



**THIRD CIRCUIT HOLDS THAT EMPLOYEES  
“REGARDED AS” DISABLED ARE ENTITLED TO  
REASONABLE ACCOMMODATION UNDER THE  
AMERICANS WITH DISABILITIES ACT**

In a decision that is sure to further confuse an already confused area of the law, the Third Circuit Court of Appeals recently decided that employees that are “regarded as” disabled are entitled to reasonable accommodations under the Americans with Disabilities Act (“ADA”). In reaching this conclusion, the Court noted that the ADA protects employees that are regarded as disabled as well as those that are actually disabled. The Court then observed that the plain language of the statute does not distinguish between “actually disabled” and “regarded as” disabled in requiring an accommodation. While acknowledging that its decision may lead to “bizarre results,” the Court nevertheless held that employees that are regarded as disabled are entitled to reasonable accommodations under the ADA.

This development is significant as it further creates a split among the circuits that have addressed this issue. While the First Circuit has also held that employees that are regarded as disabled are entitled to reasonable accommodations under the ADA, the Fifth, Eighth, and Ninth Circuits have reached the opposite conclusion, holding that no accommodation is necessary. This split further highlights the need for employers to act carefully with respect to employees that might be regarded as disabled, as well as the need to obtain competent legal advice before taking adverse action against such an employee.

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