

# Inclement Weather May Require Employers To Warm To Reasonable Accommodations

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To enable employees to deal with natural disasters and severe local weather, employers should prepare to address issues arising from employees' inability to get to work. By itself, being stuck at home because of a blizzard is not a protected activity. This constitutes a personal absence warranting no protection under the law. However, if the office is open and inclement weather precludes an employee from coming to work because of his or her medical condition, the employer may have an obligation to engage in an interactive process to reasonably accommodate that travel limitation. Employers must ask whether the employee can perform the essential functions of his or her job, with or without a reasonable accommodation, from an off-site location. If coming to an office is an essential function of performing an employee's job, then, it would seem, that an employee cannot work.

Whether an employee can work effectively from home is a fact-intensive examination. Keep in mind that permitting off-site work as an accommodation of personal issues such as distance from the office, child-care, or other nonmedical challenges would seem to make it more likely that remote work for disability related reasons is deemed "reasonable." Rather than face costly litigation, a wiser course is to engage in an interactive discussion with the employee to satisfy the employer's obligation to engage in an interactive process.

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