

Shy Bladder Syndrome Lawsuit Reminds: Applicants Get Reasonable Accommodation

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A [recently filed Americans with Disabilities Act case](#) alleges that an Iowa hospital refused to accommodate an applicant's shy bladder syndrome. The condition is an anxiety condition that makes it difficult or impossible for an individual to urinate in non-private or other conditions. Jennifer Connor alleges that she suffers from this condition and was a qualified applicant for a position at the defendant hospital. Ms. Conner would normally run water or flush the toilet in order to be able to use a public restroom. For a mandatory drug test, she was put in a room without running water, and the nurses administering the test allegedly refused her request to take the test in another room, and then exacerbated the situation by banging on the door to hurry her up. She offered to provide a drug test and that approach was rejected.

Time will tell the full story as the hospital gets the opportunity to tell its side of things in the litigation. The case is a good reminder to employers, though, that reasonable accommodation obligations under the ADA apply not only to reasonable accommodations to enable the performance of the job, but also to the application *process*. Under post-ADAAA definitions of "disability," it seems clear that Ms. Conner's described condition entitles her to ADA protections. It is not yet known (at least to outside readers) whether the nurses administering the test were aware of Ms. Conner's condition or other details of the situation. That question will likely be very important to the outcome of Ms. Conner's ADA claim; it would not be discrimination on the basis of disability if the nurses were had no knowledge or reason to know of the medical condition. Regardless of the legal outcome, as a practical matter it seems that it would be prudent to take reasonable steps to facilitate such testing to avoid claims such as this one.

Additional Resources

USA Today - "[Shy bladder' syndrome leads to lawsuit](#)"

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