

FMLA and ADA accommodation: Don't dismiss request to work from home

Employees who take their full FMLA leave may not be quite ready to return to work when their 12 weeks are up.

If their condition is a disability under the ADA and more time off or a flexible arrangement such as working from home is feasible, it may be considered a required reasonable accommodation.

If an employee asks for more time off or to work from home, handle the request just like you would another disabled employee's reasonable accommodation request. Verify the disability and discuss possible accommodations before you reject the request.

Otherwise, a jury may hold you liable.

Recent case: Mirelle worked for a hospital as a utilization management specialist. She developed cancer and took FMLA leave. When her time was up, she still wasn't ready for office work because of recurring symptoms. She requested either more leave or to be allowed to work from home. Her requests were denied without much discussion.

She sued, alleging failure to accommodate.

The employer argued that Mirelle couldn't do her job at home and that other hourly employees were never allowed to telecommute. Mirelle said her job consisted mostly of making phone calls.

The case went to trial and Mirelle was awarded more than \$540,000 in damages. Though the employer got the amount reduced by a few thousand dollars, most of the award stood. (*Vangas v. Montefiore Medical Center, et al.*, No. 11-Civ-6722, SD NY, 2015)