

# **Employers May Receive Additional Guidance Regarding the Use of Leave as a Reasonable Accommodation Under the ADA**

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The Equal Employment Opportunity Commission (EEOC) recently convened a meeting to examine the use of leave as a reasonable accommodation under the Americans with Disabilities Act. As employers should be aware, leaves of absence—including those beyond an employer’s permitted number of days off—can constitute reasonable accommodations under the ADA.

During the course of the meeting, representatives of employees and employers provided testimony about how this element of the ADA affects employees and employers in practical terms.

According to an EEOC press release following the meeting, while the witnesses differed as to some employer and employee obligations, they agreed on the need for clear and uniform guidance from the EEOC.

EEOC Commissioner Victoria Lipnic said, “Managing situations where employees need leave for medical conditions is one of the most vexing issues for both employers and employees. Today’s meeting should educate employers about complying with the law and educate us at the EEOC about making these difficult situations more manageable, ultimately making us all more successful in keeping people with disabilities engaged in the workforce.”

During their testimony, advocates for employers encouraged the EEOC to reconsider and revise certain sections of its existing sources of guidance to provide additional and more practical examples of the types of leave situations faced daily by employers, and consolidate its guidance on the issue in one place to make the analysis of leave as a reasonable accommodation easier for employers and employees.

Please check back for updates on this issue. We will provide information regarding any new EEOC guidance as it becomes available.



About Beth Lincow Cole

*The Law Office of Beth Lincow Cole is committed to helping employers comply with federal and state employment law and avoid potential business-wrecking lawsuits. If your company needs employee or management training or assistance in drafting, reviewing, or revising its EEOC/discrimination policies, [contact](#) employment law attorney [Beth Lincow Cole](#).*