Reasonable Accommodations Due to Stress



An employer is not required to provide an employee who suffers from post-traumatic stress disorder with a new supervisor as a reasonable accommodation, the Washington Supreme Court held in 2002, basing its decision on the Americans with Disabilities Act. The case, in which an employee, who claimed that her supervisor's outrageous and confrontational behavior caused flare-ups of stress related to her disorder, requested to be paired with another supervisor, illustrates that while the Americans with Disabilities Act provides that employers must offer reasonable accommodations to employees with disabilities, a reasonable accommodation is not necessarily the accommodation requested by the employee.

The case featured an employee who reported to a supervisor who was described as "belligerent" and "authoritarian." Apparently, there were many instances in which the supervisor yelled and screamed at the employees – the plaintiff included – during meetings and at other times during the work day. There was also an incident in which the supervisor poked the employee in the chest during an altercation at a meeting. After seeing her therapist, the complaining employee was diagnosed with post-traumatic stress disorder, notified upper management of her condition, and requested a new supervisor as a reasonable accommodation. When her employer refused to assign her to a new supervisor, as the supervisor had not been removed from her position as supervisor of the department in which the employee worked, the employee resigned and filed suit claiming disability discrimination.

The Court dismissed the disability discrimination claim, looking to the ADA to support its position that there is no duty under the ADA to provide an employee with a new supervisor as a reasonable accommodation. The court stressed in its decision that at no time did the employee claim that her alleged disability prevented her from performing the functions of her job, only that the supervisor's behavior affected her job performance. Because she presented no evidence that her post-traumatic

stress disorder condition affected her ability to do her job, the dispute with her supervisor amounted to nothing more than a personality conflict, which does not lend itself to any ADA protection.

There are two lessons to draw from this case. First, an employer is not required to automatically consent to the employee's request for a reasonable

accommodation. Second, and perhaps more important, personality conflicts and bad feelings between an employer and former employee related to the termination of her employment add up to litigation and defense costs. Therefore, employers should pay attention to how all of their employees interact and take measures to alleviate any situation involving conflicts between employees, including supervisors.