

Americans With Disabilities Act: Are Your Rights Protected?



(NAPSA)—As a result of recent decisions of the U.S. Supreme Court, the promise of the world's first comprehensive declaration of equality for people with disabilities, the Americans with Disabilities Act (ADA), was drastically cut back. But Congress has just stepped in with proposed legislation to restore this promise to millions of Americans who have found themselves with no recourse for what was once considered blatant discrimination.

The ADA makes it illegal for employers to fire or refuse to hire someone based on his or her disability, assuming he or she is qualified to do the job. The law also requires transportation systems and businesses such as hotels and restaurants to be usable by persons with disabilities. However, as a result of recent Supreme Court decisions, workers with disabilities that are "correctable" with medication or devices such as prosthetic limbs or hearing aids generally can no longer benefit from this law.

The courts, following the Supreme Court's decisions, are finding that most times these people are considered "too functional" to be regarded as having a disability. As a result, many of the millions of persons with conditions such as epilepsy and diabetes, whose health may improve with medication, are being denied job opportunities, and have no recourse in the courts. Many employers mistakenly believe that people with these particular conditions cannot do the job effectively or safely, or just do not

want "people like that" in their workplaces.

Fortunately, there are examples of employers taking steps on their own to accommodate the needs of employees with disabilities, such as the case of John Knopp. Mr. Knopp, a person with epilepsy, has had several seizures while on the job. His employer responded by authorizing him to carry a cell phone to call for help; in addition, the employer has provided workplace seizure first-aid training to help ensure that co-workers can appropriately respond.

At a September 13, 2006 congressional hearing, Epilepsy Foundation Board Chair Tony Coelho provided his personal perspective on why amendments to the Act are required to restore it to Congress' original intent: "The federal courts have so narrowly interpreted the ADA as to have effectively written people like me out of our own bill," stated Mr. Coelho, who has epilepsy and is a former member of Congress and original author of the ADA. He added, "It's time to restore the promise of the ADA that Congress intended."

On September 29, 2006, a bill was introduced in Congress to address these concerns. The bill, the "Americans with Disabilities Act (ADA) Restoration Act of 2006," would amend the ADA to cover individuals with a physical or mental impairment, even if their condition is only periodic (for instance, occasional seizures) or treatable with medication.

To learn more about the ADA, visit www.epilepsyfoundation.org.