

Consider ADA Limitations Before Firing Workers

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Under the Americans With Disabilities Act of 1990, employers must be extremely careful before terminating employees whose ability to perform a job may be limited by physical or mental impairments. There is a fairly well-defined deliberative process that employers should use when making such determinations. The objective is to determine whether the employer is dealing with a qualified individual (as defined by the ADA) with a disability who can perform the essentials of the job with reasonable accommodation. If the employee is such, the employer may not discharge him because of medical issues.

When an employee might be discharged because of medical circumstances, such decisions should only be made by officials who are familiar with the requirements of the ADA. Remember, too, that employees should not be terminated simply because there is a perception that medical circumstances preclude them from doing their jobs. An employer will court disaster by assuming any employee will be unable to do the job simply because of physical or mental limitations.

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