

DISABILITY DISCRIMINATION & REASONABLE ACCOMMODATION

A practical California guide to employer knowledge, essential duties, accommodation, the interactive process, and adverse action.

WHAT THE EMPLOYER WILL TEST	WHAT THE EMPLOYEE SHOULD SHOW
the condition or restriction, employer knowledge, ability to perform essential duties, the accommodation dialogue, and what happened next.	Medical note, request, HR record. • Emails, forms, conversations. • Job description plus actual practice.

THE 60-SECOND FEHA ACCOMMODATION MAP

Element	Employee question	Employer duty / issue	Evidence
Disability / condition	What limitation or medical condition affected work?	FEHA covers qualifying physical and mental disabilities and medical conditions.	Medical note, request, HR record.
Knowledge	What did the employer know and when?	Accommodation duties generally require knowledge of the need.	Emails, forms, conversations.
Essential duties	What are the real essential functions of the job?	Ability to perform essential duties with accommodation matters.	Job description plus actual practice.
Accommodation	What effective options were requested or apparent?	Reasonable accommodation is required absent undue hardship.	Requests, alternatives, response.
Interactive process / action	Did the employer engage and what adverse action followed?	FEHA separately requires a timely good-faith process.	Meeting notes, denials, PIP/termination.

FIVE FEHA RULES TO KNOW

1. Disability discrimination is prohibited by FEHA. Government Code section 12940(a) prohibits specified employment discrimination because of physical disability, mental disability, and medical condition, subject to statutory defenses. Gov. Code §12940(a) 2. Reasonable accommodation is an affirmative obligation. Section 12940(m) requires reasonable accommodation for the known disability of an employee or applicant unless the employer demonstrates undue hardship. Gov. Code §12940(m)	3. The interactive process has its own statutory command. Section 12940(n) requires a timely, good-faith interactive process to determine effective reasonable accommodations. Gov. Code §12940(n) 4. Requesting accommodation is protected activity. FEHA states that requesting accommodation is protected regardless of whether the request is granted. Gov. Code §12940(m)(2) 5. Essential duties matter. The California Supreme Court held that a plaintiff alleging disability discrimination bears the burden of proving ability to perform the job with or without reasonable accommodation. Green v. State of California
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WHAT A GOOD ACCOMMODATION RECORD SHOULD SHOW

Employee should document	Employer should explore	Danger signs
• Restrictions, not unnecessary diagnosis detail • Essential job duties • Accommodation requested • Alternatives suggested • Dates and decisionmakers	• Effective accommodations • Modified schedule / duties where feasible • Leave as applicable • Assistive tools / workspace changes • Other open positions where legally relevant	• Automatic denial by "policy" • No interactive dialogue • Sudden discipline after request • Ignoring doctor restrictions • Treating request itself as misconduct

DISABILITY / ACCOMMODATION EVIDENCE CHECKLIST

- ☐ Job description and actual core duties
- ☐ Accommodation request(s)
- ☐ Medical restrictions provided to employer
- ☐ HR / leave portal records
- ☐ Interactive-process meeting notes
- ☐ Employer alternatives or denial reasons
- ☐ Performance history before and after request

FROM THE EMPLOYER'S SIDE: The "interactive process" is supposed to be a dialogue. "No, because policy" is not much of a conversation. Ask what document, witness, analysis, or contemporaneous explanation should exist if the company's position is genuine.

EMPLOYEE RESPONSE: Connect the request or protected condition to employer knowledge, timing, essential duties, alternatives, and the later decision.

RELATED RUGGLES LAW FIRM READING

- California Disability Discrimination in Employment
- Disability Discrimination: How Employers Frequently Blow It
- The Interactive Process: California Employers Must Comply
- FEHA Interactive Process in California

CALIFORNIA STATUTES / REGULATIONS

- Government Code section 12940
- Government Code section 12926.1

PUBLISHED CALIFORNIA CASES

- Green v. State of California, 42 Cal.4th 254 (2007)
- Nadaf-Rahrov v. Neiman Marcus Group, Inc., 166 Cal.App.4th 952 (2008)
- Scotch v. Art Institute of California, 173 Cal.App.4th 986 (2009)



SCAN TO READ
California Disability
Discrimination in Employment
RugglesLawFirm.com

OFFICIAL RESOURCES Gov. Code §12940 | CRD Leave / Disability Resources | CRD CFRA Guide

"the plaintiff employee bears the burden of proving he or she was able to do the job, with or without reasonable accommodation."

— Green v. State of California, 42 Cal.4th 254 (2007)

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