

Seventh Circuit Reiterates Standard for Establishing Substantial Limitation on the Ability to Work

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It goes without saying that an employee cannot prevail on a disability discrimination claim unless he is actually disabled. In the context of the Americans with Disabilities Act (ADA), this means that he must show that a disability “substantially limits” one or more of his “major life activities.” Predictably, plaintiffs often allege that the “major life activity” that their disability has impacted is the activity of “working.” Thus, an important question for employers is this: when does a disability actually limit an employee’s ability to work?

The Seventh Circuit answered this question on Monday, in its decision in *Carothers v. County of Cook*. In the case, Carothers sued her former employer, the Cook County Juvenile Detention Center (JDC), alleging disability discrimination. To meet the threshold showing that she was disabled under the ADA, Carothers asserted that she suffered from an anxiety disorder that substantially limited her ability to work — specifically, that her disorder prevented her from interacting with children, which she often did as a hearing officer that adjudicated juvenile detainee grievances.

Writing for the Seventh Circuit, Judge Bauer rejected Carothers’ assertion that her inability to interact with children substantially limited her ability to work. To prevail, Carothers had to show her disorder “significantly restricted [her] ability to perform either a *class of jobs* or a *broad range of jobs in various classes* as compared to the average person having comparable training, skills and abilities.” The court emphasized the difference between a “class” or “broad range” of job and the unique aspects of a single job — that is, that Carothers’ inability to perform the unique aspects of her particular job was not necessarily enough to show a substantial limitation on her ability to work in *many* jobs.

Under that standard, the court found that interacting with juvenile detainees was a unique aspect of Carothers’ job, and that Carothers had failed to submit evidence showing her inability to interact with juvenile detainees would restrict her ability to work a *broader class* of jobs. Therefore, Judge Bauer found, Carothers’ anxiety disorder did not constitute a “disability” within the meaning of the ADA. Her claim was dismissed.

As a rule, employers should not be in the game of determining whether an employee is disabled. This decision, however, is a useful reminder that it is not a question that should be overlooked entirely: consideration should be given, for example, as to whether the claimed disability limits the employee's ability to work in a broad class of jobs that they are otherwise qualified for (as opposed to her particular job). If the disability simply impacts a particular or niche aspect of the current job, the employee's disability may not substantially limit his or her ability to work.

Topics

ADA, Anxiety, Disability, Discrimination, Burden Of Proof, Employment