

Americans With Disabilities Act & Family Medical Leave Act

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Americans with Disabilities Act

Americans With Disabilities Act

- No employer can discriminate against a qualified individual because of that individual's disability if that disability can be reasonably accommodated.
- An employer cannot discriminate when hiring or firing, training, advancing, or compensating employees.



Toyota v. Williams

- A disability is a “physical or mental impairment that substantially limits one or more major life activities.”
- A “major life activity” is an activity of central importance to daily life. (ex., walking, seeing, hearing, or performing manual tasks.)
- The impairment’s impact must be permanent or long-term.

Chevron USA, Inc. v. Echazabal

- A company can refuse to employ a disabled individual if the disability would endanger that individual's safety in performing their job.



US Airways, Inc. v. Barnett

- An employer's showing that a requested accommodation conflicts with seniority rules is ordinarily sufficient to show that an accommodation is not reasonable.
- An employee may be able to show special circumstances showing the accommodation is reasonable despite the seniority system.



Disabled employee requests a job change. What happens?

**Burden
Of Proof**

→ **EMPLOYEE** → **EMPLOYER**

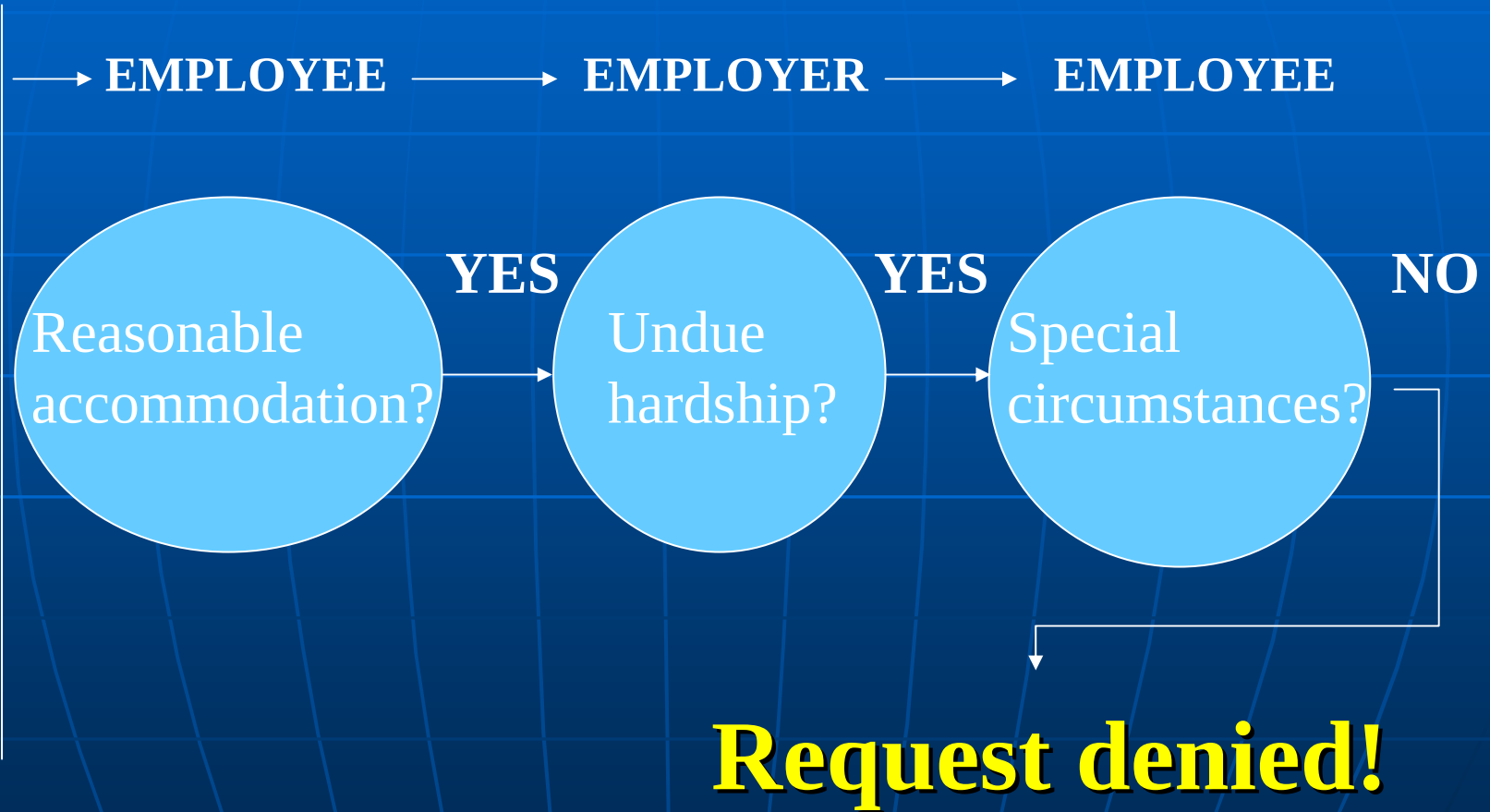
Reasonable
accommodation?

→ **NO** →

**Request
denied!**

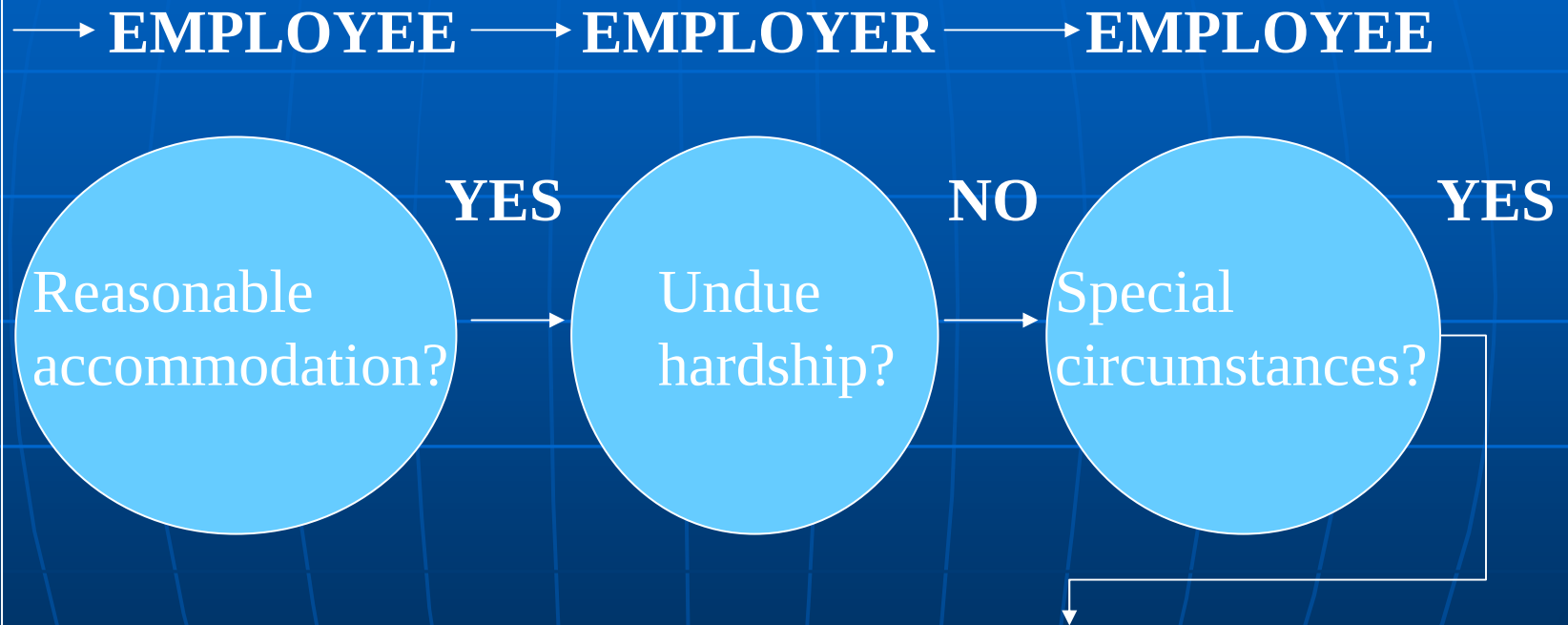
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Disabled employee requests a job change. What happens?

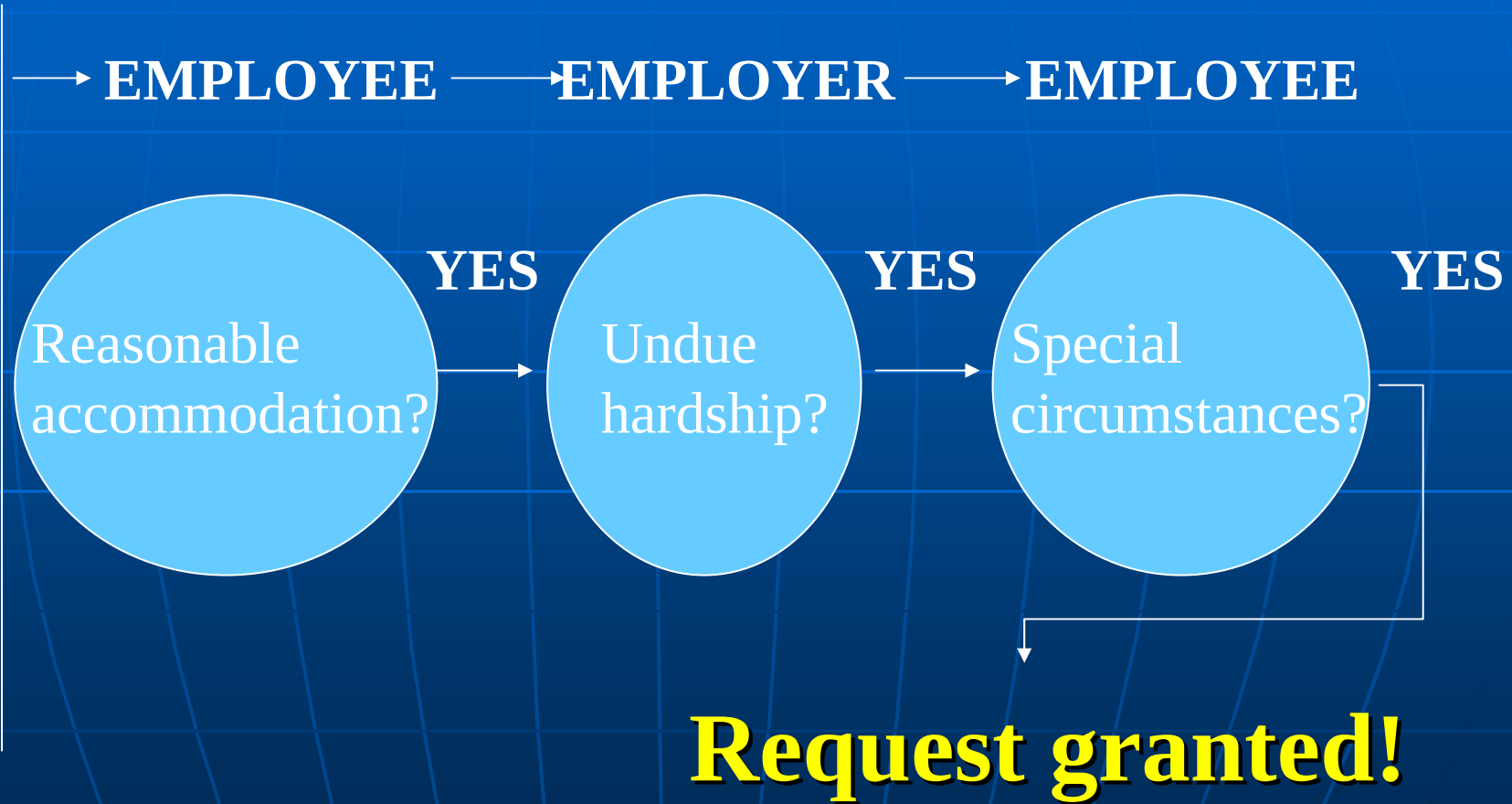
**Burden
Of
Proof**



**Request for proposed
job change granted!**

Disabled employee requests a job change. What happens?

**Burden
Of
Proof**



Family Medical Leave Act

Family Medical Leave Act

- Provides employees with 12 weeks of leave for qualifying “serious medical conditions.”



The FMLA and CBAs

- The FMLA states that nothing in the Act diminishes an employer's obligations under a CBA.
- An employer may, pursuant to a CBA, provide a more generous leave package to its employees.



FMLA: Remaining Questions

- The FMLA does not address the manner in which leave is to be provided when an employee is entitled to both FMLA leave and CBA-provided leave (i.e., do the leaves run consecutively or concurrently).
- Several cases have held that in such a situation, the two leaves must run concurrently.