

## **Comments regarding the proposed regulations for the ADA Amendments Act of 2008**

- First and foremost we want to thank the US Equal Employment Opportunity Commission (EEOC) for developing proposed regulations that so closely follow the intent of Congress in passing the ADAAA.
- The protections offered to people with disabilities are crucial protections for people with epilepsy.
- Correcting problems of the past, the Epilepsy Foundation, and especially people with epilepsy, benefit from a greatly simplified, and just, law regarding definition and who has a disability.
- All seizures and epilepsy do substantially limit a major bodily function, that is, neurological function, and we feel that should be clearly spelled out in the regulations. While there are multiple seizure types and seizure syndromes it is important to note, regardless of seizure type, all epilepsy affects neurological function.
- A streamlined process is necessary to assure protections. People should only have to provide one document stating their condition, and after that, they are covered under the provisions of the ADAAA. In addition, eliminating unnecessary and redundant analysis of degree of disability helps both the process and the individual.
- We feel the regulations need to more clearly define and differentiate “temporary and minor”. For example, just as there is no such thing as a “small” seizure, what happens to people who have a broken femur; a major and large bone in leg. The regulations need to make it clear that a broken bone may, indeed, be temporary, but it is NOT minor, and should not be on the list of temporary and minor impairments.
- The true test is getting people on the job and staying on the job.
- Can the person do the job with an accommodation? Is that accommodation an undue hardship? If not and if they can do the job, people can be hired.
- As to employment rights and protections; no one should ever need to show what is in the employers’ mind. Rather, they should be able to bring claims based upon employers’ actions as well. For example, if they are adversely treated, that is, not hired after the employer learns they have a condition like epilepsy or cancer, they should be able to readily make a claim that they have been regarded as having a disability.
- Again, on behalf of the epilepsy Foundation and the more than 3 million Americans living with epilepsy I want to commend the US Equal Employment Opportunity Commission (EEOC) for developing the proposed regulations and thank you for the opportunity to put forth these recommendations.