

**Disabled Employees Eligible for Reasonable Accommodation Under Connecticut Law**

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The Connecticut Supreme Court recently ruled that the Connecticut Fair Employment Practices Act (“CFEPA”) requires employers to provide reasonable accommodation to disabled employees. *Curry v. Allan S. Goodman, Inc.*, 286 Conn. 390 (2008). While reasonable accommodation has always been required under the federal ADA, this recent ruling now imposes similar requirements on employers with as few as three employees. Also, a greater number of employees will now be eligible for reasonable accommodation as CFEPA’s definition of “disabled” is broader than the ADA’s.

The plaintiff, a truck driver, injured his back while at work. Following surgery the employee returned to work and was transferred to a less strenuous warehouse position. Co-workers were instructed to assist him with any lifting in excess of his restrictions. Because he needed help to perform the job, the company considered it a temporary “light duty” assignment. Some six months later the employee reached maximum medical improvement and was fired because he could not perform his regular driver duties.

In his suit the employee claimed he should have been allowed to remain in the warehouse job because it was a “regular” job, which he could fully perform with reasonable accommodation, and that reasonable accommodation is required under CFEPA.

The Court agreed that reasonable accommodation is required under CFEPA. It also ruled the warehouse job was the appropriate position for any reasonable accommodation analysis. While acknowledging that an employer is not legally required to create a new permanent job to

accommodate a disability, it found the warehouse job was an existing “regular” job that the employee was potentially eligible to occupy under the terms of a labor agreement. It further stated that an employer can not automatically categorize any need for accommodation as “light duty” and then fire an employee whose need for accommodation becomes permanent. Instead, employers must engage in an interactive discussion to determine if there are any regular vacant positions that can be performed with reasonable accommodation.

Given the wider application of the law in this area, employers should review their policies and handbooks to ensure any transfer rights are clearly spelled out, and that employees understand the procedure for making accommodation requests. Further, supervisors should be trained on how to spot potential accommodation needs and deal with employee requests.

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