



## Legal Alert: Congress Approves ADA Amendments Act

9/19/2008

On September 17, 2008 the U.S. House of Representatives approved legislation passed by the Senate earlier this month, which amends the Americans with Disabilities Act (ADA). The ADA Amendments Act of 2008 overturns a series of U.S. Supreme Court decisions that narrowly interpreted the ADA.

The Act overturns the Supreme Court's decision in *Sutton v. United Air Lines, Inc.*, (1999), which held that whether an individual is disabled should be determined with reference to mitigating devices, such as medication. The ADA Amendments Act states that the determination of whether a condition substantially limits an individual's major life activities must be made without regard to the effects of mitigating measures. The Act specifically excludes eyeglasses and contact lenses from the list of mitigating measures that should not be considered.

The Act also states that in *Toyota Motor Manufacturing, Kentucky, Inc. v. Williams*, (2002), the Supreme Court interpreted the term "substantially limits" to impose too high of a standard. Similarly, the Act states that the current EEOC regulations defining the term "substantially limits" as "significantly restricted" express too high of a standard. Accordingly, the Act states that the determination of whether an individual's impairment is a disability under the ADA "should not demand extensive analysis." Further, the Act states that the definition of disability "shall be construed in favor of broad coverage of individuals."

The legislation will now go to President Bush for signature. The White House press secretary has issued a statement indicating the President is likely to sign the bill.

If you have any questions regarding this legislation or other labor or employment related issues, please contact the Ford & Harrison attorney with whom you usually work.