

Georgia Code on Equal Employment for People With Disabilities

Georgia's code on equal employment for people with disabilities generally follows the federal ADA. The code guarantees to disabled individuals the right to full participation in the social and economic life of the state and lawful employment without discrimination because of a handicap.

The Georgia Department of Labor (www.dol.state.ga.us/) administers the law, which differs slightly from the federal ADA. The state law doesn't allow employees to extract punitive damages, only back pay and attorneys' fees; unlike the ADA, however, the state law doesn't cap damages.

The ADA and the state law both define a disabled person as one "who has a physical or mental impairment which substantially limits one or more of such person's major life activities and who has a record of such impairment." But Georgia's law expands on the meaning of "substantially limits": "The impairment so affects a person as to create a likelihood that such person will experience difficulty in securing, retaining, or advancing in employment because of a disability." The ADA offers no specific definition other than the words' plain meaning.

Both laws allow employees to claim they're disabled if they have a record of disability. However, while the ADA allows employees to claim legal protection if their employer regards them as disabled, the Georgia law doesn't.

Caution: Both the ADA and Georgia's law cover employers with 15 or more employees. Make sure you meet their standards or you'll risk facing a lawsuit under one or both laws.

(For further information on the ADA, go to www.eeoc.gov/.)

Excerpted from Georgia's 11 Most Critical Employment Laws, a special bonus report available to subscribers of HR Specialist: [Georgia Employment Law](#).