HR3195

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Thursday, May 01, 2008

The Honorable Joe Knollenberg
2349 Rayburn House Office Building
Washington DC 20515-2211

Dear Congressman Knollenberg:

Please OPPOSE and do not co-sponsor the Americans with Disabilities Act (ADA) Restoration Act (H.R. 3195). This legislation would rewrite the nation's foremost disability discrimination law by fundamentally changing the definition of what constitutes a "disability" under the ADA.

As your constituent, a human resource professional, and one of more than 225,000 members of the Society for Human Resource Management (SHRM), I am most concerned about the following aspects of the legislation:

* Overly expands disability protected class - The ADA Restoration Act would redefine the term "disability" to simply mean "a mental or physical impairment." By doing so, the bill would change the ADA to mandate employers to provide accommodations to virtually the entire workforce, including employees who have minor or temporary impairments that do not substantially affect one's daily life, such as headaches and skin irritations. With more covered individuals competing for the same employer resources, the bill would dilute an employer's ability to provide accommodations to individuals with the most severe disabilities.

* Excludes consideration of reasonable mitigating measures-In determining whether an individual is covered under the ADA, the legislation would forbid employers from considering the effects of medication or other mitigating measures (such as eyeglasses for near-sighted vision) that an individual uses to manage his or her impairment. This change would effectively strike the ADA's requirement that an impairment must substantially limit an individual in performing daily activities.

* Transfers burden of proof to employers-The ADA Restoration Act would take the unprecedented step in employment law of shifting the burden of proof in disability discrimination cases to the employer from the employee. Thus, the legislation would likely force employers to justify everyday management decisions, such as establishing qualifications for specific jobs, through litigation.

In my view, there is not sufficient justification to drastically alter the ADA's current disability standard that currently ensures that the law's protections benefit the individuals who most need them. Thus, I urge you to OPPOSE H.R. 3195, the ADA Restoration Act as it is currently drafted.

Please inform me of your views on this legislation.

Sincerely,

Michele Vandegrift