

Reasonable Accommodation: Light Duty Need Not Be Continued.

When the LPN was hired she had an understanding with the person who hired her that she would be allowed to work in the hospital's emergency room or outpatient clinics rather than on the patient care floors where the physical requirements were too demanding for her.

The LPN had chronic venous insufficiency in her right lower leg, arthritis and degenerative joint disease in her right knee and lumbar radiculopathy, all of which made it difficult for her to stand and walk for extended periods and impossible for her to do any heavy lifting.

However, in the midst of a nursing staff shortage hospital management had to change its policies. All nurses would have to meet the hospital's standards for standing, walking, bending, stretching, pushing, pulling and being able to lift and turn patients. Secondly, the LPN position in the emergency department was eliminated, forcing the nurse in question to move to a nursing-home-care floor which, after only one day, proved impossible for her.

Employer's Reasonable Expectations No Disability Discrimination

The US District Court for the Middle District of Pennsylvania ruled the LPN could not sue for disability discrimination.

A patient-care facility has the right to require all its staff nurses to meet the legitimate expectations for the physical demands of direct patient-care work.

A nurse who is unable to meet the hospital's legitimate physical-capacity expectations does not have the right, under the rubric of reasonable accommodation, to have a light-duty position created or continued just to meet the nurse's special needs. That would be considered an undue hardship for the employer, that is, it would not be considered a reasonable accommodation. Hosier v. Nicholson, 2006 WL 2816604 (M.D. Pa., September 28, 2006).