

Introduction to the June 2026 edition of *Disability Law Compliance Manual*

Disability Law Compliance Manual, written by Gary S. Marx, provides guidance needed to help your clients or a company comply with the ADA and minimize litigation, by examining the statutory language, administrative regulations, common liabilities, means of accommodation, and the overlap of ADA with workers' compensation laws and the FMLA.

The June 2026 edition of *Disability Law Compliance Manual* includes updated discussions of cases, statutes, and regulations. Among the materials updated in this edition are:

- **§ 1:9. General rule:** The ADA does not require an individual to be entirely unable to perform a major life activity to qualify as disabled.
- **§ 2:20. Overview:** Because the substantive standards for employment discrimination under the ADA apply equally to claims brought under the Rehabilitation Act, the interactive process obligation also apply to discrimination claims under the Rehabilitation Act.
- **§ 2:34. Modified work schedules:** While an employee's request for an indefinite remote work accommodation may be unreasonable or pose an undue hardship, when an employer initially approves an accommodation request, and then revokes it without notification or sufficient explanation, that appears far less reasonable as applied to the facts of the case.
- **§ 3:39. Disclosure to appropriate decision makers/coworkers:** In a case of first impression, the Eighth Circuit held that an employee had private right of action under the Rehabilitation Act for a failure to protect and an unlawful disclosure of her confidential and sensitive medical information.
- **§ 4:2. Nondiscrimination in all employment practices—Types of employment practices:** As a general rule, the denial of a requested accommodation—without more—will not be sufficient to make out a retaliation claim.
- **§ 4:3. Nondiscrimination in all employment practices—Meaning of nondiscrimination:** Conditioning continued employment on a medical clearance can be direct evidence of disability discrimination.
- **§ 4:29. Retaliation:** In 2025, a panel of the Sixth Circuit held, as matter of first impression, that the Rehabilitation Act did not provide private right of action for retaliation.
- **§ 8:17. Amount of leave:** In an opinion letter issued on January 5, 2026, the DOL stated that an employee may use FMLA-protected leave that counts against his or her FMLA entitlement to travel to or from a medical appointment for a serious health condition.
- **§ 8:35. Protection for employees who request leave or otherwise assert FMLA rights:** Criticizing, even berating, an employee's substantive job performance has been held not to be enough to assert a claim for interference under a discouragement theory.
- **§ 9:2. Basic legal obligations:** One court has held that the defendant store owner did not fail to reasonably accommodate the plaintiff's disability by not printing QR codes on tags and labels at its stores and not providing adequate auxiliary aids.
- **§ 10:4. Equality in participation and benefits:** Title III does not regulate what types of goods and services are to be made available, but only ensures equal access to those goods and services which the public accommodation chooses to offer.

- **§ 12:4. Filing discrimination charges:** A charge must adequately encompass the disability claim in order for the plaintiff to have satisfied their obligation to have exhausted his administrative remedy.

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