



Working At Home As A Reasonable Accommodation: A Circuit-By-Circuit Survey

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Legal Experience

Mr. Yastrow has been engaged in the practice of labor and employment law since 1978, primarily with Laner, Muchin, Dombrow, Becker, Levin and Tominberg, Ltd. where he is a partner and Executive Committee member. Mr. Yastrow's legal expertise includes employment discrimination and harassment matters, employment litigation, mediations, collective bargaining, wage and hour matters, OSHA and arbitrations. He has published articles and lectured extensively on a wide array of employment topics and is a leading authority on Employment Practices Liability Insurance.

Admissions Information

Mr. Yastrow has been admitted to practice before the United States District Court for the Northern District of Illinois and the Illinois Supreme Court.

Bar Association And Other Memberships

Mr. Yastrow is a member of the Chicago Bar Association where he has served as the Chairman of the Labor and Employment Law Committee. He is also a member of the American Bar Association Labor Law Section and the Employee Rights and Responsibilities Subcommittee for which he serves as the Class Actions subcommittee management co-chair. Mr. Yastrow is a member of the College of Labor and Employment Lawyers and the American Employment Law Council. Mr. Yastrow holds an AV peer rating from Martindale Hubbell and has repeatedly been selected by his peers as one of Illinois' leading labor and employment attorneys. He also has been selected as one of America's Outstanding Lawyers and has received special mention in multiple editions of the Chambers Guide to America's Leading Business Lawyers as follows: "Yastrow has a terrific presence in the Illinois employment community." He has been "enthusiastically described to researchers as a top-notch guy and a classy litigator," "a wonderful gentlemen," "very much appreciated on both sides of the aisle," "a terrific problem solver" and someone who knows "when to fight and when to settle." In 2005-2007, Mr. Yastrow was selected as one of the world's preeminent management labor and employment attorneys in a peer review survey conducted by Who's Who Legal and also as one of Illinois' "Super Lawyers" in labor and employment law in 2005 2006, and 2007. Mr. Yastrow is a member of the Dartmouth Lawyers Association and a former member of the Daniel Webster Legal Society at Dartmouth College.

Education Summary

Mr. Yastrow graduated cum laude from Dartmouth College in 1975. At Dartmouth, Mr. Yastrow was named a Rufus Choate Scholar, the College's highest academic honor. He received his J.D. from Southern Methodist University (SMU), with concentration in labor relations law, in 1978. While at SMU, Mr. Yastrow served as an Editor of the Southwestern Law Journal and was elected to membership in the Barristers, the law school's most prestigious honor society.

Personal Data

Mr. Yastrow was born in Chicago, Illinois in 1954. He is married and has two children.

Mr. Yastrow has devoted much of his time to fund raising and related charitable activities. He is a founder and Executive Board Member of the Children's Brittle Bone Foundation (CBBF) and has testified before Congress on behalf of the CBBF.

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Legal Experience

Upon graduation from law school, Mr. Edelson joined Laner, Muchin, Dombrow, Becker, Levin and Tominberg, Ltd. in 2006. While in law school, Mr. Edelson interned in the Labor and Employment Division of the Corporation Counsel's Office of the City of Chicago.

Admissions Information

Mr. Edelson is licensed to practice in the State of Illinois.

Bar Association and Other Memberships

Mr. Edelson is a member of the American Bar Association, the Illinois State Bar Association, and the Chicago Bar Association.

Education Summary and Related Activities

Mr. Edelson graduated from the University of Michigan with a Bachelor of Arts degree in 2003. While in college, Mr. Edelson received University Honors. Mr. Edelson played singles and doubles for the Michigan Varsity Tennis Team, was a Michigan Scholar Athlete and earned Academic All Big-Ten honors. Mr. Edelson graduated from Chicago-Kent College of Law in 2006. In law school, Mr. Edelson was listed on the College of Law's Dean's List. Mr. Edelson also was a scholarship recipient from the Institute for Law and the Workplace and member of the Labor and Employment Law Society. In addition, Mr. Edelson was an editor for the Illinois Public Labor Relations Report.

Personal Data

Mr. Edelson was born in a suburb of Chicago and now resides in Chicago.

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I. KEY FACTORS IN DETERMINING WHETHER “AT HOME ACCOMMODATION” IS REASONABLE

In advocating for or against a proposed work-at-home accommodation, attention should be paid to the following factors. These factors have proven to be outcome determinative in the cases analyzed in the pages that follow.

1. Contents of applicable job description, if any.
2. Need for team work.
3. Existence of a policy permitting work at home.
4. Past practice of permitting employees to work at home.
5. Compliance (or lack of compliance) with work at home policy criteria.
6. Supervision of others.
7. Special knowledge or skills to which others must have ready access.
8. Providing or receiving on-site training.
9. Need for on-site meetings.
10. Need to use equipment or materials that cannot be removed from the regular workplace or duplicated elsewhere.
11. Use of information that cannot be taken offsite due to confidentiality or other considerations.
12. Likelihood of reduced productivity.
13. Cost effectiveness of proposed accommodation.
14. Will working at home actually accommodate a disability or is it merely a convenience that will make an employee “more comfortable?”
15. Availability of alternative accommodations.

II. CASE REVIEW AND DISCUSSION

A. Introduction

The frequency with which employees work remotely, including from their homes, has increased dramatically in recent years. As sophisticated communication devices become less and less expensive and increasingly portable, the barriers to working remotely continue to be removed. This, along with the increasing costs and inefficiencies of commuting, rising occupancy costs and the fact that working couples are the rule and not the exception, are all factors that contribute to the increased acceptance of telecommuting, or working at home.

To some degree, the courts seem to be lagging behind society at large when it comes to endorsing working at home as a reasonable and acceptable alternative to showing up at the plant or office. At least in the ADA context, most courts are reluctant, if not almost completely unwilling, to find that working at home is a reasonable accommodation for a disabled employee. Indeed, outside the Second, Ninth and D.C. Circuits, the chances that a plaintiff can survive summary judgment where the case turns on the reasonability of such an accommodation, are next to none as reflected in the following circuit-by-circuit summary.* Yet, as more and more employers voluntarily adopt telecommuting policies and the numbers of employees who regularly work remotely increase, it is not unreasonable to assume that courts will become more receptive to this concept as a reasonable accommodation. Indeed, one of the leading and most frequently cited cases on point, the Seventh Circuit's Vande Zande opinion, predicted as much back in 1995. (See p. 5.)

B. Survey Cases

1st Circuit

Kvorjak v. State of Maine, 259 F.3d 48 (1st Cir. 2001). Claims Adjudicator for Department of Labor's request to work at home was not a reasonable accommodation given that essential functions of his job included providing on-site advice to subordinates, discussing disposition of claims with claimants and their representatives and dispensing advice to the public.

Mulloy v. Acushnet Co., 460 F.3d 141 (1st Cir. 2006). Senior Electrical Engineer's request to work at home deemed unreasonable based upon job description and other evidence indicating that essential job functions included teamwork, troubleshooting, training and evaluating personnel. No other Electrical Engineer had ever performed the job remotely.

* Cases in which the courts have approved a work-at-home accommodation, or endorsed such an accommodation as a potentially reasonable one, are designated with an "*" in the text.

2nd Circuit

Hernandez v. City of Hartford,* 959 F.Supp. 125 (D. Conn. 1997). Employee suffering from premature labor sought to work at home for eight weeks as a reasonable accommodation. Court holds that plaintiff has presented a triable issue of fact and, in so doing, expressly rejects Seventh Circuit's standard enunciated in Vande Zande:

Vande Zande is not persuasive. First of all, Vande Zande involved an employee who requested to work at home full-time. Secondly, the Seventh Circuit's nearly per se rule regarding "at home" work flies in the face of the requirement of a case-by case, fact-specific inquiry. Id. at 132.

Parker v. Sony Pictures Entertainment, Inc., 19 F.Supp. 2d 141 (S.D.N.Y 1998), *rev'd on other grounds* 204 F.3d 326 (2d Cir. 2000). Working at home was not a reasonable accommodation for Director of Technical Services whose job required him to manage, train and regularly meet with his staff, to interact continuously with staff and superiors and to review work product on monitors located at the facility where he worked.

Lalla v. Consolidated Edison Co. of New York, Inc., 91 Fed. Appx. 701 (2d Cir. 2002). On-site inspection and other work on electrical lines were essential functions of the plaintiff's job. Therefore, working at home was not a reasonable accommodation.

3rd Circuit

Stanley v. Lester M. Prange, Inc., 25 F.Supp. 2d 581 (E.D. Pa. 1998). Plaintiff, who suffered from chronic back problems, worked as a Log Clerk for the defendant trucking company. After further injuring her back, she sought a work schedule which would permit her to work up to four hours per day at defendant's premises and the remainder at home. In concluding that the proposed accommodation was unreasonable, the court stated that:

The Plaintiff's position required her presence at the workplace in order to perform virtually all of the essential functions of her job. The Plaintiff's interaction with other employees included training the drivers, meeting with the drivers in order to review their logs with them, and addressing problems the drivers encountered on the road. Further, the computer into which the Plaintiff entered the drivers' logs was also located at the Defendant's office. Additionally, the Plaintiff has not presented any facts to indicate that this was one of the exceptional cases in which an employee's productivity and the quality of her performance would not be reduced by allowing her to work at home. Id. at 584.

Whelan v. Teledyne Metalworking Products, 2007 WL 776932 (3d Cir. 2007). Working from home was not a reasonable accommodation where the employer had consolidated its marketing operations at a single site to enhance supervision and realize administrative efficiencies. Plaintiff would have been the only non-outside salesperson to work at a different location. "Whelan's insistence on working from home would deprive Teledyne of the efficiency gains and better quality work product it wanted from consolidation." *Id.* at pg. 5.

4th Circuit

Davis v. Lockheed Martin Operations Support, Inc., 84 F.Supp. 2d 707 (D. Md. 2000). Working at home was not a reasonable accommodation for plaintiff, who suffered from pain in the groin and upper thigh, because her job required extensive group work and “face time in the office.” Plaintiff also lacked sufficient medical evidence supporting the need for the requested accommodation.

5th Circuit

Creswell v. Deere & Co., 1997 WL 667928 (N.D. Tex. 1997). Parts Order Scheduler who suffered from asthma and diabetes requested to work at home on days when she was too ill to report to work. Proposed accommodation was held unreasonable based on the following analysis:

Plaintiff adduces no evidence to show how working at home would allow her to be any more productive than going to work at the warehouse. In other words, if Plaintiff was too sick to attend work at the office, it is difficult for the Court to understand how working from home would make Plaintiff any less ill or allow her to recover from her illness more quickly. Id. at pg. 10.

Hypes v. First Commerce Corp., 134 F.3d 721 (5th Cir. 1998). Court rejects a proposal for flex time as a reasonable accommodation based on the conclusion that regular attendance was an essential job function. In so holding, the court observed that:

Hypes’ job required him to review various confidential loan documents, which could not be taken from the office. “An employer is not required to allow disabled workers to work at home, where their productivity inevitably would be greatly reduced.” Vande Zande v. State of Wis. Dept. of Admin., 44 F.3d 538, 544 (7th Cir. 1995). Furthermore, he was a part of a team and the efficient functioning of the team necessitated the presence of all members. “[T]eam work under supervision generally cannot be performed at home without a substantial reduction in the quality of the employee’s performance.” Id. at 544. Therefore, it was critical to the performance of his essential functions for Hypes to be present in the office regularly and as near as possible to normal business hours. Id. at 726-27

Phillips v. Farmers Ins. Exchange, 2006 WL 888095 (N.D. Tex. 2006). Plaintiff’s request to work at home was an unreasonable accommodation because her essential job functions required her to drive, and her job description explicitly stated that her job duties “sometimes had to be performed in the field.”

6th Circuit

Smith v. Ameritech Publishing, Inc., 129 F.3d 857 (6th Cir. 1997). Plaintiff's request to work at home deemed unreasonable based upon court's conclusion that he failed to establish that his case was an exceptional case where he could have "performed at home without a substantial reduction in quality of [his] performance." *Id.* at 867, *citing Vande Zande*, 44 F.3d 538, at 544.

Gatlin v. East Tennessee Children's Hospital, 76 F.Supp. 2d 839 (E.D. Tenn. 1998). Court follows the Seventh Circuit's *Vande Zande* opinion in holding that the plaintiff, who suffered from severe "congenital hip displacement," failed to provide sufficient evidence to demonstrate that her case was "one of those exceptional cases where [she] could have performed at home without a substantial reduction in quality of [her] performance." *Id.* at 845, *citing Vande Zande*, 44 F.3d 538, at 544.

Black v. Wayne Center, 225 F.3d 658 (6th Cir. 2000). No need for employer to modify its policy requiring onsite employment only as a reasonable accommodation given that alternative reasonable accommodation of medical leave and paid time off was made available.

7th Circuit

Vande Zande v. State of Wis. Dept. of Admin., 44 F.3d 538 (7th Cir. 1995). In this oft-cited opinion, Judge Posner instructed as follows:

*Most jobs in organizations public or private involve team work under supervision rather than solitary unsupervised work, and team work under supervision generally cannot be performed at home without a substantial reduction in the quality of the employee's performance. This will no doubt change as communications technology advances, but is the situation today. Generally, therefore, an employer is not required to accommodate a disability by allowing the disabled worker to work, by himself, without supervision, at home. This is the majority view, illustrated by Tyndall v. National Education Centers, Inc., 31 F.3d 209, 213-14 (4th Cir. 1994), and Law v. United States Postal Service, 852 F.2d 1278 (Fed. Cir. 1988) (per curiam). The District of Columbia Circuit disagrees. Langon v. Dept. of Health & Human Services, 959 F.2d 1053, 1060-61 (D.C. Cir. 1992); Carr v. Reno, 23 F.3d 525, 530 (D.C. Cir. 1994). But we think the majority view is correct. An employer is not required to allow disabled workers to work at home, where their productivity inevitably would be greatly reduced. No doubt to this as to any generalization about so complex and varied an activity as employment there are exceptions, but it would take a very extraordinary case for the employee to be able to create a triable issue of the employer's failure to allow the employee to work at home. *Id.* at 544-45.*

Schneider v. Continental Cas. Co., 1996 WL 944721 (N.D. Ill. 1996). Court rejects working at home as reasonable accommodation for Environmental Health Consultant with back condition, reasoning as follows:

[C]NA was not required to accommodate Schneider by allowing her to work at home without supervision. Schneider's position at CNA required team work: Schneider's duties required her to interact with corporate training and development people, develop videos and training aids, answer questions from underwriting and claims and participate in the environmental task force. Therefore, working at home would substantially reduce the quality of Schneider's job performance. Id. at pg. 8.

Wojciechowski v. Emergency Technical Services Corp., 1997 WL 164004 (N.D. Ill. 1997). Inside Sales Representative with metastatic breast cancer could not work full-time, and defendant offered her a part-time, lower paying position. Plaintiff rejected this offer and sought to retain her same position with the ability to work at home some of the time. The court held the proposed accommodation unreasonable:

As the Seventh Circuit held in Van Zande, "[I]t would take a very extraordinary case for the employee to be able to create a triable issue of the employer's failure to allow the employee to work at home."

As Plaintiff gives no reason to believe her case is such an extraordinary case, the Court finds Defendant was not obligated to accommodate Plaintiff by allowing her to work at home. Specifically, Plaintiff fails to demonstrate that her proposed accommodation is reasonable in terms of either efficiency or cost-effectiveness. She does not show that working at home would have allowed her to regularly and predictably work full-time, not to mention perform each of her other essential duties to her employer's legitimate expectations. But just as important, Plaintiff fails to show that the work-at-home option is cost-effective in her case. Without such showing, the Court finds Plaintiff has failed to establish that the suggested work-at-home accommodation was reasonable. Id. at pg. 4.

Stubbs v. Marc Center, 950 F.Supp. 889 (C.D. Ill. 1997). Court held that Finance Director's proposed accommodation of working at home is unreasonable because he had to meet various individuals and groups behind closed doors, solve crises for his staff which could arise daily, and it could lead to problems with sharing certain information and documentation that coworkers might need access to on short notice -- notwithstanding that he lived three blocks away.

Cruz v. Perry, 2003 WL 1719995 (N.D. Ill. 2003). Court holds that only in extraordinary cases can an employee create a triable issue based on an employer's failure to allow the employee to work at home. In rejecting the employee's request to work at home three days per week as a reasonable accommodation, the court commented that:

According to Cruz, her migraine headaches are intermittent and unpredictable and whenever she has a migraine headache, she is unable

to work. But having a migraine headache would cause Cruz to be unable to work whether she was at the work site or at home. Working from home would neither lighten Cruz's workload nor alter her start time. Indeed the only resulting benefit of Cruz's proposed accommodation is the shortening of her commute time, which according to Cruz would reduce her level of stress and thus reduce the frequency of her headaches. But the length of Cruz's commute is the result of her choice to live in the suburbs, rather than the result of any disabling condition. Id. at pg. 5.

Rauen v. U.S. Tobacco Mfg. Ltd. Partnership, 319 F.3d 891 (7th Cir. 2003). Software Engineer's request to work at home deemed unreasonable because, based upon her own admission, essential functions, which included monitoring and coordinating outside contractors' work and being available to answer their questions, could not be performed outside the workplace.

8th Circuit

Heaser v. Toro Co., 247 F.3d 826 (8th Cir. 2001). Marketing Services Coordinator's request to work at home was unreasonable because the computer software necessary to the performance of her job could not be accessed remotely.

Gits v. Minnesota Min. and Mfg. Co., 2001 WL 1409961 (D. Minn. 2001). Plaintiff's request to work at home as a reasonable accommodation due to his multiple chemical sensitivities rejected. The court upholds the employer's determination that the proposed accommodation was unreasonable because the plaintiff's Team Leader position involved managing and improving the product line and a need to be present at the laboratories that contained the employer's product samples.

Morrissey v. General Mills, Inc., 37 Fed. Appx. 842 (8th Cir. 2002). Telecommuting was not a reasonable accommodation for Inventory Accountant who suffered from lung disease because the accommodation would have imposed an undue burden on the defendant. Specifically, the company employed only two Inventory Accountants and standard accounting practice was that only original invoices with original signatures were paid. If the plaintiff telecommuted, the company would have had to hire a courier to deliver hundreds of invoices to the plaintiff's home each week, likely requiring multiple trips per day. The court noted that the defendant was not required to hire an additional employee to accommodate another employee's disability. Further, the use of a courier could have created the risk of possible "disclosure of confidential, proprietary information." Employers are not required to risk compromising the confidentiality of internal information to accommodate an employee's disability. *Id.* at pg. 2; *see also Hypes v. First Commerce Corp.*, 134 F.3d 721, 726 (5th Cir. 1998). Finally, the court noted that the invoices would need to be logged out and then logged back in, creating several hours' additional work each week for the only other Inventory Clerk. An accommodation that would result in other employees having to work harder or longer hours is not required. *Id.* at pg. 2; *see also Milton v. Scrivner, Inc.*, 53 F.3d 1118, 1125 (10th Cir. 1995).

9th Circuit

Norris v. Allied-Sysco Food Services, Inc.,* 948 F.Supp. 1418 (N.D. Cal. 1996). Reasonable jury could find that Brand Manager's request to work at home was reasonable accommodation for her back injury and related medical conditions because the position was primarily administrative in nature and involved paperwork, working on the computer and talking on the telephone.

Humphrey v. Memorial Hospitals Ass'n,* 239 F.3d 1128 (9th Cir. 2001). Employer's rejection of employee's request to work at home based upon her disciplinary record improper because the discipline in question was the result of tardiness and absenteeism occasioned by her disability, and physical presence at the employer's offices was not an essential job function. The court so held notwithstanding the following description of the plaintiff's condition:

In 1989, Humphrey began to experience problems getting to work on time, or at all. She engaged in a series of obsessive rituals that hindered her ability to arrive at work on time. She felt compelled to rinse her hair for up to an hour, and if, after brushing her hair, it didn't "feel right," she would return to the shower to wash it again. This process of washing and preparing her hair could take up to three hours. She would also feel compelled to dress very slowly, to repeatedly check and recheck for papers she needed, and to pull out strands of her hair and examine them closely because she felt as though something was crawling on her scalp. She testified that these obsessive thoughts and rituals made it very difficult to get to work on time. Once she realized that she was late, she would panic and become embarrassed, making it even more difficult for her to leave her house and get to work. Id. at 1130.

10th Circuit

Moore v. Walker, 24 Fed. Appx. 924 (10th Cir. 2001). Federal government employer properly concluded that it could not accommodate plaintiff's request to permanently work at home without supervision four days per week, notwithstanding the fact that, under the employer's policy, the plaintiff was permitted to work at home "as often as possible, even up to eighty percent of the time." The court held that plaintiff's work as an Evaluator, who was responsible for performing audits and evaluations of federal agencies, which included interviewing people, gathering data, attending team meetings and collaborating with co-workers "could not be performed at home on such a full-time, permanent basis." Id. at 929.

Spielman v. Blue Cross and Blue Shield of Kansas, Inc., 33 Fed. Appx. 439 (10th Cir. 2002). Court rejects working at home as a reasonable accommodation because employee did not meet established performance requirements for employees seeking to work at home:

In this case, we need not resolve the question of whether, as a general rule, at-home work may constitute a reasonable accommodation under the ADA. Blue Cross introduced evidence establishing that it had promulgated a policy regarding working at home and Ms. Spielman did

not meet this criteria for working at home under this policy (an 80% performance rate for open cases). Moreover, as further discussed below in relation to Ms. Spielman's wrongful termination claim, Blue Cross's evidence establishes that, there were substantial difficulties with Ms. Spielman's work performance over an extended period of time. In light of these difficulties, even assuming that working at home may constitute a reasonable accommodation under the ADA, a reasonable factfinder could not have concluded that allowing Ms. Spielman to work at home constituted a reasonable accommodation in these circumstances. Id. at 444.

Mason v. Avaya Communications, Inc., 357 F.3d 1114 (10th Cir. 2004). Service Coordinator's proposed accommodation of working at home not reasonable because: (1) attendance at work is an essential function for employees in this position; (2) all Service Coordinators perform all of their duties at the workplace; (3) the employer had never permitted a Service Coordinator to work off site; and (4) Service Coordinators could not be adequately trained or supervised if they worked remotely.

Chan v. Sprint Corp., 351 F.Supp. 2d 1197 (D. Kan. 2005). Plaintiff complaining of a hypersensitivity to cigarette smoke was offered the option to telecommute, but she argued that telecommuting or teleconferencing would not allow her "to attend social and cultural events on campus or use the cafeterias and various retail stores on the campus." Regarding this assertion, the court noted that there is no authority suggesting that the "privileges and benefits" protected under C.F.R. § 1630.2(o)(1)(iii) include such activities. The ADA was not designed to protect individuals who cannot participate in activities important to the individual, that are not significant within the meaning of the ADA.

Becerra v. Earthlink, Inc., 421 F.Supp. 2d 1335 (D. Kan. 2006). Court upholds employer's denial of work at home accommodation for Process Manager with fibromyalgia. The employer had never previously authorized telecommuting, and it argued that such an arrangement would be problematic in its small office where camaraderie and teamwork were important in order to service clients. Further, it would be disruptive and create morale issues to permit the plaintiff to work from home, while others were required to work in the office, and plaintiff would not be able to interact with other employees in the office nor be adequately supervised if she worked at home.

11th Circuit

Whillock v. Delta Air Lines, Inc., 926 F.Supp. 1555 (N.D. Ga. 1995). Court held that Online Reservations Agent who suffered from multiple chemical sensitivity syndrome was not entitled to accommodation of working at home based inter alia on the conclusion that many of the essential functions could not be performed off-site including: accessing defendant's database, inability to share computer terminals as part of around-the-clock operations, need for on-site supervision and extensive on-site and in-person training, as well as evaluation, counseling and teamwork.

Paleologos v. Rehab Consultants, Inc., 990 F.Supp. 1460 (N.D.Ga. 1998). Regional Clinical Coordinator at medical facility was not entitled to work at home as reasonable accommodation because essential functions of her job included supervising nursing staff and visiting treatment facilities.

D.C. Circuit

Howard v. Gutierrez,* 2005 WL 3274394 (D.D.C. 2005). Defendant rejected plaintiff's request to work at home as an unreasonable accommodation because plaintiff could not remotely access a certain computer database from home and would not be able to have face-to-face meetings with other employees. The court denied summary judgment for defendant based, inter alia, on a fact issue regarding whether the essential functions of plaintiff's position could be performed if she telecommuted part of the week. In so holding, the court observed that:

One of the essential functions for a surgeon is certainly to perform surgery. Were a surgeon to schedule his week so that he spent one day at his office examining patients, two days at home reviewing charts, and two days in the surgical theater operating, one could not state that he was failing to fulfill the requirements of his job simply because he was not performing one of its essential functions on three out of five days of the work week. Id. at pg. 3.

Woodruff v. Peters,* 482 F.3d 521 (D.C. Cir. 2007). Plaintiff suffering from a back injury survived summary judgment as to whether federal government employer reasonably accommodated plaintiff's disability after plaintiff's telecommuting agreement was rescinded. Employer's Telecommuting Handbook provided for work at home option, and the plaintiff's job description suggested that plaintiff did not have to be physically present in the office.