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Federal Court of Appeals Finds Temporary Disabilities Protected Under ADA Amendments Act

For the first time, a federal appeals court has determined that the Americans with Disabilities Act Amendments Act (ADAAA) protects temporary disabilities, if they substantially limit a major life activity. An employee was fired after he suffered severe leg injuries that would prevent him from walking normally for at least seven months. He then sued. The Court found that even though the leg injuries could be viewed as a “temporary” disability, so long as they were a substantial limitation on a major life activity, in this case walking, the employee was entitled to protection. The employer had an obligation to reasonably accommodate the employee so he could continue performing the essential functions of his position during his recovery.

The Court acknowledged that not all short-term impairments will qualify for ADAAA protection. Rather, they will be protected only if they are “sufficiently severe.” The Court referred specifically to Equal Employment Opportunity Commission regulations which were promulgated after the ADAAA became law. Those regulations provide many examples of protected disabilities, including that of a person with a 20-pound lifting restriction lasting several months. Relying on this example, the Court said that “surely a person whose broken legs and injured tendons render him completely immobile for more than seven months is also disabled” and that as the injury is only temporary, the accommodation will only be temporary.

This case provides an important insight into how courts are going to view the ADAAA. Employers should proceed cautiously in any situation involving an employee with a temporary disability who seeks an accommodation in order to continue working.

The analysis and decision that any particular temporary disability will be sufficiently severe so as to fall within ADAAA’s protection are unlikely to be clear. As a result, employers should discuss the disability with the employee, consider what reasonable accommodations might permit the employee to resume performing the essential functions of his or her role, and be objective about whether a proposed accommodation would impose an undue hardship.



Besides documenting efforts to address the situation with the employee, an employer must be clear that the accommodation reached is temporary and that the right to reassess the situation and the reasonableness of the accommodation is reserved.

Questions or Assistance?

If you have any questions regarding this alert, please contact Henry J. Zaccardi at 860-251-5737 or hzaccardi@goodwin.com, or Gary S. Starr at 860-251-5501 or gstarr@goodwin.com.

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