



# Can – And Should – Kentucky Employers Make Decisions Based on a Person's Potential Future Disability?

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The Americans with Disabilities Act (“ADA”) expressly protects individuals who are or are regarded as disabled or who have a record of disability. A more recent question with regard to the ADA is: are people who are not currently disabled and do not have a record of disability – but are perceived as being at high risk of developing a disability in the future – protected under the ADA? That question is not yet resolved, but in an article published in the Winter 2019 issue of *The Goods*, **Paul Goatley** cautions that making employment decisions based on potential future disabilities is not without risks for employers.

Goatley looks at how different federal courts have addressed the issue of employers refusing to hire based on the risk of possible future disabilities. He also addresses where this issue currently stands in Kentucky and what employers in this state might want to consider moving forward.

To read the article, visit page 36 of the Winter 2019 issue of [The Goods](#).

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