

Don't use disability leave as excuse to terminate

Under California's Fair Employment and Housing Act, employers must reasonably accommodate disabled workers with disability leave. If that leave is then used against the worker to justify a termination, it ceases being a reasonable accommodation.

Recent case: Before she resigned, Marisa suffered a workers' comp injury while working at Rancho Santiago Community College. She was later rehired with a one-year probationary period that required regular reviews before she could become a permanent employee.

When she needed surgery for a complication resulting from the earlier injury, Marisa asked for time off as a reasonable accommodation. She returned four months later. Then she was fired. *Reason:* She missed her evaluations due to the leave she took.

Marisa sued, and was awarded \$723,000 in damages. The court said using leave against her made the accommodation unreasonable. (*Hernandez v. Rancho Santiago Community College*, Court of Appeal of California, 2018)