Hypertension/ Stress: Ruled Not Disabilities In Nurse's Discrimination Lawsuit.

She was hired as director of nursing and promoted to supervisor of patient-care services of the home health agency. During the whole time, however, there was a contentious relationship with the owner of the company and with the individual he had hired as administrator.

The nurse's physician put her on disability leave for high blood pressure caused by job-related stress. While out on leave she was sent a letter advising her she was being terminated.

The nurse sued for disability discrimination in violation of the U.S. Americans With Disabilities Act and her state's anti-discrimination laws.

Even if the nurse's physician did put her on disability leave for stress and hypertension due to her contentious relationship with her employer, that does not mean she is a disabled person for purposes of the disability discrimination laws.

UNITED STATES DISTRICT COURT, NEW YORK, 2000.

The U.S. District Court for the Western District of New York threw out the nurse's allegations of disability discrimination.

The court ruled a physician advising a patient to stay home from work due to work-related stress that is causing high blood pressure, even if the physician certifies the patient eligible for disability benefits, is not the same as a disability for purposes of a disability discrimination lawsuit. **Nowak v. EGW Home Care, Inc., 82 F. Supp. 2d 101 (W.D.N.Y., 2000).**

Pregnancy: Court Rules No Duty To Accommodate Lifting Restrictions, Employer Not Liable For Premature Birth.

An employer has no legal obligation to provide reasonable accommodation to an employee's pregnancy-related medical restrictions.

An employer is not required to let an employee keep working in a direct patient-care position if the employee is unable to perform the essential functions of the job.

By voluntarily reassigning an employee or by voluntarily trying to make the job easier, the employer does not take on a legal duty to provide reasonable accommodation. Nor does the employer take on legal responsibility in the event the job is still not compatible with the employee's pregnancy-related medical restrictions.

It would not make sense to penalize this employer for trying to make things easier for this employee. Fear of legal liability would deter other employers from trying to help in situations where they have no absolute requirement to make reasonable accommodation. That would not be good policy.

APPELLATE COURT OF ILLINOIS, 1999.

When the CNA became pregnant her physician imposed a twenty-five pound lifting restriction due to medical complications. The Appellate Court of Illinois did not go into the nature of the complications in the court record.

Her employer, a nursing home, although under no legal obligation to do so, elected to transfer her to a wing of the facility where two other CNAs would be working with her. They were encouraged to assist her with lifting tasks.

Her supervisor informed her the nursing home would not be able to accommodate the lifting restrictions imposed by her physician. She technically was still required to perform all her previous lifting chores per her job description as a CNA in a nursing home. She had the option take unpaid leave until her child was born, or to continue working at her own risk.

She could not afford not to keep working. She kept working and routinely lifted in excess of twenty-five pounds knowing it was against her physician's advice.

One day she felt sharp back pain while she and other CNA were lifting a resident. She kept working. Later the same morning she felt abdominal pain while lifting a resident. Her amniotic sac protruded from her vagina. She told her nursing supervisor, who told her to call an ambulance. She kept working until a friend came and drove her to a hospital.

The next day her baby was born prematurely and died the same day. She sued the nursing home and her supervisor for the wrongful death of her child.

The court ruled the situation was not the fault of the nursing home or the nursing supervisor and dismissed the lawsuit. The court said there is no legal requirement to provide light-duty accommodation for pregnancy-related medical conditions. **Brown v. Walker Nursing Home, Inc., 718 N.E. 2d 373 (Ill. App., 1999).**