

# Ensure job descriptions include enough detail

What you designate as essential functions in a job description can make all the difference when faced with an employee who is demanding reasonable accommodations for a disability. This is especially true if the disability causes frequent, unpredictable absences and the work can't be performed remotely.

**Recent case:** Kim worked for Dow Chemical as an administrative specialist. Her description specified a host of tasks:

- Faxing, photocopying, scanning and filing documents
- Serving as a backup customer service representative by answering the phone
- Backing up employees in the warehouse by labeling packages
- Ordering supplies for the office and lunchroom, monitoring supplies, bringing food to luncheons
- Conducting on-site safety classes
- Tracking contract workers
- Assisting with employee orientation.

Dow estimated that only about 20% of Kim's job functions could be performed from home.

Kim was diagnosed with multiple sclerosis and had to take leave. Then her doctors certified that she would need intermittent leave going forward. Her flare-ups could occur several times per month and last from a few days to several days. After trying to return to work, she wound up missing 213 hours. That led to cancelled vacations for employees who had to cover Kim's work.

Dow terminated Kim and she sued, alleging that she should have been accommodated with time off as needed.

The court dismissed the case, concluding that when evaluating what is essential, "the employer's judgement, written job descriptions, the amount of time spent on the job performing the function" are all important. In this case, Dow showed that leave for sporadic, unplanned and unplannable absences was unreasonable. (*Schuler v. Dow Chemical*, WD NY, 2018)