

## Play It Safe: Always Remember To Consider Potential Disability-Related Accommodations For Workplace Restrictions

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A recent lawsuit filed by a former professor underscores the importance of taking time to explore potential accommodations for disability-related workplace restrictions – even in situations where it may be the last thing on an employer’s mind.

The Plaintiff filed suit against his employer alleging that the institution failed to accommodate his depression and Asperger’s syndrome when he was barred from campus after losing his temper with students and staff. According to his judicial complaint, problems began after he chastised maintenance workers for not rearranging his class room furniture in a timely fashion. Following the incident, the Plaintiff claims the school used the incident to admonish him for “incivility” and characterize him as a threat to himself and others. The Plaintiff also claims the administration refused to consider his request for a mental health provider to assist with communication because his impairment was not a “disability recognized under the law.”

In a second incident, the Plaintiff chastised two students who were unprepared for class. The Plaintiff claims he was admonished for his actions and forced to read an apology to his students. Later that afternoon, the school allegedly placed him on administrative leave and banned him from campus. In his lawsuit, the Plaintiff claims the school violated the Americans with Disabilities Act (“ADA”) by refusing to consider potential accommodations to assist him with social interaction.

This lawsuit serves as an important reminder for employers: **It is almost always prudent to err on the side of engaging in dialogue with employees claiming health-related job restrictions, usually with the assistance of counsel.** If the employer later finds itself embroiled in a lawsuit, it can utilize this as evidence of its good faith efforts to comply with the ADA.

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