

Job descriptions key to ADA accommodations

It's essential to have solid job descriptions that outline exactly what every employee is supposed to do. Without a good job description, a disabled employee can argue that very little about a job is essential—and therefore that they don't have to do much work.

With a job description that lists essential tasks, it's much easier to argue the employee's disabilities cannot be accommodated.

Recent case: Pamela, an HR assistant for the Department of Homeland Security (DHS), suffered from many medical conditions, including chronic ear disease, severe depressive disorder, anxiety and neurological pain syndrome. Her performance evaluations noted that she needed to improve in many areas her supervisors considered essential to success.

Pamela became anxious about her job and requested reasonable ADA accommodations. She also took 12 weeks of FMLA leave.

When it was time to return, she presented a doctor's note that said she needed to work in a less stressful position. When Pamela again requested accommodations, DHS sent her doctor a copy of her job description and asked which tasks she could perform. He checked "no" on a long list of tasks, including many requiring concentration such as:

- Prioritize work
- Evaluate data such as placing applicants in rank order on an inventory
- Interview interns and employees
- Revise and administer questionnaires.

The DHS concluded Pamela could not be accommodated and that no open positions existed that would fit her medical restrictions. She applied for disability retirement status and was approved—but she also sued, alleging failure to accommodate.

The court tossed out her case. It reasoned that DHS had shown that Pamela's restrictions meant she couldn't perform much of her job. Accommodating her was unreasonable. (*Duray v. Johnson*, No. 12-2800, DC MN, 2016)