

# The Business & Disability Bulletin



V4 I1  
March 2012

*disability is our business*

## Controversy Surrounds Disability-Based Affirmative Action Proposal from Department of Labor

Disability rights advocates are by and large applauding the US Department of Labor's proposed rule requiring federal contractors and subcontractors to set a hiring goal of having 7% of their workforce be people with disabilities. Businesses with fewer than 50 employees and less than \$50,000 in federal contracts would be exempt from the hiring changes:



*"This proposed rule represents one of the most significant advances in protecting the civil rights of worker with disabilities since the passage of the Americans with Disabilities Act," said Secretary of Labor Hilda L. Solis*

The business community response has been less than enthusiastic about this proposed rule.

An article in the 2/29/12 Wall Street Journal highlights some of the concerns the business community has brought forward: <http://online.wsj.com/article/SB10001424052970204520204577251303726662194.html>.

**Educate yourself.** Read the proposed rule and get the facts at: <http://www.dol.gov/ofccp/503/>.



The Southwest ADA Center has published a new resource titled "**Service Animals and Emotional Support Animals – Where are they allowed and under what conditions?**"

It is available on their website in both English and Spanish and can be downloaded at:

[http://www.dlrp.org/html/publications/general/Service\\_Animal\\_Booklet\\_ENGLISH.pdf](http://www.dlrp.org/html/publications/general/Service_Animal_Booklet_ENGLISH.pdf)

[http://www.dlrp.org/html/publications/Spanish/Service\\_Anima\\_Booklet\\_Spanish.pdf](http://www.dlrp.org/html/publications/Spanish/Service_Anima_Booklet_Spanish.pdf)

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## Be Cautious When Requesting a Doctor's Note to Excuse an Absence

A recent federal court in California ruled (*E.E.O.C. v. Dillard's Inc*) that a retail chain's attendance policy which required employees to provide a doctor's note identifying the nature of a health-related absence in order for absences to be excused is a violation of the Americans With Disabilities Act (ADA).



Asking an employee for verification from a medical professional that they needed to be absent from work due to a medical condition was not the issue in this case. The issue was that the employer was requesting the specific medical information surrounding the need to be absent.

Abizer Zanzi & Franczek Radelet PC have summarized this court case and its implications in **Lexology**. A link to the entire article can be found here:

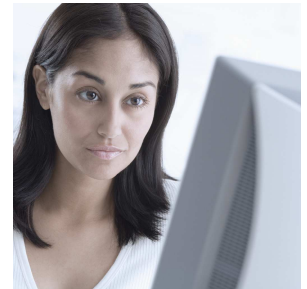
<http://www.lexology.com/library/detail.aspx?g=f00d57f2-df11-4f25-8b88-371208052dfc>

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### **new Free On-line ADA Training Video about “The Interactive Process”**

The Job Accommodation Network (JAN) has posted a new training video focused on a critical component of complying with the ADA when an employee requests an accommodation: The Interactive Process.

This 23 minute narrated PowerPoint video & accompanying handout provides you with a process to effectively manage workplace accommodations. Learn the practical aspects you need to know about workplace accommodations and how to make sound job accommodation decisions.



<http://askjan.org/training/library.htm>

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### **Got a Success Story? Share It!**

We're looking for stories from workers with disabilities and employers to tell us what has worked for them! To tell us your personal story or the story of your business, email us at [mcgowenm@dnswm.org](mailto:mcgowenm@dnswm.org). You may see yourself featured in a future issue!