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***U.S. SUPREME COURT LIMITS MEANING OF "DISABILITY" UNDER
FEDERAL LAW; LITTLE PRACTICAL EFFECT ON CALIFORNIA EMPLOYERS.***

TO: Clients and Friends of The Firm
DATE: January 9, 2002

The United States Supreme Court yesterday issued a unanimous decision that significantly limited the scope of who is "disabled" under the federal Americans with Disabilities Act. In Toyota Motor Manufacturing v. Williams, the Supreme Court found that, in order to be considered "disabled" under the ADA, an employee had to have a physical or mental impairment that "substantially limited" a "major life activity." According to the Supreme Court, a "substantial" limitation is one that is "major," "considerable," "substantial" and not "minor." Moreover, when examining what constitutes a "major life activity," the high court found that courts must look to an entire range of tasks and activities, and must not be limited only to the duties of the employee's specific job. Indeed, the Supreme Court stated that in analyzing disability claims by employees who cannot perform specific, work-related manual tasks, "the central inquiry must be whether the claimant is unable to perform the variety of tasks central to most people's daily lives, not whether the claimant is unable to perform the tasks associated with [the employee's] specific job."

The Toyota decision, however, deals only with the federal ADA, and not with the definition of "disability" under California's Fair Employment and Housing Act or any other state law. Indeed, the Supreme Court's decision is likely to have little practical effect on California employers. As our law firm's clients are aware from our past newsletters, in 2000 Governor Davis signed into law the Prudence Kay Poppink Act, which was specifically designed to make California's disability discrimination laws more expansive than the federal ADA. For instance, in California there is no requirement of a "substantial" limitation. In fact, in California a condition may constitute a disability so long as it makes performing a "major life activity" more difficult. And, under California law, "working" in one's specific job is itself considered a "major life activity." Thus, California employers will continue to operate under a higher threshold of legal responsibility and legal liability than employers throughout the country subject to the federal ADA.

We encourage you to call your SFSR attorney at (310) 201-4700 to discuss the Supreme Court's decision, California's FEHA, and the impact of these legal requirements on your company's operations.