Infertility is considered a disability under ADA

Employees who are infertile may qualify for reasonable accommodations under the ADA. That's true even if the underlying medical condition that caused the infertility has been cured. As a result, you may be required to give infertile employees time off for fertility treatments and even adoption planning.

**Recent case:** A computer programmer developed cancer of the uterus and had to undergo a hysterectomy. When she sued for disability discrimination, the question arose whether she was truly disabled simply due to her infertility. The court said "Yes." Because childbearing is a major life function (as the Supreme Court decided years ago in the *Bragdon v. Abbott* case involving an HIV-positive person), infertile employees are disabled and entitled to accommodations to deal with infertility. (*Yindee v. CCH, Inc.*, No. 05-3069, 7th Cir., 2006)