into law. When the President signed the bill he “borrowed” from President Reagan’s Berlin Wall speech from a few years earlier, Bush said, “Let the shameful wall of exclusion finally come tumbling down.” <http://www.cnn.com/2010/LIVING/07/26/ada.history/> So, to celebrate the anniversary of the ADA, you can find a ton of news articles and most of them seem to have a couple of things in common: first, they focus mostly on the public accommodation part of the ADA, you know, things like curb cuts and Braille in elevators, not the employment part of the ADA that we deal with every day; and second, they seem to say we have come a long way, and we have a long way to go. Of course, we are going to talk about the employment part of the law, the part enforced by the EEOC.

In its statement “The Americans With Disabilities Act 20th Anniversary” the EEOC says there is a “growing need” for the ADA and points to charge statistics to prove it: :

- 1993: 15,274 charges of discrimination filed with EEOC, which obtained \$15,496,811 in relief for 1,851 people through its administrative process;
- 2009: 21,451 charges of discrimination filed, roughly a 30% increase. EEOC got \$67,826,112 in relief for 3,238 people;
- From 1993 to 2009, ADA charges rose from 17.4% of all charges filed with the EEOC to 23% of all charges filed as ADA charges became a greater part of the EEOC’s workload;
- During the same period, the EEOC filed 874 lawsuits claiming violations of the ADA, collecting a total of \$86,633,804 for victims of disability discrimination.

See <http://www.eeoc.gov/eeoc/history/45th/ada20/index.cfm>

You know what struck me the most about this? Take a look at the first 2 bullet points: 1993, 15,274 charges only 1,851 people got money. 2009, 21,451 charges and relief for 3,283 people. Now if my math is right (and it may not be, I went to Law School to avoid math), that means in 2009 (we’ll just stick with 2009), 18,168 charges were filed and the people filling them got no relief! That means that 84% of the charges were . . . what? Frivolous? So let me ask you this. Does that mean the employer’s didn’t have to spend time and effort responding to those charges? Did they get any monetary relief from the people who frivolously filed them? Nope and Nope. And things won’t get

any better with the ADAAA. Is that really a “growing need” for the ADA and the expanding definition of who is and who is not really disabled?

Now before you get the wrong idea, I am a full fledged 100% supporter of the ADA. Those of you that have read any of my stuff know why. What I am not a supporter of is people who are not disabled trying to take advantage of a law designed to help people who are. Nor am I a supporter of a government agency making it easier for them to do that. All that does is cost business money and makes it harder for the people who really are disabled to get the protections the law affords. Now I will be the first to admit that I may be interpreting these EEOC statistics wrong, . . . but I don't think so.

So, Happy Anniversary.