



Analyzing Work Place Disability Issues

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I. ADA

- THE AMERICANS WITH DISABILITY ACTS (ADA) OF 1990. 42 USC §12101 et seq.
- The ADA's General Mandate – Discrimination Prohibited.
- What is a “Covered Entity”?

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II. PDCRA

- The Michigan Persons with Disabilities Civil Rights Act MCLA §37.1101 et. seq. (“PDCRA”).
- PDCRA defines an employer as a person who has one or more employees.
- The term includes an agent of employer.
- The opportunity to obtain employment without discrimination because of disability is guaranteed and constitutes an express civil right.

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III. Defining Disability

- WHAT IS A “DISABILITY”?
- What is an “impairment”?
- What is a “major life activity”?
- Does the impairment “substantially limit” a major life activity?
- Are mitigating/corrective measures (i.e., medication and/or prosthetic devices) to be taken into account when analyzing substantial limitation?

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- REQUIREMENT THAT EMPLOYEE BE “QUALIFIED”.
- Reasonable Accommodation.
- Record of Disability Cases.
- “Regarded as” Disabled Cases.

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IV. ADA CONTRASTED WITH THE MICHIGAN PDCRA

- Administrative Prerequisites.
- Burden of Proof.
- Definition of “Reasonable Accommodation”.
- Differing Interpretations of “Undue Hardship”.
- Differences in Construing “Mitigation Measures.”
- Individual Liability.
- Monetary Relief.