

3. Americans with Disabilities Act

The Americans with Disabilities Act (ADA) was passed in 1990 to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities. Technological and medical advances in the ensuing 14 years have expanded the employment opportunities for disabled individuals; however, significant barriers remain, many due to fears and stereotypes that are pervasive in our culture.

Unfounded beliefs about an illness resulted in a favorable jury verdict for EEOC against a nursing home. A cook/dietary aide was discharged after her supervisor learned she had been diagnosed with Hepatitis C. Despite a medical release from her doctor, the nursing home relied on fears of contagion to discharge her. The jury agreed with EEOC that the nursing home regarded the employee as substantially limited in the major life activity of working and awarded her \$30,000 in backpay and \$20,000 in compensatory damages. *EEOC v. Heartway Corp., Inc., d/b/a/ York Manor Nursing Center* (E.D. Okla. Aug. 17, 2004).