

Discrimination: Hospital Not Required To Accommodate LPN's Disability.

A licensed practical nurse who had been working in surgery injured his back and knee. The hospital let him continue in surgery, with an accommodation that he could sit when he wanted and did not have to lift patients or be able to turn them in an emergency or push gurneys.

The accommodation continued until a physician wrote an evaluation indicating that his restrictions were permanent. At that point the LPN was required to transfer out of surgery and landed in pediatrics.

The courts generally defer to a healthcare employer's judgment in defining what functions are essential to a particular position.

An employer is not required to accommodate an employee's disability which makes the employee unable to perform the essential functions of the job.

UNITED STATES DISTRICT COURT
NORTH CAROLINA
February 8, 2008

The US District Court for the Eastern District of North Carolina threw out the LPN's disability discrimination lawsuit.

An employer is never obliged to dispense with essential job functions when accommodating an employee's disability. A special temporary arrangement the employer had no obligation to offer in the first place does not create any long-term obligation. The hospital legitimately defined prolonged standing and the ability to lift and turn patients as essential for nurses in surgery. ***Storkamp v. Geren, 2008 WL 360991 (E.D.N.C., February 8, 2008).***