

ADA Claims Could Apply to Businesses With Fewer Than 15 Employees



A recent Ninth Circuit decision allows a former employee to proceed with her Americans with Disabilities Act (ADA) discrimination claims despite working for an employer with fewer than 15 employees.

In this case, the employee worked for a Nevada limited liability partnership, which also had a California partnership run by the same two lawyers who were licensed to practice in both states. The court held that whether the employer was an “integrated employer” could be decided at trial (*Amy Buchanan v. Watkins & Letofsky, LLP*, 2022 U.S. App. LEXIS 9338).

This ruling means that employers who previously would not have met the threshold requirement for ADA applicability — that they have 15 or more employees — could now be exposed to potential ADA claims if they form an integrated enterprise.

Read the full story for details on the integrated enterprise test and how it interacts with the ADA, how the court broke down the four integrated enterprise test factors in this case, and employer takeaways.

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Arbitration Provision in Handbook and Acknowledgment Form Insufficient to Compel Arbitration

Arbitration agreements in the employment context continue to be an evolving issue in the state, and a recent California Court of Appeal decision is illustrative of the challenges and considerations that employers must face when using arbitration agreements, particularly as they relate to employee handbooks.

In this case, the court held that an arbitration provision in an employee handbook, coupled with acknowledgment forms signed by the employee/class representative, did not create a legally binding agreement to arbitrate wage and hour claims presented in the class action (*Mendoza v. Trans Valley Transport, et al.*, 75 Cal.App.5th 748 (2022)).



Read the full story for details on the forms the employee signed upon hire, the circumstances under which those forms were signed, the employer’s handbook and arbitration policy, the class action lawsuit filed by the employee, and employer takeaways.

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