



Chapter 6

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The Americans with Disabilities Act: Recent Case Law Developments

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Snyopsis

Table with 2 columns: Section Number and Page Number. Includes sections like § 6.01. A Brief Overview of the ADA Legal Landscape, § 6.02. The Supreme Court's Most Recent ADA Rulings, etc.

The Supreme Court focused its attention on the Americans with Disabilities Act (ADA) last year, providing important guidance to courts and employers about what it means to be "disabled" under the statute.

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2 42 U.S.C. § 12101 et seq.

lower courts have applied the Supreme Court's guidance with varying results and have provided conflicting answers to a number of questions left unanswered by the Court. In general, the lower courts have reaffirmed that an employer must make individualized, case-by-case assessments of workplace issues presented by individuals who may be protected by the ADA. In so doing, the courts have ensured that the ADA will continue to present challenging compliance issues for employers for years to come.

In this chapter, we provide in Section 6.01, a brief presentation of the ADA legal landscape. In Section 6.02, we review the Supreme Court's four ADA opinions issued during the 1999 term, *Sutton v. United Airlines, Inc.*,³ *Murphy v. United Parcel Service*,⁴ *Albertsons, Inc. v. Kirkingburg*,⁵ and *Cleveland v. Policy Management Systems Corp.*⁶ This discussion concentrates on the evolving definitions of "disability" and "qualified individual" under the ADA in light of the Court's pronouncements. In Section 6.03, we review by way of examples the cases that have applied the guidance of *Sutton*, *Murphy* and *Albertsons*, *i.e.*, that a disability under the ADA must be evaluated by taking into account any corrective measure (such as medication or glasses) that may mitigate the impairment at issue. In Section 6.04, we examine the case law that has followed the *Cleveland* decision, in which the Court held that an individual who declares himself unable to work for purposes of a SSDI application is not automatically precluded from proving, in a subsequent ADA action, that he is "qualified" to work. Last, we conclude with a short analysis of some of the principal ADA compliance issues that remain unanswered. We note that the early claims made by some observers that the Court has eviscerated the ADA were inaccurate, and that cautious employers will continue to devote considerable effort to maintaining compliance with the ADA.

³ *Sutton v. United Airlines, Inc.*, 527 U.S. 471 (1999).

⁴ *Murphy v. United Parcel Serv.*, 527 U.S. 516 (1999).

⁵ *Albertsons, Inc., v. Kirkingburg*, 527 U.S. 555 (1999).

⁶ *Cleveland v. Policy Mgt. Systems Corp.*, 526 U.S. 795 (1999).