

## BOOK REVIEWS

*Disability Discrimination in Employment Law*, by Robert L. Burgdorf, Jr., Washington, D.C.: The Bureau of National Affairs, Inc., 1995. 1236 pp. (hardbound)

The field of disability rights law has grown steadily since the early 1970s. In the 1990s, however, it has undergone a burst of expansion. While its early milestones consisted primarily of victories in the courts, in more recent times legislative advances have predominated. Most notably, enactment of the Americans With Disabilities Act (ADA) in 1990 has changed the landscape of disability rights, has brought the legal rights of persons with disabilities to the attention of the news media and general public, and has created growing demands for attorneys and management personnel who are knowledgeable in this emerging legal specialty.

As the interest in the ADA has burgeoned, the need for expertise on disability nondiscrimination laws has increased, and many enterprising individuals and firms have sought to supply that expertise. They have held numerous conferences, workshops, and seminars and have published myriad brochures, articles, books, training manuals, and compliance checklists to meet the need for information about the legal rights of people with disability in general and the ADA in particular.

The field of disability rights has had a long development consisting of many phases—conceptualization, organizational activities, test cases and other judicial precedents, previous legislation, and extensive federal regulations—all of which preceded and provided a foundation for the ADA. Many of the ADA's concepts and much of its language are derived from previous legislation, regulations, legal literature, and court decisions; a sophisticated understanding of the ADA demands an awareness of these sources.

The nuances of disability rights law cannot be mastered at a superficial or perfunctory level. This treatise seeks to provide accurate and in-depth information about the laws and legal principles that address issues of employment discrimination on the basis of disability to legal practitioners who represent employers, employees, labor organizations, or other affected parties; legal educators and academicians; management personnel; enforcement agency personnel;

and other professionals. It examines issues on the cutting edge of this area of the law that previous publications have not adequately addressed.

This book's format is that of a traditional legal treatise. The author has sought to compile, analyze, and present in an organized fashion the legal principles regarding employment discrimination against people with disabilities. These principles have been derived primarily from court decisions and statutory language, supplemented by federal regulations and, occasionally, scholarly commentary elaborating on the statuses and decisions.

This treatise is intended for use in one of two primary ways. First, a reader who wishes to learn about disability discrimination in employment law "from soup to nuts" may read the book from beginning to end. The order of the chapters is designed for a progressive accumulation of information; the later chapters build on the materials presented in the earlier ones.

A second way to use this treatise is to proceed directly to particular chapters or sections addressing a topic of special interest. A lawyer defending an employer alleged to have denied a reasonable accommodation to an employee with diabetes, for example, may wish to focus principally on the materials dealing with the definition of disability (Chapter 4) and the reasonable accommodation requirement (Chapter 9). The chapter and section headings and the topical index enable readers to go directly to materials deemed more pertinent to the case or issue at hand.

The appendices to this book provide a wealth of basic documents in this area of law. Appendix A contains the major pertinent statutes: the ADA; Sections 501, 503, 504, 505, and the definitional provisions of the Rehabilitation Act of 1973; the Civil Rights Act of 1991; and the congressional Accountability Act of 1995. Appendix B includes a comprehensive collection of the major federal regulations under the ADA and Sections 501, 503, and 504 of the Rehabilitation Act that apply to employment discrimination. Appendix C contains enforcement and policy guidance issued by federal enforcement agencies—principally the EEOC and the Department of Justice—elaborating on the statutory and regulatory language. An EEOC Guidance Memorandum on the Definition of Disability, issued after the text of the treatise had been completed, is included as Appendix C-6. An extensive state-by-state summary of state laws prohibiting disability discrimination in employment is included as Appendix D. To provide a basis for comparative analysis of the approaches and laws of the United States, Appendix E presents laws addressing employment of workers with disabilities in some other western countries. Anyone working or having an interest in this area should make this book a part of his/her library. It is well-written and researched.

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