

ADA Compliance in 2026: Why Individualized Assessments Matter More Than Ever

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Employers are often surprised by what may qualify as a disability under the Americans with Disabilities Act (ADA). A recent case before the Third Circuit serves as an important reminder that disability determinations are highly fact-specific and that seemingly routine medical conditions can, in the right circumstances, trigger ADA protections.

On September 9, 2026, the U.S. Equal Employment Opportunity Commission (EEOC) filed an amicus

brief arguing that a former FedEx supervisor's hemorrhoid condition could constitute a disability under the ADA. According to the EEOC, the evidence showed that the employee experienced significant pain and difficulty sitting, standing, walking, and performing bowel functions during flare-ups, all of which may constitute limitations on major life activities. The agency criticized the district court's conclusion that the condition was not a disability and argued that a jury should be allowed to decide the issue.

The ADA's Broad Definition of Disability

So what is a disability under the ADA? Many employers still think of disabilities as permanent or obvious medical conditions. However, the ADA's definition is intentionally broad.

Under the ADA, a disability includes:

- A physical or mental impairment that substantially limits one or more major life activities;
- A record of such an impairment; or
- Being regarded as having such an impairment.

Major life activities include not only activities such as walking, standing, sitting, lifting, and working, but also major bodily functions.

Disability Claims Continue to Lead EEOC Charge Filings

The importance of getting ADA compliance right is underscored by EEOC charge statistics. In Fiscal Year 2025, **41.1% of all charges filed with the EEOC included an allegation of disability discrimination**, making disability discrimination the most frequently asserted protected-class basis in EEOC charges. This means that nearly half of all charges filed with the agency involved an ADA-related claim. For employers, ADA compliance is not a niche issue. It is

one of the most significant areas of employment law risk and one that requires careful, individualized decision-making.

Why the Hemorrhoid Case Matters

The EEOC's position provides an important reminder for employers. The EEOC is not taking the position that hemorrhoids are always going to constitute a disability. Rather, the agency emphasized that the analysis must focus on the particular employee and the actual impact of the condition on that employee.

In the FedEx case, the employee presented evidence that his condition caused pain and difficulty with sitting, standing, walking, and bowel functions during flare-ups. The EEOC argued that this evidence could allow a reasonable jury to find that the condition substantially limited major life activities. The agency further noted that "an impairment need not be long-lasting" to qualify for protection under the ADA.

Perhaps the most important takeaway for employers is the EEOC's express reminder that each case requires an individualized analysis. A medical condition that causes only modest limitations for one employee may substantially limit a major life activity for another.

The Danger of Assumptions

Employers frequently encounter medical conditions that may appear commonplace (migraines, anxiety disorders, back pain, etc.). Under the ADA, the focus is not on the label attached to the specific medical condition. Instead, the important question is whether the condition substantially limits one or more major life activities for the particular employee.

Making assumptions based solely on the name of a medical condition can create unnecessary legal risk.

An employer who quickly concludes that a condition is “not a disability” may overlook its obligations to engage in the interactive process and consider reasonable accommodations.

Practical Guidance for Employers

To reduce ADA-related risk, employers should consider the following:

1. **Avoid categorical decisions.** Do not assume that a particular diagnosis is automatically covered or automatically excluded from ADA protection.
2. **Conduct an individualized assessment.** Evaluate how the condition affects the specific employee’s ability to perform major life activities and essential job functions.
3. **Engage in the interactive process.** When an accommodation issue arises, communicate with the employee and explore reasonable accommodation options.
4. **Train supervisors.** Managers should understand how to identify potential accommodation requests, escalate issues appropriately, and avoid statements or actions that could create liability.
5. **Document the analysis.** Maintain records reflecting the employer’s assessment, discussions, and accommodation efforts.
6. **Focus on job-related facts.** Decisions should be based on objective evidence and actual workplace limitations, not assumptions or stereotypes about medical conditions.

Final Thoughts

The EEOC’s position in the Third Circuit hemorrhoid case illustrates a key ADA principle: disability determinations are highly individualized. A condition that may seem minor at first glance can qualify as a disability if it substantially limits a major life activity for a particular employee. Employers should resist the temptation to make quick

judgments based on diagnoses alone and instead carefully evaluate the actual impact of the condition on the employee.

As disability discrimination claims remain the most common charges filed with the EEOC, employers that consistently conduct thoughtful, individualized assessments will be in the strongest position to comply with the ADA and minimize litigation risk.