

Part-time job may be reasonable accommodation

The ADA requires employers to consider transfer to open positions as reasonable accommodations for disabled workers.

But what if an employee isn't qualified for any open full-time positions? A part-time position may suffice.

Recent case: Jerry, a UPS delivery driver, had extensive surgery. When he returned to work, he found he could not work without pain for the nine or more hours he used to. His doctor said he was permanently restricted to working no more than eight hours per day. Jerry asked to transfer to another full-time job as an accommodation. However, he wasn't qualified for any that were open. UPS offered part-time work, which Jerry rejected.

Jerry then sued, alleging failure to accommodate. The court rejected his claim, reasoning that the offer of part-time work within his restrictions was a reasonable accommodation. (*Faidley v. UPS*, No. 16-1073, 8th Cir., 2018)