

# *Ensuring Compliance and Improving Productivity in a new ADAAA Landscape*

An IBI Panel Discussion featuring professionals from:



YAHOO!

- How we got here
- Market perceptions:
  - A quick pulse-check
- The road forward:
  - Two progressive employers share their journey
- Market realities:
  - Metrics based on book of business analysis
- Lessons Learned
- Q & A

# Headlines

- ADA signed into law July 26, 1990
- Enactment of the ADAAA of 2008 became effective in 2009:
  - Definition of a qualified disability broadened
  - “Leave itself” is a qualified accommodation
  - Employer now has a heightened sense of obligation in making a “reasonable accommodation”
  - Scope and span of “reasonableness” greatly expanded
- Nearly 26,000 Equal Employment Opportunity Commission (EEOC) claims for disability-related charges filed with the agency in 2013
- EEOC and DOL indicated a greater focus on disability-based Employment discrimination
  - 1/3 of all EEOC litigations filed involve ADA claims
  - ADA lawsuits up 12% year over year

# Challenges Today

- Aging workforce
- Multiple jurisdictions
  - Increasing complexity
  - No single “template” for management
- Shortage of expertise
- Lack of data
- Competing stakeholders
  - Benefits, HR, Legal, Finance, Operations

# Market Perceptions

- Awareness is growing
  - “Substantial” awareness/knowledge grew to 52% from 30% in past 12 months
- But, is incidence?
  - Split (50/50) on whether incidence is growing
- 2 of 3 respondents report having NO system/process to track such requests
- They estimate, however, per year:
  - Fewer than 50 leave-related accommodation requests annually (60%)
  - Fewer than 50 NON-leave-related accommodation requests annually (62%)
  - Fewer than 10 ADA claims or lawsuits filed (70%)

# Market Perceptions

- Most have considered seeking assistance
  - 89% new technology solution (75% expanding current technology)
  - 80% new consultant relationship (64% expanding existing consultant)
  - 67% new legal relationship (42% expanding existing legal)
- But only 33% on average have engaged ANY help
  - Of those who have engaged ADA assistance, almost half (45%) report it being “too soon to tell” if it has delivered any ROI
- 25% report being Somewhat or Extremely Likely to engage help in the coming 12-24 months
  - But as many (29%) report being Not At All Likely
- 53% of respondents project ADAAA impact on their organization will grow over the next 1-3 years because of growth in the VOLUME of accommodation requests
  - Almost as many (50%) blame growth on ADAAA complexity

# Challenge Restated

- Awareness is growing from external information but most employers remain without reliable information/tracking
- Reported incidence is tiny compared to the size of companies responding, and increased incidence is uncertain
  - Increased complexity dealing with compliance issues is projected
- Most employers are considering getting assistance from somewhere – more from new relationships than existing ones – but only 1 in 3 has engaged help

***So...How do progressive employers  
leverage expertise to solve specific ADA challenges?***

## Laurie Brednich

— Director, Employee Benefits



## Lesley Gee

— Senior Manager, Global Benefits





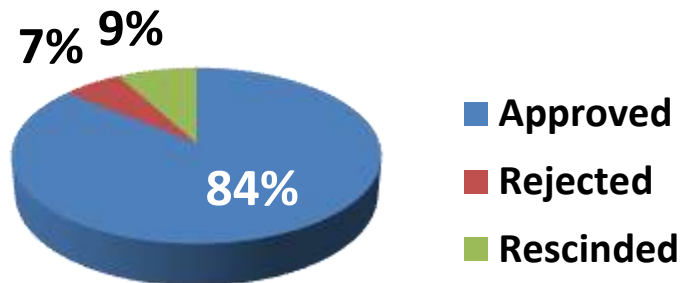
# In their own words...

- Where we started
- Pain points
- Key objectives
- Solution / Resolution
- Predictions for the future
- Suggestions & Observations (“WWLD”)

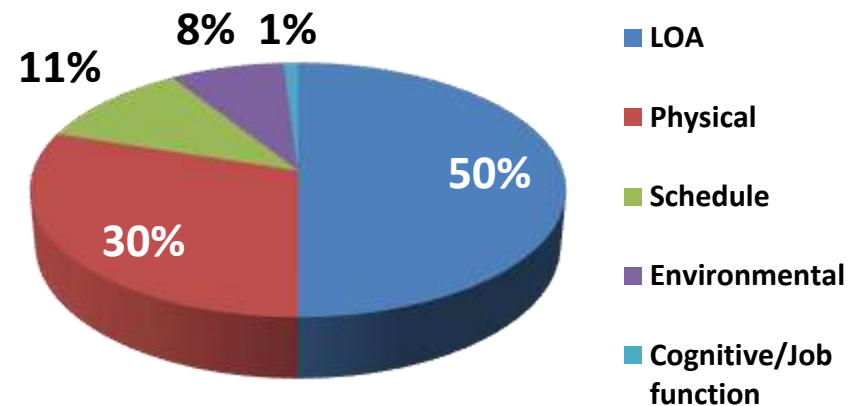
# Market Reality

|                        | Client "A"       | Client "B" | Average |
|------------------------|------------------|------------|---------|
| Employees              | 28,888           | 3,849      | n/a     |
| Incidence              | 3.4%             | 8.8%       | 4%      |
| Leave as Accommodation | 46%              | 64%        | 50%     |
| Average \$ non-leave   | Book of business |            | \$475   |

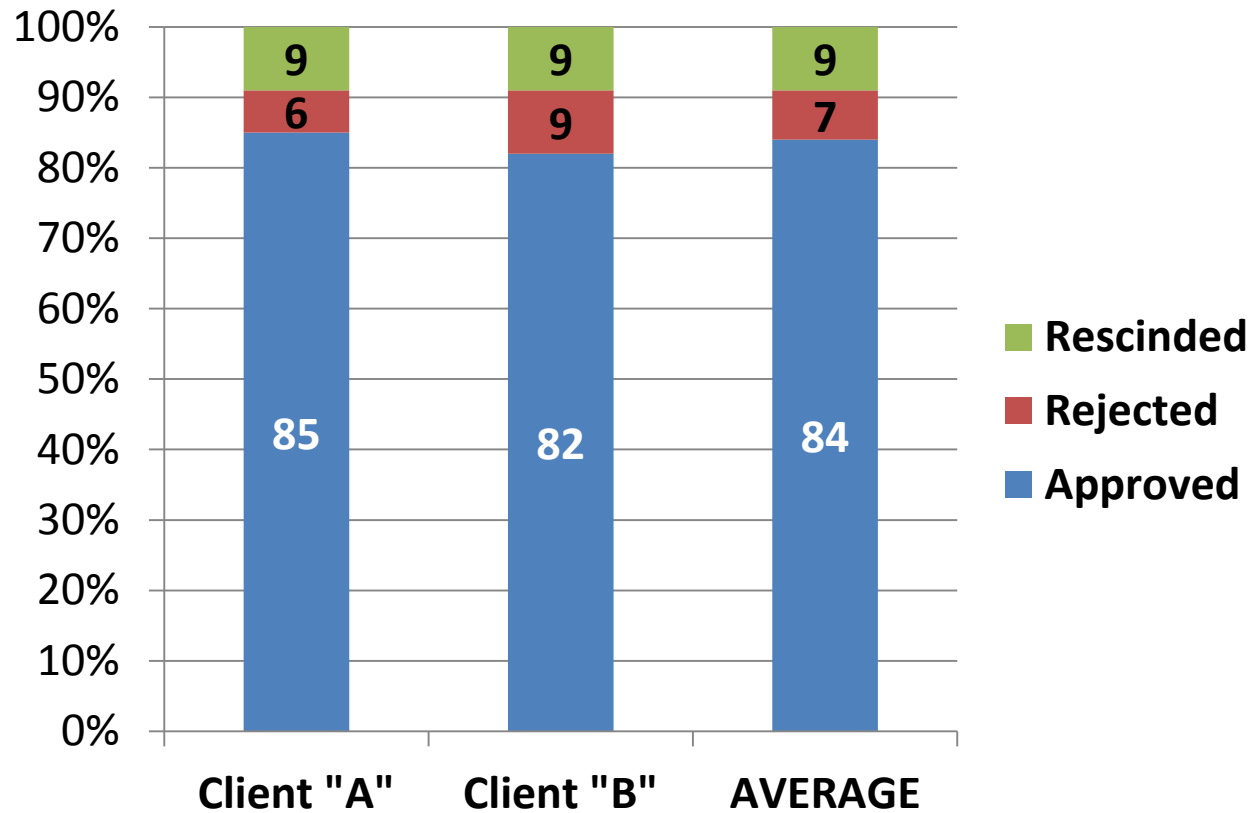
## Approvals



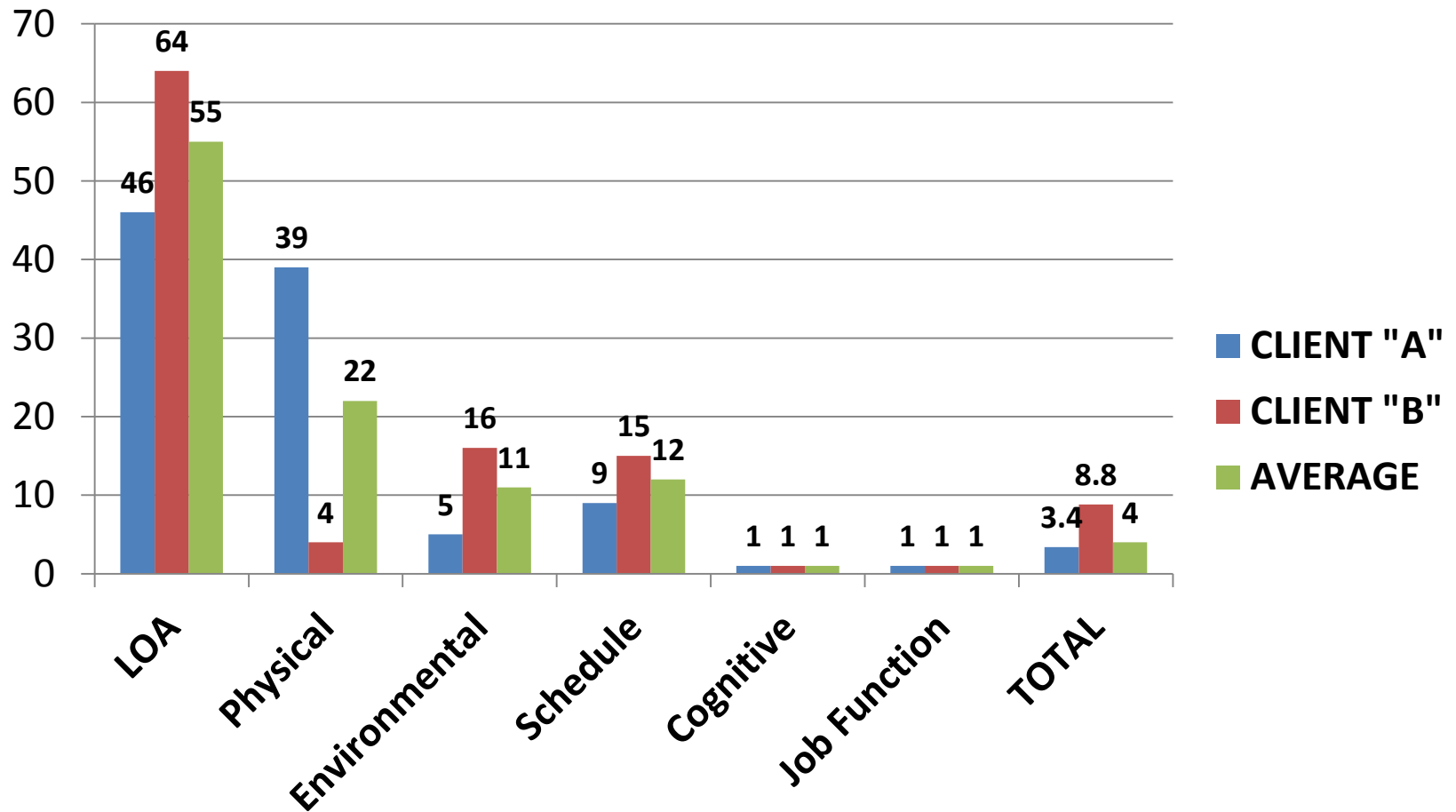
## Accommodation Types



## APPROVALS - BY CLIENT



# Accommodation Requests – BY CLIENT



# Lessons Learned

- Different corporate cultures seek the same remedy for different reasons
  - Continuum flows between “what’s best for the employee” to “what’s best for the company”
- Incidence is at least twice what you think it is
  - Many undocumented, unmanaged – invisible but damaging
- Only about 40% of requests are leave related
- Expertise and focus are game-changers
- “Outsourced” means something different with ADA – you can’t delegate accountability
- ADA management is a process, not a quick fix
- Early adapters see ROI in risk reduction
  - Better data will yield better metrics



# Questions



# Thank you