

# ADAAA Increases EEOC Charges, Monetary Relief Recovery, and Litigation

- Charges Filed
  - EEOC received 25,369 disability charges in FY 2014
  - Accounted for 28.6% of all EEOC charges
  - 2014 ADA enforcement netted \$95.6 Million
- Litigation
  - EEOC filed 133 lawsuits in 2013, 49 of which involved ADA claims
  - 37% of all EEOC lawsuits involved ADA claims
- EEOC Strategic Enforcement Plan identifies emerging and developing ADA issues to which it will devote attention as “including coverage, reasonable accommodation, qualification standards, undue hardship, and direct threat . . . [and] accommodating pregnancy-related limitations under the . . . ADAAA and the Pregnancy Discrimination Act (PDA).”
- Unscientific analysis of the prevalence of ADA claims:
  - A Lexis search of all federal district court decisions issued in calendar year 2014 containing the phrase “Americans with Disabilities Act” in the same sentence as “claim or “violat!” yielded 2,487 opinions!



**Key ADA and GINA Documents Available from the  
U.S. Equal Employment Opportunity Commission  
on [www.eeoc.gov](http://www.eeoc.gov)**



“ADA at 25” Anniversary webpage  
[www.eeoc.gov/eeoc/history/ada25th/index.cfm](http://www.eeoc.gov/eeoc/history/ada25th/index.cfm)



Recruiting, Hiring, Retaining, and Promoting People with Disabilities: A Resource Guide for Employers (Feb. 3, 2015).  
[https://www.whitehouse.gov/sites/default/files/docs/employing\\_people\\_with\\_disabilities\\_toolkit\\_february\\_3\\_2015\\_v4.pdf](https://www.whitehouse.gov/sites/default/files/docs/employing_people_with_disabilities_toolkit_february_3_2015_v4.pdf)

**ADA Amendments Act of 2008**



Notice of Rights Under the ADA Amendments Act of 2008  
[www.eeoc.gov/laws/types/adaaa\\_notice\\_of\\_rights.cfm](http://www.eeoc.gov/laws/types/adaaa_notice_of_rights.cfm)

Amended EEOC Regulations, 29 C.F.R. Part 1630  
[www.gpo.gov/fdsys/pkg/CFR-2011-title29-vol4/xml/CFR-2011-title29-vol4-part1630.xml](http://www.gpo.gov/fdsys/pkg/CFR-2011-title29-vol4/xml/CFR-2011-title29-vol4-part1630.xml)

Questions and Answers on the Final Rule Implementing the ADA Amendments Act of 2008  
[www.eeoc.gov/laws/regulations/ada\\_qa\\_final\\_rule.cfm](http://www.eeoc.gov/laws/regulations/ada_qa_final_rule.cfm)

Questions and Answers for Small Businesses: The Final Rule Implementing the ADA Amendments Act of 2008  
[www.eeoc.gov/laws/regulations/adaaa\\_qa\\_small\\_business.cfm](http://www.eeoc.gov/laws/regulations/adaaa_qa_small_business.cfm)

Fact Sheet on EEOC’s Final Regulations Implementing the ADAAA  
[www.eeoc.gov/laws/regulations/adaaa\\_fact\\_sheet.cfm](http://www.eeoc.gov/laws/regulations/adaaa_fact_sheet.cfm)

**Pregnancy-Related Impairments**



EEOC Enforcement Guidance on Pregnancy Discrimination and Related Issues (rev. July 2015) (*see Section II on ADA*)  
[www.eeoc.gov/laws/guidance/pregnancy\\_guidance.cfm](http://www.eeoc.gov/laws/guidance/pregnancy_guidance.cfm)

Fact Sheet for Small Businesses: Pregnancy Discrimination  
[www.eeoc.gov/eeoc/publications/pregnancy\\_factsheet.cfm](http://www.eeoc.gov/eeoc/publications/pregnancy_factsheet.cfm)

### **ADA and Particular Impairments**

Q&A: Deafness and Hearing Impairments in the Workplace & the ADA (rev. 2014)  
[www.eeoc.gov/eeoc/publications/qa\\_deafness.cfm](http://www.eeoc.gov/eeoc/publications/qa_deafness.cfm)

Q&A: Blindness & Vision Impairments in the Workplace & the ADA (rev. 2014)  
[www.eeoc.gov/eeoc/publications/qa\\_vision.cfm](http://www.eeoc.gov/eeoc/publications/qa_vision.cfm)

Q&A: Cancer in the Workplace & the ADA (rev. 2013)  
[www.eeoc.gov/laws/types/cancer.cfm](http://www.eeoc.gov/laws/types/cancer.cfm)

Q&A: Intellectual Disabilities in the Workplace & the ADA (rev. 2013)  
[www.eeoc.gov/laws/types/intellectual\\_disabilities.cfm](http://www.eeoc.gov/laws/types/intellectual_disabilities.cfm)

Q&A: Epilepsy in the Workplace & the ADA (rev. 2013)  
[www.eeoc.gov/laws/types/epilepsy.cfm](http://www.eeoc.gov/laws/types/epilepsy.cfm)

Q&A: Diabetes in the Workplace & the ADA (rev. 2013)  
[www.eeoc.gov/laws/types/diabetes.cfm](http://www.eeoc.gov/laws/types/diabetes.cfm)

Enforcement Guidance on the ADA and Psychiatric Disabilities (3/25/97)  
[www.eeoc.gov/policy/docs/psych.html](http://www.eeoc.gov/policy/docs/psych.html)

### **Pandemic Preparedness**

Pandemic Preparedness in the Workplace and the ADA (10/9/09)  
[www.eeoc.gov/facts/pandemic\\_flu.html](http://www.eeoc.gov/facts/pandemic_flu.html)

### **Analyzing “Qualified” and “Individual with a Disability”**

Enforcement Guidance on the Effect of Representations Made in Applications for Benefits on the Determination of Whether a Person is a “Qualified Individual with a Disability” Under the ADA (2/12/97)  
[www.eeoc.gov/policy/docs/qidreps.html](http://www.eeoc.gov/policy/docs/qidreps.html)

## **Reasonable Accommodation**

Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the ADA (rev. 10/17/02)  
[www.eeoc.gov/policy/docs/accommodation.html](http://www.eeoc.gov/policy/docs/accommodation.html)

Work At Home/Telework as a Reasonable Accommodation (2/3/03)  
[www.eeoc.gov/facts/telework.html](http://www.eeoc.gov/facts/telework.html)

Practical Advice for Drafting and Implementing Reasonable Accommodation Procedures Under Executive Order 13164 (7/19/05)  
[www.eeoc.gov/policy/docs/implementing\\_accommodation.html](http://www.eeoc.gov/policy/docs/implementing_accommodation.html)

Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation (7/26/00)  
[www.eeoc.gov/policy/docs/accommodation\\_procedures.html](http://www.eeoc.gov/policy/docs/accommodation_procedures.html)

The Mental Health Provider's Role in a Client's Request for a Reasonable Accommodation at Work (2013)  
[www.eeoc.gov/eeoc/publications/ada\\_mental\\_health\\_provider.cfm](http://www.eeoc.gov/eeoc/publications/ada_mental_health_provider.cfm)

What You Should Know About the EEOC and Enforcement of the ADA  
[www.eeoc.gov/eeoc/newsroom/wysk/ada\\_enforcement.cfm](http://www.eeoc.gov/eeoc/newsroom/wysk/ada_enforcement.cfm)

## **Performance and Conduct**

The ADA: Applying Performance and Conduct Standards to Employees with Disabilities (9/3/08)  
[www.eeoc.gov/facts/performance-conduct.html](http://www.eeoc.gov/facts/performance-conduct.html)

## **Disability-Related Inquiries, Medical Exams, and Confidentiality**

Enforcement Guidance: Disability-Related Inquiries & Medical Examinations of Employees Under the ADA (7/27/00)  
[www.eeoc.gov/policy/docs/guidance-inquiries.html](http://www.eeoc.gov/policy/docs/guidance-inquiries.html)

Enforcement Guidance: Preemployment Disability-Related Questions & Medical Examinations (10/10/95)  
[www.eeoc.gov/policy/docs/preemp.html](http://www.eeoc.gov/policy/docs/preemp.html)

Obtaining and Using Employee Medical Information as Part of Emergency Evacuation Procedures (10/31/01)  
[www.eeoc.gov/facts/evacuation.html](http://www.eeoc.gov/facts/evacuation.html)

## **ADA and Particular Types of Work**

How to Comply with the ADA: A Guide for Restaurants & Other Food Service Employers (10/28/04)

[www.eeoc.gov/facts/restaurant\\_guide.html](http://www.eeoc.gov/facts/restaurant_guide.html)

Reasonable Accommodations for Attorneys with Disabilities (5/23/06)

[www.eeoc.gov/facts/accommodations-attorneys.html](http://www.eeoc.gov/facts/accommodations-attorneys.html)

Q & A: Health Care Workers and the ADA (2/26/07)

[www.eeoc.gov/facts/health\\_care\\_workers.html](http://www.eeoc.gov/facts/health_care_workers.html)

## **Discrimination Based on Association with an Individual with a Disability**

Q&A: Association Provision of the ADA (10/17/05)

[www.eeoc.gov/facts/association\\_ada.html](http://www.eeoc.gov/facts/association_ada.html)

## **Job Applicants**

Job Applicants and the ADA (10/7/03)

[www.eeoc.gov/facts/jobapplicant.html](http://www.eeoc.gov/facts/jobapplicant.html)

## **Small Business**

The ADA: A Primer for Small Business (8/15/02)

[www.eeoc.gov/eeoc/publications/adahandbook.cfm](http://www.eeoc.gov/eeoc/publications/adahandbook.cfm)

## **Contingent Workers**

Enforcement Guidance on Application of the ADA to Contingent Workers Placed By Temporary Agencies & Other Staffing Firms (12/22/00)

[www.eeoc.gov/policy/docs/guidance-contingent.html](http://www.eeoc.gov/policy/docs/guidance-contingent.html)

## **Interrelationship of ADA and Other Statutes**

Enforcement Guidance: Workers' Compensation & the ADA (9/3/96)

[www.eeoc.gov/policy/docs/workcomp.html](http://www.eeoc.gov/policy/docs/workcomp.html)

FMLA, ADA, and Title VII (November 1995)

[www.eeoc.gov/policy/docs/fmlaada.html](http://www.eeoc.gov/policy/docs/fmlaada.html)

## **Health Insurance**

Interim Enforcement Guidance on the Application of the ADA to Disability-Based Distinctions in Employer Provided Health Insurance (6/8/93)  
[www.eeoc.gov/policy/docs/health.html](http://www.eeoc.gov/policy/docs/health.html)

## **Veterans**

Veterans and the ADA: A Guide for Employers (2/28/12)  
[www.eeoc.gov/eeoc/publications/ada\\_veterans\\_employers.cfm](http://www.eeoc.gov/eeoc/publications/ada_veterans_employers.cfm)

Understanding Your Employment Rights Under the ADA: A Guide for Veterans (2/28/12)  
[www.eeoc.gov/eeoc/publications/ada\\_veterans.cfm](http://www.eeoc.gov/eeoc/publications/ada_veterans.cfm)

## **Mediation**

Q & A for Mediation Providers: Mediation and the ADA (5/10/05)  
[www.eeoc.gov/eeoc/mediation/ada-mediators.cfm](http://www.eeoc.gov/eeoc/mediation/ada-mediators.cfm)

Q & A for Parties to Mediation: Mediation and the ADA (5/10/05)  
[www.eeoc.gov/eeoc/mediation/ada-parties.cfm](http://www.eeoc.gov/eeoc/mediation/ada-parties.cfm)

## **State Government - Best Practices**

Final Report on Best Practices for the Employment of People with Disabilities in State Government (10/31/05)  
[www.eeoc.gov/facts/final\\_states\\_best\\_practices\\_report.html](http://www.eeoc.gov/facts/final_states_best_practices_report.html)

## **Federal Sector Affirmative Employment**

Q & A: Promoting Employment of Individuals with Disabilities in the Federal Workforce (8/26/08)  
[www.eeoc.gov/federal/qanda-employment-with-disabilities.cfm](http://www.eeoc.gov/federal/qanda-employment-with-disabilities.cfm)

The ABCs of Schedule A  
[www.eeoc.gov/eeoc/initiatives/lead/abcs\\_of\\_schedule\\_a.cfm](http://www.eeoc.gov/eeoc/initiatives/lead/abcs_of_schedule_a.cfm)

## **Genetic Information Nondiscrimination Act (GINA)**

Background Information for EEOC Final Rule on Title II of the Genetic Information Nondiscrimination Act of 2008

[www.eeoc.gov/laws/regulations/gina-background.cfm](http://www.eeoc.gov/laws/regulations/gina-background.cfm)

GINA Regulations, 29 C.F.R. Part 1635

[www.gpo.gov/fdsys/pkg/CFR-2011-title29-vol4/xml/CFR-2011-title29-vol4-part1635.xml](http://www.gpo.gov/fdsys/pkg/CFR-2011-title29-vol4/xml/CFR-2011-title29-vol4-part1635.xml)

Questions and Answers for Small Businesses: EEOC Final Rule on Title II of the Genetic Information Nondiscrimination Act of 2008

[www.eeoc.gov/laws/regulations/gina\\_qanda\\_smallbus.cfm](http://www.eeoc.gov/laws/regulations/gina_qanda_smallbus.cfm)



What You Should Know: Questions and Answers about GINA and Employment

[www.eeoc.gov/eeoc/newsroom/wysk/gina\\_nondiscrimination\\_act.cfm](http://www.eeoc.gov/eeoc/newsroom/wysk/gina_nondiscrimination_act.cfm)

July 2015