

To: Clients & Friends
From: Smith & Downey
Date: October 3, 2008
Re: ADA Amendments Act of 2008 and Upcoming Seminar

On September 25, 2008, the ADA Amendments Act of 2008 (“ADAAA”) was signed into law by President Bush, with an effective date of January 1, 2009. The ADAAA was enacted with the professed intent of restoring the original meaning of the Americans with Disabilities Act by substantially expanding the protections provided to individuals with disabilities. The ADAAA reverses the effect of multiple limitations placed on ADA coverage by recent Supreme Court decisions.

The ADAAA provides that when determining if an individual has a disability, courts may no longer look to mitigating factors that reduce the effects of the disability. In addition, the ADAAA provides that the ADA should be construed broadly instead of narrowly, and redefines several key terms to expand the more restrictive interpretations used by various courts in interpreting the ADA.

In light of these significant changes, businesses should prepare now to take some vital steps in addressing these changes. These steps may include reviewing and revising handbook policies, additional training to HR departments and management, and sensitivity training to improve interactions with disabled individuals.

As announced previously, we will be holding a free breakfast seminar on October 10 from 8 – 10 a.m. at The Shepard Pratt Conference Center during which we will discuss the ADAAA as well as other key EEO issues such as sexual orientation, transgender status, religious discrimination and sexual harassment. Please RSVP to Jamie Siegman at jsiegman@smithdowney.com or 410-321-9000 if you would like to attend.