

Illinois District Court Weighs in on Essential Functions Under the ADA

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A central tenet of the Americans with Disabilities Act is that an employee must be a qualified individual with a disability to receive its protections. A qualified individual with a disability must be able to perform the essential functions of the position with or without a reasonable accommodation. While an employer may modify the duties for an employee to accommodate medical restrictions, this does not mean the essential purpose of the original job must change. The [Northern District of Illinois recently addressed this issue](#) in a case involving a Chicago police officer. The officer had suffered several disabling strokes. For years, she worked in a light duty assignment taking police reports over the phone.

It was undisputed that the employee could no longer walk far, make arrests, or use her gun. The City argued that these were essential job duties of any police officer, even one in a limited duty position. In fact, these duties were memorialized in a 2012 directive. Plaintiff disagreed and argued that she had worked in a light duty position for years, did not perform any of the duties in the 2012 directive. Thus, the duties she could not perform could not be “essential.”

The court disagreed. Just because the employee had been accommodated with a light duty assignment did not mean that the duties in the 2012 directive were not essential. A police officer’s job duties span a variety of tasks, including those the Plaintiff had done in a light duty capacity and those recited in the directive. An employer need not carve out the bulk of the essential tasks of a position and leave remaining the lightest of duties for a disabled employee. The court found that the purpose of the 2012 directive was to ensure that officers “can directly contribute to the central purpose of CPD . . . of serving and protecting those within its jurisdiction.” Duties that included walking, making arrests, and the ability to use a firearm were essential to the role of a police officer. As the EEOC regulations provide, those duties are part of the reason the position exists. (29 CFR § 1630.2(n)(2)(i)).

The ADA analysis does not end with the above analysis. In the case above, the City needed to show that it participated in the interactive process, such as determining whether there vacant positions the Plaintiff could have performed that would have accommodated her restrictions. For that reason, the City’s motion for summary judgment on the ADA claim was denied.

There are two key takeaways from this portion of this decision. First, employers should evaluate jobs in their workforce and prepare accurate job descriptions that identify the essential duties of each position. Once these are created, conduct periodic reviews of the descriptions as duties may change over time. Another benefit of this job classification process is an opportunity to ensure that positions are properly classified as exempt or non-exempt under the FLSA. The second ADA takeaway is the accommodation inquiry: if the employee can no longer perform the essential tasks of the position she was hired to perform with or without an accommodation, are there other positions available for which she is qualified? The employer does not have to create a position and the employee must be qualified for the position offered. Document this process as it is evidence of your participation in the interactive process. An accurate, up-to-date job description coupled with evidence of the employer's good faith participation in the interactive process are vital to a strong defense to ADA claims.

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Topics

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