In a recent decision in Severson v. Heartland Woodcraft, Inc. (Sept. 20, 2017), the Seventh Circuit affirmed a district court’s ruling that an employer did not violate the Americans With Disabilities Act (ADA) by failing to provide an employee with a long-term medical leave of absence. Indeed, the court found that “a long-term leave of absence cannot be a reasonable accommodation” under the ADA.

Plaintiff, a former employee of Heartland Woodcraft (“Heartland”), developed chronic back problems and became unable to work. After exhausting his Family and Medical Leave Act (FMLA) leave, he informed Heartland that he needed surgery, which would require him to be out of work for two to three additional months. Heartland responded that his employment would terminate at the end of his FMLA leave and he could reapply when he was able to return to work. After recovering from surgery and being cleared to return to work, rather than reapplying, the plaintiff sued, alleging that Heartland failed to reasonably accommodate him under the ADA. The district court granted summary judgment in favor of Heartland, and Plaintiff appealed.

Affirming the district court’s decision, the Seventh Circuit stressed that the “ADA is an antidiscrimination statute, not a medical-leave entitlement.” Thus, according to the court, a “reasonable accommodation is expressly limited to those measures that will enable an employee to work.” The court then stated in vivid terms that “[a]n employee who needs long-term medical leave cannot work and thus is not a ‘qualified individual’ under the ADA.” (emphasis in original) And driving the point home, the court added that, “[s]imply put, an extended leave of absence does not give a disabled individual the means to work; it excuses his not working.”

Notably, the court rejected the EEOC’s position that an extended leave of absence may be a reasonable accommodation in certain circumstances. In its amicus brief in this matter, the EEOC argued that “a long-term medical leave of absence should qualify as a reasonable accommodation when the leave is (1) of a definite, time-limited duration; (2) requested in advance; and (3) likely to enable the employee to perform the essential job functions when he returns.” But the Seventh Circuit found that the EEOC’s “reading of the statute equates ‘reasonable accommodation’ with ‘effective accommodation,’” an interpretation the Supreme Court has rejected. The court took issue with the EEOC’s position that the length of the leave is irrelevant in determining the reasonableness of the accommodation, concluding that this would transform the ADA “into a medical-leave statute—in effect, an open-ended extension of the FMLA,” which would be untenable.

While the Seventh Circuit’s decision is indeed notable, employers remain cautioned that circuit courts in other jurisdictions have reached differing conclusions on this issue and, as noted, the EEOC continues to take the position that leaves of absence may constitute reasonable accommodation in certain circumstances.

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