



New York State Equal Opportunity Office



EQUAL OPPORTUNITY MISSION
To improve and sustain the readiness of the New York National Guard by ensuring all members have equal access to opportunity.



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EDITION 10



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SPECIAL OBSERVANCES
The Americans with Disabilities Act (ADA) of 1990
The ADA recognizes and protects the civil rights of people with disabilities and is modeled after earlier landmark laws prohibiting discrimination on the basis of race and gender. The ADA covers a wide range of disability, from physical conditions affecting mobility, stamina, sight hearing, and speech to conditions such as emotional illness and learning disorders. The ADA addresses access to the workplace (title I), State and local government services (title II), and places of public accommodation and commercial facilities (title III). It also requires phone companies to provide telecommunications relay services for people who have hearing or speech impairments (title IV) and miscellaneous instructions to Federal agencies that enforce the law (title V). Being inclusive of people with disabilities—in recruitment, retention, promotion, and in providing an accessible environment—gives businesses a competitive edge. Below are some of the common myths about how the ADA affects employers and research and facts that negate them.

Reference:
http://www.deomi.org/DiversityMgmt/documents/employmentLaws/Employers_and_the_ADA_Myths_and_Facts.pdf

THE AMERICANS WITH DISABILITIES ACT

Myth: The ADA forces employers to hire unqualified individuals with disabilities.

Fact: Applicants who are unqualified for a job cannot claim discrimination under the ADA. Under the ADA, to be protected from discrimination in hiring, an individual with a disability must be qualified, which means he or she must meet all requirements for a job and be able to perform its essential functions with or without reasonable accommodations.

Myth: When there are several qualified applicants for a job and one has a disability, the ADA requires the employer to hire that person.

Fact: An employer is always free to hire the applicant of its choosing as long as the decision is not based on disability. If two people apply for a data entry position for which both speed and accuracy are required, the employer may hire the person with the higher speed and level of accuracy, because he or she is the most qualified.

Myth: The ADA gives job applicants with disabilities advantages over job applicants without disabilities.

Fact: The ADA does not give hiring preference to persons with disabilities.

Myth: Under the ADA, employers must give people with disabilities special privileges, known as accommodations.

Fact: Reasonable accommodations are intended to ensure that qualified individuals with disabilities have rights in employment equal—not superior—to those of individuals without disabilities. A reasonable accommodation is a modification to a job, work environment or the way work is performed that allows an individual with a disability to apply for a job, perform the essential functions of the job, and enjoy equal access to benefits available to other individuals in the workplace.

**The Sexual Assault Response Coordinator is WO1 Heather Langley, (518) 786-4733
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<u>Upcoming Events/Conferences</u>	<u>Special Observances</u>
EEOC Refresher Course - Date and Time: TBD	American Independence Day July 4 th
LULAC Conference - 13-18 July 09 San Juan, PR	Hispanic American Heritage Month Sep 15 th – Oct 15 th
FEW Conference 20-24 July 09 Orlando, FL	Women's Equality Day Aug 26
EXCEL Conference -27-30 July 09 New Orleans, LA	Hispanic American Heritage Month Sep 15 th – Oct 15 th
NOMAR Conference 25-25 August 09 Las Vegas, NV	Native American-Alaskan Native Month Nov 1 st – 31 st

