

## Developments in Disability Discrimination Law 2014 - 2015



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### Specific Medical Conditions - Amnesia

- Firefighter with “global transient amnesia” arrived at scene but was unable to don gear, seemed confused, and refused to enter building
- Although he had a return-to-work note, Department reassigned firefighter to academy job due to safety concerns
- Employee not disabled – inability to perform his specific job (because of a fear of entering burning buildings) did not limit a major life activity

*City of Houston v. Proler*

## Specific Medical Conditions - Pregnancy

- Pregnant office employee requested shift change to alleviate child-care costs
- Employee became belligerent when request denied due to collective bargaining agreement
- Employee not disabled – pregnancy is not a *per se* disability
- Request was based on pregnancy-related financial concerns, not medical complications from pregnancy

McCarty v. City of Eagan

## Specific Medical Conditions – Getting Along With Others

- Employer investigated ADHD employee for harsh disciplinary action against subordinate
- Investigation revealed significant hostile behavior towards co-workers
- Employee requested accommodation, but was terminated for “unacceptable personal communication”
- Employee not disabled – inability to “get along” with others not a substantial limitation in the major life activity of interacting with others

Weaving v. City of Hillsboro

## Major Life Activity of Working

- Substantially limited in the ability to perform a class of jobs or broad range of jobs in various classes as compared to most people having comparable training, skills, and abilities
- Consider limits on the nature of work or job-related requirements

## Inability to Perform a Specific Job

- Worker complained that her supervisor bullied her after leave for a cerebral aneurysm
- Took leave for stress-related symptoms; requested extended leave and part time return to work
- When did not receive full extension, refused to return to work
- Employee was not limited in major life activity of working:
  - Seeking full-time work elsewhere while on leave
  - Inability to work related to particular job and supervisor

*Adetimehin v. Healix Infusion Therapy, Inc.*

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