Shipman & Goodwin LLP

Employer Alert

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EMPLOYERS TAKE NOTE: PROTECTION FOR EMPLOYEES EXPANDS

Two recent court decisions have expanded employees' protection under state and federal discrimination laws. Employers should be aware of these decisions and take measures to ensure that they are in compliance.

EMPLOYERS CAN BE HELD LIABLE FOR "INTERRACIAL ASSOCIATION" UNDER TITLE VII

In Holcomb v. Iona College, the U.S. Court of Appeals for the Second Circuit held that an employer can be found liable for race discrimination for taking action against an employee for the employee's association with a person of another race, even though the employee him/herself is not in a protected class. The court held that a former employee, who is white, could pursue his claim of discrimination where there was evidence that the college disapproved of his marriage to a black woman. The decision applies to employers in Connecticut and New York.

Our advice: Employers should ensure that they do not take action or make comments against an employee based on the employee's association with a member of any protected class, including employees in interracial or interreligious relationships. Employers should incorporate this advice into their non-harassment and discrimination trainings, and applicable policies.

EMPLOYERS MUST PROVIDE REASONABLE ACCOMMODATIONS TO DISABLED WORKERS UNDER STATE LAW

In the recent case Curry v. Allan S. Goodman, Inc., the Connecticut Supreme Court held that employers have a duty to provide reasonable accommodations to disabled workers under state law. While the

federal Americans with Disabilities Act (the "ADA") has always imposed a reasonable accommodation requirement, the decision in Curry now extends this requirement to employers covered by Connecticut's state discrimination statute.

Our advice: Small employers who are subject to Connecticut's discrimination statute but not the ADA (3-14 employees) now have an obligation to provide reasonable accommodations to disabled employees that are not unduly burdensome. This includes an obligation to engage in an "interactive process" with the employee: once an employee raises an issue regarding a disability and seeks an accommodation to perform his or her responsibilities, employers must make a good faith effort to identify and make a reasonable accommodation. For larger employers, this case provides plaintiffs with another cause of action by which to assert disability discrimination, and should be taken as a reminder to follow appropriate procedures when a disabled employee requests an accommodation.

QUESTIONS OR ASSISTANCE?

If you have any questions about these new decisions, please contact:

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