

FEHA has lower disability threshold than ADA

California employers must be mindful that it is easier to qualify as disabled under California law than under the federal ADA.

Recent case: David was working as a personal trainer at a health club when a 45-pound weight fell on his foot. He would later testify that the accident had caused extreme pain. His supervisor told him to fill out an accident report, but didn't send him for medical care. Immediately, he began walking with a limp. A few days later, David went for treatment.

He was then fired for missing training sessions.

He sued for disability discrimination under the state's Fair Employment and Housing Act. The health club said David wasn't disabled, but the court said his case could proceed. It noted that David's limp alone was enough under California law to show a physical disability. (*Merritt v. Equinox*, Court of Appeal of California, 2017)