



**CONSORTIUM FOR CITIZENS  
WITH DISABILITIES**

### **Principles Underlying Proposed Legislation Prohibiting Discrimination in Employment Against Persons with Correctable and/or Episodic Conditions**

- Congress intended that the federal definition of disability in the ADA cover people with epilepsy, diabetes, HIV, amputees, psychiatric conditions, and others who may be able to fully or partially mitigate the effects of their impairments, or who have impairments that are episodic in nature, but who nonetheless encounter discrimination due to myths, fears, and stereotypes.
- Some individuals with no present impairment at all, or with a history of disability, are subject to adverse employment actions based on stigma. Individuals also face discrimination when an employer perceives them as more limited by an impairment than they actually are. Congress intended that the ADA prevent such unfair treatment, and that persons be judged on their abilities and qualifications rather than an employer's perceptions about the content of their medical records.
- Congressional intent regarding the scope of the federal definition of disability has been overturned by court rulings concocting stringent and illogical rules regarding who meets the statutory standard. Worse, the impact of the new rules has been particularly devastating for individuals with the most stigmatized and misunderstood impairments.
- Surveys of court decisions show that people with epilepsy, cancer, diabetes, and psychiatric conditions are routinely dismissed as outside the protections of the ADA, regardless of the merits of their claims. With the definition of disability contracted, countless Americans who continue to experience disability discrimination are barred from challenging these abuses in court.
- Federal employment discrimination law should prohibit unfair discrimination against qualified workers based upon physical or mental impairments, and should ensure that these employees and job applicants are considered based on their skills and abilities.
- Title VII and other federal employment statutes protect all workers – men, women, Asians, Caucasians, Latinos, Christians, and Muslims – from discrimination based on sex, race, national origin, and religion. This broad coverage allows courts to focus on determining when an action is unjust rather than extensively focusing on coverage issues. Protection from disability discrimination should mirror this focus, and should not be

limited to those with uncorrectable conditions

- Nearly any American with an impairment may encounter discrimination and unfair treatment in the workplace. Laws ensuring workplace fairness should protect everyone, and should not be considered some extraordinary entitlement that depends upon an extensive and complex medical showing that the applicant or employee has deficits that are not relevant to the job in question.

- Employers can and have implemented across-the-board policies ensuring workplace fairness and disability nondiscrimination. The new and contradictory rules regarding who is covered by the ADA only create confusion in the administration of these policies.

- Federal laws provide employers with ample discretion to take all necessary and nondiscriminatory actions to further their legitimate business interests.