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**NELA WELCOMES ADA RESTORATION BILL
INTRODUCED ON 17TH ANNIVERSARY OF LAW'S ENACTMENT**

The National Employment Lawyers Association (NELA), the country's largest professional organization of lawyers who represent workers in disputes with their employers, hails the bipartisan efforts of Majority Leader Steny Hoyer (D-MD) and Representative James Sensenbrenner (R-WI) in assembling more than 130 of their colleagues in the House of Representatives to co-sponsor the ADA Restoration Act (ADARA). The ADARA was introduced to the public and in Congress on the 17th anniversary of enactment of the original Americans with Disabilities Act (ADA) in 1990. NELA also lauds the leadership of Senators Tom Harkin (D-IA) and Arlen Specter (R-PA), who are expected to introduce a companion bill in the Senate in the near future.

Among other things, the ADARA will reestablish broad protection for Americans against disability discrimination in employment, thereby returning the ADA to the scope of coverage that Congress originally intended. In particular, the ADARA would amend the definition of "disability" to correct decisions by the U.S. Supreme Court and lower federal courts that have drastically restricted the class of workers who can rely on the ADA to secure equal employment opportunities. For example, the ADARA would overrule the U.S. Supreme Court's 1999 decision in *Sutton v. United Air Lines, Inc.*, which ignored contrary appellate decisions nationwide, EEOC regulations and the ADA's legislative history, to declare that a "disability" must be established taking into account "mitigating measures," like medication. Thus, many individuals with serious conditions who endure intentional discrimination at work because of those conditions face an impossible dilemma: they may not be able to work if they fail to take their medication, and unable to establish a "disability" if they do.

The ADARA will enable workers alleging unequal treatment based on a "disability" to focus their efforts on proving their claims of unlawful bias (including a refusal to provide reasonable accommodation) instead of on showing they have a "disability" covered by the ADA. Studies indicate judicial efforts to restrict ADA litigation have gone much too far as the vast majority of ADA employment suits are summarily dismissed, usually without any consideration of the issue of discrimination. The few ADA claimants who succeed in proving they have a "disability" often only do so after years of litigation.

Restoration of the ADA's original intent is long overdue. NELA strongly supports Congress' enactment of ADARA.

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