

Dear NOCA member:

The NOCA Government Relations Committee recently reviewed pending legislation in the U.S. House and Senate that would modify the legal meaning of “disability” as contained in the Americans with Disabilities Act (ADA).

As was reported to the NOCA membership in an email dated [DATE], the ADA Restoration Act of 2008 (H.R. 3195/S.1881) was introduced in response to several recent U.S. Supreme Court decisions that narrowed the ability of disabled persons to bring discrimination actions under the ADA, contrary to Congress’ original intent in the view of the legislation’s proponents. H.R. 3195 passed the House with a strong bipartisan vote of 402-15. The Senate bill, S. 1881, enjoys the support of 70 bipartisan cosponsors. President Bush has indicated that he will sign the ADA legislation if passed by Congress.

In addition to reviewing the legislation, congressional committee report, and witness testimony, NOCA’s Government Relations staff has had numerous contacts with senior congressional staff about the scope and intent of the legislation. Congressional staff assured NOCA’s government relations staff that the pending measures are intended to target discrimination of the disabled in hiring and firing decisions and that they are not intended to address the “reasonable accommodation” standard currently used to make a determination as to whether an accommodation is necessary. Likewise, the measure is not intended to affect existing education or academic standards that individuals must meet in order to obtain a particular credential or designation.

NOCA strongly supports the rights of all persons regardless of disability status to fully participate in, and to have equal access to, the professional development and career opportunities that certification offers . At this point, it remains unclear as to whether this legislation in current form will or will not contribute to a further leveling of the playing field with respect to the rights of persons with disabilities to access these opportunities on an equal basis.

After review of the legislation, taking into consideration the wide range of opinion expressed by NOCA members on this issue, the NOCA Government Relations Committee recommended to the NOCA Board of Directors that NOCA remain neutral with respect to the ADA Restoration Act.

The Government Relations Committee believes that NOCA members would be best served by communicating their views on the proposed legislation directly with their elected representatives.

For additional information about the ADA Restoration Act, please visit the following links:

H.R. 3195 - <http://thomas.loc.gov/cgi-bin/bdquery/z?d110:h.r.03195>:

S. 1881 - <http://thomas.loc.gov/cgi-bin/bdquery/z?d110:SN01881:>

House Education and Labor Committee hearing on H.R. 3195 -
<http://edlabor.house.gov/hearings/fc-2008-01-29.shtml>

Senate Health, Education, Labor and Pensions Committee hearing on S. 1881 -
http://help.senate.gov/Hearings/2008_07_15/2008_07_15.html

U.S. Department of Justice ADA Home Page - <http://www.ada.gov/>