

Recent medical diagnosis? Consider accommodations

Sometimes an employee discovers she may have a disability, or that it's time to disclose one she had been keeping secret. How the employer responds to that information may prevent an ADA discrimination lawsuit—or trigger one.

Recent case: Lauren, a nurse, received two reviews that concluded she should work faster and talk to patients less. She was placed on a performance improvement plan. Then Lauren was diagnosed with Lyme disease. She told her boss she believed the condition was affecting her work.

Instead of discussing accommodations, the supervisor told her to expect even more discipline.

Lauren sued, alleging failure to accommodate. The court said her case could go to trial because Lauren had made a request for an accommodation when she spoke of the impact Lyme disease was having on her performance. (*Emmell v. Phoenixville Hospital*, ED PA, 2018)