

# ADA: What to do when employee won't cooperate

The ADA says you must reasonably accommodate disabled employees. That requires substantial discussion with the employee to understand her condition and formulate a solution. What if she won't cooperate? Simply document the interaction (unless her condition is obvious, such as needing to use a wheelchair at work).

**Recent case:** Paulette, a nurse, requested reasonable accommodations for a back problem, asthma and other medical problems. However, she never provided medical documentation or described how her condition substantially impaired a major life function. She sued her employer for failing to accommodate her.

The court tossed Paulette's case, reasoning she hadn't shown the court she was disabled and therefore eligible for accommodations, much less that her employer was unwilling to accommodate her. (*Cogle v. Bergstein, et al.*, No. 157562/12, Supreme Court of New York, New York County, 2013)