

# ADA accommodations for caregivers?

Under the ADA, employees who associate with disabled individuals can't be discriminated against. You can't, for example, refuse to hire a mother who has a disabled child solely because of her association with that child.

But that doesn't mean you are obligated to accommodate any schedule needs, provide additional time off or otherwise accommodate the employee so she can care for the disabled child.

**Recent case:** Crystal worked in accounting for a mall management company. She claimed she sometimes worked as many as 60 hours per week. Because she has two disabled children, she sought a reduced schedule that would allow her to work just 32.5 to 35 hours per week. Her supervisor rejected her request and she continued to work her old hours.

Then the company lost its contract to manage the mall and terminated all its employees.

That's when Crystal sued, alleging, among other claims, that she had been denied reasonable accommodations to care for her disabled children. She said this amounted to discrimination based on her association with the disabled, in violation of the ADA.

The court disagreed. It noted that the ADA does prohibit association discrimination. But it also said that this doesn't mean the employer has to offer reasonable accommodations. Accommodations are only due disabled individuals, not those who may care for disabled relatives. (*Sarvak v. DDR Corp, et al.*, No. 1:10-CV-942, SD OH, 2012)

**Final note:** Of course, if the employee is eligible for FMLA leave, you must provide time off for her to care for disabled children (provided they have disabilities that amount to serious health conditions and are under age 18). FMLA leave may be due for adult children, but only if they are incapable of caring for themselves.