



IN THE

KNOW

The Americans with Disabilities Act

Did you know that one out of every six Americans has a disability?
Are you in compliance with the Federal Americans with Disabilities Act?
It's not only your responsibility, it's the law.

What is the ADA?

The Federal Americans with Disabilities Act of 1990 prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against people with disabilities. For employers, it applies to those with 15 or more employees.

What is meant by "disability?"

An individual with a disability is a person who: "has a physical or mental impairment that substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment." The ADA covers such disabilities as hearing, visual or speech impairments; limited or no use of limbs; learning disabilities; and HIV/AIDS. (This is a partial list.)

As an employer, how do I comply with the ADA?

Employers are required to judge disabled candidates by their qualifications when recruiting, hiring, promoting or assigning tasks. Those with disabilities must be offered the same training, pay and benefits as others in the same positions. A qualified individual with a disability can perform the essential functions of the job with or without reasonable accommodation.

What is "reasonable accommodation?"

- Making existing facilities used by employees readily accessible to and usable by persons with disabilities
- Job restructuring, modifying work schedules, or reassignment to a vacant position
- Acquiring or modifying equipment or devices, adjusting modifying examinations, training materials, or policies

What if making accommodations adversely affects my business?

An employer is required to make an accommodation to the known disability of a qualified applicant or employee if it would not impose an undue hardship on the operation of the business. This is defined as an action requiring significant difficulty or expense when considered in light of factors such as an employer's size, financial resources and the nature and structure of its operation.

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Welcome to *In The Know*, a newsletter designed to bring you news and information about federal compliance issues and business practices. We'll provide food for thought on a range of compliance issues, stressing the importance of reviewing your compliance program regularly to keep it up to date.

We'll address more than just insurable risks—we'll address the challenges that companies and organizations deal with just opening for business or hiring an employee—many of these risks are due to the complexity of the laws imposed by the federal government. Specific areas of our focus will be on compliance areas that include the Family Medical Leave Act (FMLA), Equal Employment Opportunity Commission (EEOC) and diversity training.

After considering the compliance issues discussed in the newsletter, you may determine it's time to review your existing compliance programs. Compliance Check™ audits, performed by the experts at Mason-McBride Inc./Summit Risk Management L.L.C. (MMC/SRM) not only bring to light potential risks, but also provide recommendations and guidance for filling gaps and finding workable solutions tailored specifically to your business.

We look forward to hearing from you. Let us know if you have questions or issues you'd like to see addressed in this newsletter.

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Now is the right time to schedule your free compliance
checkup. Contact Amy Purcilly or Kelly L'Esperance
at 248-822-7170.

IN THE KNOW

The ADA *(continued from front)*

It's a lot to consider. Not sure if you're in compliance? Do you have additional questions about how to comply? Contact Mason-McBride/Summit Risk Management today to schedule your Compliance Check™.

Our ADA Compliance Check is thorough and comprehensive, comprising these steps:

1. Inspection and review
2. Investigation and administrative analysis
3. Implementation and training
4. Monitoring and follow up

Call one of our specialists to help you be **ADA Compliant**.
248-822-7170

Are You at Risk?

Is your business at risk in any of these areas?

Human Resources

- Americans with Disabilities Act (ADA)
- Equal Employment Opportunity Commission (EEOC)
- Employee Manual
- Fair Labor Standards (FLS)
- Family and Medical Leave Act (FMLA)
- Immigration Reform and Control Act (IRCA)
- Records Retention
- Sexual Harassment

Employee Benefits

- Section 125
- Health Insurance Portability and Accountability Act (HIPAA)
- Policy Provisions
- Consolidated Omnibus Budget Reconciliation Act (COBRA)
- ERISA
- Summary Plan Descriptions
- USERRA

Safety

- OSHA

If you're unsure whether you're at risk in any of the above areas, it's time to review your compliance program. Compliance Check™ at Mason-McBride/Summit Risk Management covers 14 distinct areas of risk management, from traditional property and casualty risks to human resource management and other less traditional business risks related to regulatory compliance.

Did You Know...

That under the Family Medical Leave Act (FMLA) covered employers must grant an eligible employee up to a total of 12 work weeks of unpaid leave during any 12-month period for one or more of the following reasons:

1. The birth and care of the newborn child of the employee;
2. Placement with the employee of a son or daughter for adoption or foster care;
3. Care for an immediate family member (spouse, child or parent) with a serious health condition; or
4. To take medical leave when the employee is unable to work because of a serious health condition.

A few words from our Compliance Check™ Experts Amy Purcilly and Kelly L'Esperance:

"We are excited by the opportunity to enhance our already high level of service to our clients. This program delivers an incredible way for clients to take an objective look at actual and potential risks." Kelly is an account executive and among the first of MMC/SRM's experts to complete the extensive Compliance Check™ training, along with Amy Purcilly, vice president of marketing and client development. According to Purcilly, "I am working with our current clients, as well as cultivating new prospects. We are in the planning process for a number of Compliance Check™ seminars, the first of which will be scheduled in April to address employee manuals." Contact Amy (apurcilly@masonmcbride.com) and Kelly (klesperance@masonmcbride.com) at 248-822-7170.

Are you ready for Compliance Check™? We're here for you.

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