

baileybenefit *news*

This update is sent periodically to keep you informed of employee benefit plan issues that may impact your organization.



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The ADA Amendments Act (ADAAA) could lead to greater exposure for employers that self-administer disability benefits

The Americans with Disabilities Act (ADA) requires employers with 15 or more employees to provide qualified individuals with disabilities an equal opportunity to benefit from the full range of employment-related opportunities available to others. For example, it prohibits discrimination in recruitment, hiring, promotions, training, pay, social activities, and other privileges of employment.

The ADA Amendments Act of 2008 (ADAAA) was signed into law in September of 2008 and became effective on January 1, 2009. The Equal Employment Opportunity Commission (EEOC) has not yet completed the regulations for the new legislation, but is expected to do so this fall.

The amendments include changes to broaden the definition of a disability and a substantial limitation, and expands the “regarded as” disabled definition. In other words, more employees will now be covered under the ADA, the range of protections for these employees will expand, and litigation for disability-related legal claims is expected to increase.

While the amendments do not specifically address how disability or worker’s compensation carriers approve and administer claims, the broader definition of a “regarded as” disability under the Act could expose employers to greater liability if they self-administer their disability benefits. If you would like more information about disability leave administration, please let us know. We will provide you with more information as the EEOC releases their regulations this fall.

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513-579-9800

www.baileyandco.com