

Are Employer Now Expected to "Read the Minds" of Disabled Employees?

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Kelley Drye's [Labor and Employment](#) Practice Group has prepared a client advisory: "Are Employer Now Expected to 'Read the Minds' of Disabled Employees?" The advisory provides guidance on a recent and significant Second Circuit case, *Brady v. Wal-Mart Stores, Inc.*, --- F.3d ---, 2008 WL 2597936 (2d Cir. July 2, 2008). The ruling creates additional obligations for employers of employees with known or obvious disabilities. Specifically, employers now have a duty to reasonably accommodate an obviously disabled employee, even if the employee does not ask for an accommodation or even advise the employer that he or she has a disability. This is a departure from previous precedent, which had only required employers to accommodate disabled employees who requested an accommodation.

Every employer needs to be aware of its obligations to accommodate disabled employees. As a result of this new ruling, employers will need to train managers and human resources personnel on the new requirements.