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The EEOC has published a Technical Assistance Manual that provides practical application of the ADA's legal requirements, as well as a directory of resources. In addition, the EEOC recognizes that disputes about the ADA will arise between employers and employees. The ADA encourages efforts to settle these disputes through alternative dispute resolution, as long as these efforts do not deprive any party of legal rights provided by the statute.

● Case Study: Mosel Vitelic

Breast cancer in the workplace is an increasingly common occurrence. Nevertheless, it is unusual for a company—especially one with only 80 employees—to face more than one case of breast cancer in a given year. Mosel Vitelic had three.

Company Profile: Mosel Vitelic is a semiconductor company headquartered in Taiwan. Its California office handles research and development. Therefore, half of the local staff is comprised of design engineers and testers, many of whom are not from the United States and do not consider English as their first language. The Chinese culture in the company fosters a family-oriented environment that rewards loyalty and longevity.

Employee Profiles: Linda was from Hong Kong, and although she spoke English, she felt overwhelmed by the information and medical terminology she needed to understand after her diagnosis. Intensely private, she did not want to discuss her condition with co-workers but acknowledged that they needed to understand what was happening to her. Linda had a mastectomy followed by breast reconstruction.

Sara was six months pregnant with her first child when she was diagnosed with a rare and aggressive form of breast cancer. She started chemotherapy while still pregnant; then when the child was viable, Sara's doctors induced labor so that the baby would not be exposed to any more harmful chemicals. This allowed Sara to have a mastectomy and continue with the intense regimen of chemotherapy and radiation that was necessary to defeat her cancer.

Jerri was a temporary employee who had been working for Mosel Vitelic for two months when she was diagnosed with breast cancer. She would ultimately need a mastectomy and chemotherapy.

Company Response: Along with supporting these individual employees, Mosel Vitelic had to simultaneously deal with the mounting fears and concerns of the company as a whole, including whether there was something wrong in the immediate working environment that caused the cancers. The company's human resources representative, herself a cancer survivor, played a key role in navigating a successful outcome for both the company and its employees.

Linda's situation proved a testing ground. First, Mosel Vitelic addressed Linda's financial needs so that she would not be concerned about her job while she was on extended medical leave. The company did this by combining state disability payments and sick leave to make it possible for Linda to collect full paychecks and receive full benefits while she was out. The company's flexible work policies allowed Linda to take time off for doctors' appointments and make up the hours at other times.

The HR representative also served as a personal resource for Linda, sharing her own cancer experiences. Additionally, the representative accompanied Linda to all medical appointments, translating information until Linda felt confident that she understood her options. With Linda's consent, the HR representative also served as the information conduit for Linda in the workplace. This kept Linda's co-workers informed of her condition while relieving Linda of the need to talk about it herself. In this capacity, she could also advise co-workers about how to best support Linda.

Five months later, when Sara was diagnosed, these procedures were once again employed. Again, the company kept Sara on payroll, despite her need for more than six months of leave. Mosel Vitelic covered the extended leave by combining Sara's disability, sick leave, vacation, and long-term disability insurance with an employee "sick bank." This sick bank system allowed other employees to donate sick leave time to Sara. The HR representative again served as Sara's in-house support system, this time joined by Linda.

Mosel Vitelic took additional steps to help all of its employees deal with the cancer crisis. First, it contracted with its EAP to sponsor a cancer crisis meeting for the entire staff. About 20 employees attended, including many who had lost family members to cancer. In this setting they were able to comfortably express their fears and concerns about the disease.

The company also brought in an environmental investigator to perform a building-wide check. The findings confirmed that the company's normal environmental procedures were significantly above required standards, reassuring employees that the company's workplace was safe and not responsible for the cancer diagnoses.

Although she was not a permanent employee, when Jerri was diagnosed, the company—now experienced in cancer crisis management—fully supported her. Mosel Vitelic hosted another support luncheon to help employees deal with their concerns.

The Winning Outcome: Once she had recovered from surgery, Linda returned to work and later came to provide support for her co-worker, Sara. Sara's recovery took longer. She worked from home, then began her slow re-entry into the workplace on a very flexible schedule. Jerri stopped working to undergo her chemotherapy. She has fully recovered and resumed temporary work.

Because of its experience with longer medical leaves, Mosel Vitelic developed a new short-term disability policy allowing employees four-, six- or eight-week leaves (depending upon their length of employment) in addition to the 10 annual days of sick leave available to all employees.

The employee crisis management procedures at Mosel Vitelic have helped it deal with other medical situations. Employees know that the company truly values them and that the human resources department's commitment to employee advocacy has been demonstrated. This approach has fostered a great deal of loyalty and team development among Mosel Vitelic's employees.

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