

Guidance on ADA Accommodations and Medical Restrictions' 'Plain Meaning' From Federal Appeals Court

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January 10, 2023

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The federal appeals court in Chicago has provided helpful guidance on employers' obligation to accommodate qualified individuals' medical restrictions under the Americans with Disabilities Act (ADA) in a case involving a correctional officer.

Finding an "essential function" of the position the plaintiff sought was being able to manage disruptive inmate behavior and responding to physically violent emergencies and the plaintiff was medically restricted from performing that function, the U.S. Court of Appeals for the Seventh Circuit ruled the employer did not violate the ADA by not awarding him the promotion he sought. *Tate v. Dart, et al.*, No. 21-2752 (7th Cir. Oct. 25, 2022).

The Seventh Circuit has jurisdiction over Illinois, Indiana, and Wisconsin.

Background

Larry Tate worked for the Sheriff of Cook County in the Department of Corrections as a correctional officer. He suffered a back injury while lifting some trays at work and had to take time off. He returned to work under medical restrictions to "avoid situations in which there is a significant chance of violence or conflict." After Tate was promoted to sergeant, the Sheriff's Office accommodated his medical restrictions by allowing him to work in the Classification Unit, where the possibility of violence was relatively low.

Later, Tate sought and received a provisional promotion to lieutenant under the condition that he obtain a medical clearance from his physician. Tate, however, could not secure this clearance. His doctor said he had to "avoid situations in which there is a significant chance of violence or conflict." The Sheriff's Office explained that lieutenants must be able to handle disruptive inmate behavior and respond to emergency situations, which frequently required the use of force. Because Tate's medical restrictions prevented him from performing this "essential function" as a lieutenant, the Sheriff's Office declined his request for accommodation and returned him to the rank of sergeant.

Tate filed suit alleging disability discrimination and failure to accommodate under the ADA and Illinois state law. Granting summary judgment for Cook County and its Sheriff, the district court found that responding to emergencies involving inmate violence was an essential function for lieutenants and that Tate could not fulfill that essential function of the position.

"Essential Function"

The Seventh Circuit affirmed the lower court's ruling.

The ADA prohibits discrimination, including denial of promotions, against a "qualified

individual on the basis of disability.” A qualified individual is someone who, “with or without reasonable accommodation, can perform the essential functions of the employment position.”

The Seventh Circuit examined whether being able to respond to inmate violence in emergencies was an essential function of the correctional lieutenant position.

The Seventh Circuit concluded the employer had demonstrated being able to respond to inmate violence was, indeed, an essential function of the lieutenant position. Because Tate could not perform the essential functions due to his medical restrictions, he was not qualified for the lieutenant position.

The Seventh Circuit noted the job description lists responding to emergencies and using physical force as key responsibilities. It also explained that being unable to respond to violent emergencies as a lieutenant could lead to grave consequences for all those involved. Moreover, testimonies of former and current correctional lieutenants showed that situations requiring the use of physical force arise frequently and without warning. The testimonies were supported by data showing that, in a two-year period, there were 114 incidents where “lieutenants were required to use force to control inmates,” which equated to approximately one incident a week.

Medical Restrictions

Tate also argued that, even if responding to violent emergencies was an essential function of the job, he could respond to emergency situations if “truly necessary.” Rejecting this argument, the Seventh Circuit said:

Tate’s alternative argument tries to have it both ways. On the one hand, he seeks an accommodation because he is to “avoid situations in which there is a significant chance of violence or conflict.” On the other, he seeks to convince us that his medical restriction is not as restrictive as it appears.

Tate’s doctor said Tate was to “avoid” violent situations, and, according to the Seventh Circuit, “[a]void’ means ‘avoid.’” The Seventh Circuit held the employer cannot be required to read the word “avoid” out of Tate’s medical restriction, but instead was entitled to rely on its “plain meaning.”

The Seventh Circuit’s analysis provides useful guidance for employers in determining whether an important part of a job constitutes an essential function under the ADA.

The decision also shows that employers are entitled to rely on an employee’s medical restrictions in determining whether the employee can perform the essential functions. Where an employee’s accommodation request contradicts the employee’s doctor-provided medical restrictions, the employer is generally entitled to rely on the restrictions.

Please contact a Jackson Lewis attorney with any questions about this case or the ADA.

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