



*In the April issue of Relevance, the monthly Practice Advisory featured an article titled "The Unintended Consequences of the Americans with Disabilities Act (ADA)", which pondered the negative effect of the ADA on the employment of the disabled. This month's Practice Advisory is a follow-up article titled "Understanding Employer and Employee Obligations in Disability Accommodation." This article addresses the employer/employee relationship where disability is concerned and what you, the architect, as an employer should know.*

## **Understanding Employer and Employee Obligations in Disability Accommodation**

*By Jason A. Geller, Esq.*

The employment relationship is, in part, governed by important requirements under both Federal and California law regarding the topic of accommodating employees with disabilities. A recent article in The Wall Street Journal observed that as the workforce is aging, employers and employees are confronting these important issues and have adopted processes to address them. In California, (in addition to disability accommodation requirements), there are several related rules dealing with family care and other leaves, including a new law requiring San Francisco employers to provide paid sick leave to employees for an employee's own illness, or for the care of an employee's ill relative. This article summarizes some key rules applicable to employers and employees in the area of disability accommodation.

- A. There are two major laws applicable to most California employers dealing with the accommodation of employees with both physical and mental "disabilities" as defined by law: the federal Americans with Disabilities Act ("ADA") and the California Fair Employment and Housing Act ("FEHA"). These laws require employers to "reasonably accommodate" employees with protected disabilities.

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