Pandemic Leads to Accommodation Claims under Federal and State Laws

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The New York District Office of the Equal Employment Opportunity Commission recently commented that it had received an increasing number of charges relating to the COVID-19 pandemic, all of which alleged violations of the reasonable accommodation mandate of the Americans with Disabilities Act (ADA). While the number of filings was not disclosed, the New York State Division of Human Rights and the City Commission also indicated a growing number of such complaints, many alleging refusal to recall workers with disabilities due to health and exposure. As States around the country re-open their economies, compliance efforts should focus upon the anti-discrimination and accommodation provisions of the ADA and similar non-federal statutes.