Selected Bibliography on Employment and the Americans with Disabilities Act

Patricia G. Court

Linda Karr O'Connor

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† Reference Librarian, Cornell Law Library. J.D., Hamline University School of Law; M.L.S., B.A., Indiana University.

†† Reference Librarian, Cornell Law Library. J.D., University of San Francisco School of Law; M.L.S., University of California-Los Angeles; B.A., Shimer College.
I. SCOPE

This bibliography collects and organizes citations to books and journal articles contributing legal analysis and interpretation of the employment aspects of the Americans with Disabilities Act of 1990. Legislative history is included since it is an essential component of such analysis.

The limitation of this bibliography is a product of its timeliness. Few cases have reached the appellate court level where questions of law are decided; therefore, much legal analysis is speculative. Despite this limitation, the authors believe the bibliography is useful because of current interest in the topic. Specific information about databases searched, dates searched, and search terms is included so that researchers can easily update this bibliography. The *Mental and Physical Disability Law Reporter* is a good source for tracking cases coming up through the courts.

The category of books includes looseleaf services and documents from the federal government. This bibliography includes books that give an overview or explanation of the ADA because: 1) there are relevant chapters or sections on employment in books that cover the entire ADA; and 2) many are updated regularly and will include analysis and interpretation as the courts have an opportunity to adjudicate cases brought under the ADA. Annotations are provided for some of the most significant titles, such as the guides from the Equal Employment Opportunity Commission and looseleafs from major legal publishers. Most of the books listed were reviewed to determine suitability for the scope of this bibliography.

Journal articles that are merely a general overview of the ADA or a checklist for employers are excluded, unless the author has a special relationship to the ADA or to the field of disability rights. As a general rule, at least one third of the article is about employment aspects of the ADA and includes legal analysis of issues. Researchers can find general and non-analytical articles using the same databases and search terms set forth below. Newspaper articles (including legal newspapers) are excluded but can be located by searching periodical indexes, such as *Legal Resource Index*. All of the articles listed were reviewed to determine suitability for the scope of this bibliography.
II. DATABASES SEARCHED

The following databases were searched through September 1992. The researcher can update the searches or, knowing which terms were searched (as indicated after each source), adapt them to fit individual needs.

The majority of citations were identified from these two sources:

Legal Resource Index (Information Access Co.)

Americans with disabilities act

This index provides citations to a wide variety of legal publications, including bar journals and legal newspapers. It can be searched in print as Current Law Index and on CD-ROM as LegalTrac. The Index to Legal Periodicals (H. W. Wilson Co.), another indexing source for legal journals, is also available in print, on CD-ROM, and on-line for commercial subscriptions to LEXIS and WESTLAW.

RLIN (Research Libraries Group, Inc.)

RLIN is an information system and communications network with more than 55 million bibliographic records. It serves as a catalog of books and other holdings of major research libraries. Useful Library of Congress subject headings are:

- Handicapped—Legal status, laws, etc.—United States.
- Discrimination in employment—Law and legislation—United States.
- Discrimination against the handicapped—Law and legislation—United States.

In addition to legal journal indexes, there are numerous indexes and databases that encompass information on the ADA. The following indexes have less to offer the researcher looking for legal analysis; however, many articles discuss compliance requirements and give overviews of the ADA for the non-lawyer. All indexes were searched using DIALOG on WESTLAW but many have print counterparts.

Academic Index (Information Access Co.)

"Americans with disabilities act"
Book Review Index (Gale Research, Inc.)
"Americans with disabilities act"

Books in Print (R.R. Bowker Co.)
"Americans with disabilities act"

Economic Literature Index (American Economic Association)
"Americans with disabilities act"

PAIS (Public Affairs Information Service)
"Americans with disabilities act" & (law! legal! litig!) & (employ! work! labor!)

Social Scisearch (Social Sciences Citation Index, Institute for Scientific Information)
"Americans with disabilities act"

Sociological Abstracts (Sociological Abstracts, Inc.)
"Americans with disabilities act"

III. LEGISLATIVE HISTORY

A. LAW


B. REPORTS


C. HEARINGS

Americans with Disabilities Act of 1988: Joint Hearing Before the Subcommittee on the Handicapped, Senate Labor and


D. Debates


E. Executive Statements


F. Employment Regulations


G. Compilations


IV. BOOKS

Accommodating Disabilities: Business Management Guide. Chicago, IL: Commerce Clearing House, 1992-. This one volume looseleaf covers all aspects of the ADA, with practical sections such as compliance planning checklists, accessibility guidelines, and a state law correlator. The analysis of employment considerations discusses specific language of the act in light of the "spirit" of the law, with interpretive examples of employee rights and job accommodations. The full text of the law, regulations, and executive orders is included.


The Americans with Disabilities Act: A Practical and Legal Guide to Impact, Enforcement, and Compliance. Washington, DC: Bureau of National Affairs, 1990. This is a special BNA report that covers the social, legal, and legislative history of the ADA, with an important chapter that analyzes the legal implications of specific parts of the act. Numerous employer profiles describe successful company programs for hiring, promoting, and accommodating workers with disabilities.


This indispensable handbook is a basic resource document from the federal government on the ADA. Analysis of Title I regulations is offered in the form of "interpretive guidance," and the text of the law and regulations are printed in full. The resource list includes government and non-governmental organizations that are concerned with ADA compliance.


Americans with Disabilities: Practice and Compliance Manual. Rochester, NY: Lawyers Cooperative, 1992-. This four volume looseleaf brings together text, forms, statutes, regulations, and ALR annotations pertaining to the civil rights of individuals with disabilities. Specifically, binder two covers employment, with chapters on ADA, veterans, and employment by federal government and federal contractors. The text includes editorial observations, illustrations, and notes useful in analysis of the law. Of particular use to practitioners are the numerous forms for complaints, motions, and interrogatories.


BNA's Americans with Disabilities Act Manual. Washington, DC: Bureau of National Affairs, 1992-. This two volume looseleaf publishes the full text of statutes, regulations, memoranda of counsel from EEOC and NLRB, and has an extensive list of references to debate published in the Congressional Record. It includes a detailed discussion of employment and other provisions of the ADA and covers collective bargaining agreements, workers' compensation, enforcement, and remedies. Descriptions and citations to state disability laws are an important addition.


Daniels, Mark, *Employment Law Guide to the Americans with Disabilities Act*. Englewood Cliffs, NJ: Prentice Hall Law & Business, 1992-. This looseleaf volume is substantively a compilation of the primary documents of the ADA. This is one source where researchers can find printed together the text of the relevant statutes, regulations, and technical assistance manual. The textual analysis deals with more abstract issues of policy and economics and presents a useful economic justification for the act.


Ogletree, Deakins, Nash, Smoak & Stewart, Americans with Disabilities Act: Employee Rights & Employer Obligations. New York, NY: M. Bender, 1992-. This is an important source that synthesizes and analyzes the legislative history, regulations, and the law with questions and answers, examples, and cautions. Coming from a law firm with extensive experience in representing employers, the text discusses how agencies have acted and what discrepancies may exist between stated policies.

Perritt, Henry H., Jr., Americans with Disabilities Act Handbook, 2d ed. New York, NY: Wiley Law Publications, 1991. This is a general handbook on the ADA with well-informed coverage of employer obligations and statutory requirements. Along with reprints of the statute and regulations, there is a knowledgeable discussion of the legislative history and the political process whereby the law was enacted.


The EEOC produced this document as policy guidance for implementation of the employment regulations for the ADA. The manual is available in a looseleaf format, as well as in braille, large print, audiotape, and electronic file on computer disk. Part two is a comprehensive resource directory of public and private organizations that provide services related to the employment of people with disabilities.


A collection of essays commissioned for this publication, this book synthesizes results of research and analysis on the ADA. Chapters cover the social and policy context of the act, employment strategies for disabled workers, tax credits, and the role of technology in removing barriers.


V. JOURNAL ARTICLES

A. GENERAL

1. *Articles Providing an Overview of the Employment Title of the Americans with Disabilities Act*


2. Articles That Consider the ADA in the Historic Context of Other Disability and Civil Rights Legislation and Policy


3. Articles Analyzing EEOC Regulations, Highlighting Areas of Particular Concern to Employers


**B. COMPARISONS WITH OTHER LAWS**

1. *Articles Providing an Analysis of Cases Brought Under the Rehabilitation Act of 1973*


2. *Articles Assessing the Impact of the ADA on State Disability Laws*


3. Article Offering a Political Science Analysis of Disability Policies and Their Impacts


C. DISABILITIES

1. Articles Examining the ADA Definition of Disability


2. Articles Focusing on ADA Protection for Workers with Particular Disabilities

a. AIDS


b. Drug and Alcohol Dependency


c. Mental Disabilities


d. Smokers


D. ENFORCEMENT


**E. REASONABLE ACCOMMODATION AND UNDUE HARDSHIP**

1. What Constitutes "Reasonable Accommodation" to Employee Disabilities and "Undue Hardship" for Employers is the Biggest Issue in ADA Literature


F. ISSUES OF SPECIAL CONCERN TO EMPLOYERS

1. Collective Bargaining Agreements


2. Hiring and Compliance


3. Insurance


4. Medical Examinations


G. CONSTITUTIONAL ISSUES AND JUDICIAL REVIEW

1. *Articles Emphasizing Analysis of Court Decisions and Standards of Review Which May Be Applied in ADA Lawsuits*


H. BIBLIOGRAPHIES


