

Reassignment can be post-FMLA accommodation

When a disabled employee wants to return to work, limitations may make it impossible for him to do his old job. If so, it may be reasonable to either grant more leave or reassign the employee—or both. The worker may prefer another accommodation, but it's the employer's choice.

Recent case: Gary developed gangrene and took FMLA leave. His employer extended unpaid leave for several months. When it was clear Gary couldn't return to his old job, the employer told Gary it could place him in a different position.

Gary refused, demanding the right to work from home doing his old job. He was terminated. Then he sued, alleging failure to accommodate.

The court threw out his case, noting that Gary had already been accommodated and that not even his doctor claimed he needed to work from home. (*Brunckhorst v. Oak Park Heights*, DC MN, 2017)