

## Supreme Court to Decide Whether Parochial School Teachers Are Protected

The U.S. Supreme Court will decide whether lay employees of religious institutions are protected from disability discrimination after a Lutheran school appealed a 6th U.S. Circuit Court of Appeals decision.

Last year, the appeals court found that a teacher at a Lutheran school was not subject to the First Amendment's ministerial exemption and therefore was entitled to a trial to determine whether her employer fired her in violation of the Americans With Disabilities Act (see April 2010 newsletter, p. 8).

After being diagnosed with narcolepsy, the school board told teacher Cheryl Perich that it believed she could not safely care for students. It requested that Perich sign an agreement in which she would resign her position but still receive health benefits through the school for a year. Perich declined to sign the agreement, arguing that the board should accept her doctor's decision that she could return to work without restriction. The school fired her.

Perich filed ADA discrimination and retaliation charges with the U.S. Equal Employment Opportunity Commission. The EEOC sued on her behalf, but a district court ruled in favor of the school, finding that the First Amendment's ministerial exception exempted her from coverage. Perich appealed and the 6th Circuit overturned the lower court's decision.

*See Supreme Court, p. 8*

### *Employment Regulations*

## New ADA Regulations Take Effect; Employers Should Revise Procedures

New regulations implementing changes to the Americans With Disabilities Act take effect this month, and employers should consider adapting their policies and procedures to ensure compliance with the new rules.

The U.S. Equal Employment Opportunity Commission's revised Title I regulations apply changes made to the law by the ADA Amendments Act (see April newsletter, p. 1). According to the EEOC, "the regulations are designed to simplify the determination of who has a 'disability' and make it easier for people to establish that they are protected by the Americans with Disabilities Act."

The rules take effect May 24, and the EEOC will likely argue they are retroactive, so employers should take immediate steps to ensure compliance, according to David K. Fram, the ADA and EEO services director for the National Employment Law Institute. In a recent webinar, Fram said he believes the EEOC will take the position that its regulations apply to any cases occurring since the Amendments Act took effect.

*See Regulations, p. 2*

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### Update

Tab 600 and Appendix III have been updated to reflect new employment regulations from the U.S. Equal Employment Opportunity Commission.

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