



Fourth Circuit Rules that Employers Must Accommodate Temporary Conditions Under the ADA

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The U.S. Court of Appeals for the Fourth Circuit, which handles federal appeals from South Carolina, North Carolina, Virginia, West Virginia, and Maryland, recently held that the Americans with Disabilities Act ("ADA") covers temporary conditions, if sufficiently severe.

For years, it was settled law that the ADA applied only to chronic conditions like blindness, deafness, paraplegia, and other lifelong impairments. In 2008, however, Congress passed the ADA Amendments Act, which vastly expanded the definition of "disability." Until a few days ago, it was unclear whether this expanded definition would be read to capture temporary conditions.

In a January 23, 2014 decision, the Fourth Circuit ruled that "a sufficiently severe temporary impairment may constitute a disability," reversing a district court's dismissal of an ADA action brought by an employee who suffered from multiple fractured bones and torn tendons. According to the Court, interpreting the ADA to cover such conditions is appropriate in light of congressional intent to "expand the scope of protection available under the [ADA] as broadly as the text permits."

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In the case at issue, Carl Summers, an employee of Altarum Institute, a Virginia-based government contractor, fell getting off of a commuter train, fracturing bones and tearing tendons in both legs. His injuries required surgery, and he was not permitted to put weight on his left leg for six weeks. He was also told that it would likely be seven months before he could walk normally.

Shortly after his injury, Summers contacted Altarum HR to discuss returning to work, and he proposed a plan by which he would work remotely from home for a period of time and gradually transition back to being in the office fulltime. Altarum did not respond to this proposal, instead terminating Summers approximately six weeks after his injury.

Summers brought claims against Altarum for failing to accommodate his condition and for disability discrimination under the ADA. The district court dismissed the claims, stating that because Summers's condition was temporary and he was expected to recover, his injuries did not rise to the level of a protected disability. The Fourth Circuit disagreed and reinstated his claims, holding that his injuries were severe enough to constitute a disability, even if they were not permanent. The Court lambasted Altarum for not making any effort to accommodate Summers's condition.

This decision confirms that the ADA now covers some severe temporary conditions, and that employers are expected to accommodate such conditions where possible. Determining whether a temporary condition is severe enough to rise to the level of an ADA-covered disability is difficult, as the Court did not provide substantial guidance on that point. In light of the decision, employers should approach temporary conditions as potential disabilities, and should focus their attention on whether such conditions can be reasonably accommodated. Managers should be trained to refer employees with such conditions to HR for consistent handling, rather than attempting to make accommodation decisions on their own.