



THE STATE OF FLORIDA
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MEMORANDUM #01-17HR

TO: Agency Administrators

FROM: Carolyn Horwich, J.D., Director of Human Resources

THROUGH: Rip Colvin, Executive Director

SUBJECT: EEOC Guidance

DATE: January 9, 2017

The Department of Management Services has issued a new Management Advisory addressing EEOC Guidance on Employees' Rights regarding Depression, PTSD, and other Mental Health Conditions in the Workplace.

Please see the attached Advisory.

Thank you.



**DIVISION OF HUMAN RESOURCE MANAGEMENT
ADVISORY**

STATE PERSONNEL SYSTEM

ADVISORY: HRMA #2017-001

DATE: January 9, 2017

SUBJECT:

EEOC Guidance: Depression, PTSD, & Other Mental Health Conditions in the Workplace: Your Legal Rights

STATUTES/RULES/REGULATIONS/LAWS:

Title I and V of the Americans with Disabilities Act of 1990 (ADA)

FORMS: N/A

ADDITIONAL REFERENCE MATERIALS: N/A

Dear Colleagues,

The U.S. Equal Employment Opportunity Commission (EEOC) has issued a new publication dated December 12, 2016, entitled "Depression, PTSD, & Other Mental Health Conditions in the Workplace: Your Legal Rights". The guidance addresses an individual's legal rights under each of the laws enforced by EEOC, including Title I and V of the Americans with Disabilities Act of 1990.

Topics addressed in the new guidance include:

- Title I and V prohibition on discriminating or retaliating against qualified individuals with disabilities.
- The obligation of employers to provide reasonable accommodations and not discriminate against an individual with depression, post-traumatic stress disorder (PTSD), or another mental health condition.
- Employers' right to discontinue employment of any person who can not perform the job or who poses a significant risk of substantial harm to self or others.
- An individual's right to keep his or her medical condition private balanced with certain employer's obligations to engage in affirmative action or to establish an individual's eligibility for benefits under other laws.

The enforcement guidance and related question and answer document can be accessed on the EEOC website as reflected below:

Enforcement Guidance

https://www.eeoc.gov/eeoc/publications/mental_health.cfm

If you have any questions, please feel free to contact Shalottie R. Mosley at 850-487-1810 or email at shalottie.mosley@dms.myflorida.com

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