

Fourth Circuit Ruling Finds Employee is not a “Qualified Individual” under ADA when Employee Fails to Comply with Valid Safety Requirement

Practices

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On December 9, 2020, the U.S. Court of Appeals for the Fourth Circuit found that a former employee did not meet the definition of a “qualified individual” to afford protection under the Americans with Disabilities Act (ADA) because of her failure to comply with a valid safety requirement for her position.

Sheila Holmes worked for General Dynamics as a shelter fabricator from 1989 to 2016. As part of her job, she had to use heavy equipment and machinery on the production floor. In 2003, General Dynamics began to require all employees working on the production floor to wear steel-toed or similar safety shoes. Holmes suffered from diabetes and brachymetapodia, which the court described as “a congenital condition characterized by short or overlapping toes.” As a result, she was allowed to work in tennis shoes or other loose-fitting shoes. She had a doctor’s note explaining that her medical conditions would not allow her to wear protective shoes, and she would show the note to her assigned supervisor throughout the years to be exempted from the steel-toed safety shoe requirement.

In July 2013, General Dynamics received a negative audit after an outside inspector observed one employee not wearing steel-toed safety shoes. As part of its corrective actions, the company had to enforce the steel-toed shoe policy, and supervisors would be held accountable for their employees’ failure to comply. Thus, when Holmes presented her supervisor with the doctor’s note in late 2013 exempting her from the policy, General Dynamics placed her on a leave of absence.

For two years, General Dynamics’ human resources department worked extensively with Holmes to find safety shoes that would be compatible with her condition and allow her to perform her job. But she rejected each alternative and submitted medical documentation maintaining that she could not wear any of the proposed shoes. General Dynamics also

explored whether it could exempt Holmes from the steel-toed shoe requirement or if there were other positions for which she was qualified but did not require her to wear a steel-toed shoe. Neither option was available; therefore, General Dynamics terminated Holmes.

Holmes filed a lawsuit against General Dynamics claiming that it failed to reasonably accommodate her disability and terminated her because of her condition in violation of the ADA. The district court granted summary judgment in favor of General Dynamics, finding that Holmes did not meet the definition of a “qualified individual” under the ADA to be afforded protection because she could not comply with the employer’s valid safety requirements for her position. The Fourth Circuit agreed.

The ADA prohibits discrimination against a “qualified individual” on the basis of the individual’s disability. 42 USC § 12112. The statute defines a qualified individual as someone “who, with or without a reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.” 42 U.S.C. § 12111(8).

Although Holmes argued she had “successfully” performed her job as a shelter fabricator for more than a decade without wearing steel-toed shoes, the Court held that “[j]ust because an employee has performed her job for an extended period of time without injury does not mean that the employee has performed her job *safely* or that she could continue to perform her job without risking injury to herself or others.” To hold otherwise would hinder an employer’s ability to implement and enforce new and necessary job-related safety requirements. The Court also ruled that Holmes’ exemption from the steel-toed requirement did not constitute a reasonable accommodation under the ADA and a holding allowing exemptions from valid safety policies as ADA accommodations would make it “unclear under what circumstances an employer could ever enforce a valid safety policy.”

The Fourth Circuit’s ruling underscores the importance for employers to accurately define the essential functions of an employment position, and, in doing so, to identify any safety requirements for the position. Employers should take appropriate measures to ensure that any established safety requirements are applied consistently for all individuals working in the same or similar position to avoid potential discrimination claims.

If you have any questions about ADA compliance, Nexsen Pruet’s Employment and Labor Law team stands ready to assist you.