



LEGAL Q&A

Q Is obesity a covered disability under the Americans with Disabilities Act ("ADA")?

A Yes, if the employee is morbidly obese. In 2011, regulations implementing the Americans with Disabilities Act Amendments Act ("ADAAA"), became effective. These regulations expand the definition of a protected disability to include morbidly obese individuals, defined as individuals who weigh 100% or more above the healthy weight range for their height. These individuals must not be subject to adverse employment actions because of his/her weight if they can perform the essential functions of his/her job.

Since the ADAAA now recognizes obesity as a protected disability, employers must pay close attention as the law develops. Important questions must still be answered including: under what circumstances can an employer be liable because of an employee's perceived obesity; when must an employer provide a reasonable accommodation for an employee's obesity; and what accommodations are reasonable?

Employers should pay close attention to how courts interpret and apply this new protected category.



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