

Allison Oasis Kahn Authors Article in Law360 on Reasonable ADA Leave

April 12, 2018

Carlton Fields Labor and Employment Shareholder Allison Oasis Kahn authored the *Law360* article, “Navigating the Circuit Split Over Reasonable ADA Leave,” regarding the recent rulings on the appropriate amount of leave time for employees with disabilities. Courts have divided approaches towards the length of leave an employer may be required to give to an employee as a reasonable accommodation under the Americans with Disabilities Act (ADA). Some courts state that employees with disabilities remain “qualified individuals” and may therefore take periods of unpaid leave for treatment or recovery related to disabilities; other venues maintain that the inability of staff to work automatically relinquishes protections provided by the ADA. In light of the challenging and sometimes confusing decisions, Kahn recommends that employers experiencing similar situations review job descriptions to determine if regular attendance is essential, treat leave requests on an individual basis, talk to the employee about various options, confirm the employee’s return date, and consider whether “undue hardship” is created by the leave. [Read the article.](#) (Subscription required for full access.)

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