

### 3 Types Of Associational Discrimination Claims

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Most employers (we hope) are well aware that the Americans with Disabilities Act prohibits discrimination against “qualified individuals with a disability.” Nevertheless, many employers may not realize that the ADA also protects applicants and employees from discrimination based on their relationship or association with an individual who has a disabling condition. Generally speaking, there are three types of associational discrimination claims:

- “Expense” discrimination
  - Employer fears that association with disabled person will be costly to the employer.
- “Disability by association”
  - A relationship with a disabled person means employee may also be disabled.
- “Distraction”
  - A relationship with a disabled person will prevent the employee from completing job responsibilities.

A recent case in Ohio (*Crossley v. City of Coshocton* 2:13-CV-804) provides an example of an associational discrimination case of the “expense” variety. In this case, an employee was discharged two days after her employer received a \$20,000 medical bill for her husband’s cancer surgery. The employee’s supervisor also allegedly complained that adding her spouse to the employee’s medical benefits would be costly for the employer. The employee ultimately was able to survive summary judgment on her ADA associational discrimination claim based on this evidence. What can we learn from this case? Well written and widely disseminated EEO policies, along with regular anti-discrimination/harassment training, are necessary to avoiding costly litigation down the line. Where an employer has knowledge of a potential associational claim, it needs to be extra vigilant in documenting its legitimate, non-discriminatory business reason for the adverse employment action at issue.

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