

Severson Stands: Long-Term Leaves of Absence are No Longer Reasonable Accommodations Under the ADA

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Management-side attorneys and their clients can breathe a sigh of relief after the Supreme Court declined to take up a challenge to the Seventh Circuit's ruling in *Severson v. Heartland Woodcraft, Inc.* 872 F.3d 476 (7th Cir. 2017). In *Severson*, the Seventh Circuit clarified employers' obligations under the Americans with Disabilities Act ("ADA") when it ruled that multi-month leaves of absence are not reasonable accommodations.

A brief summary: Heartland Woodcraft terminated Mr. Severson after he did not return to work from a 12-week medical leave of absence under the Family Medical Leave Act and, instead, requested an additional two to three months of leave. Mr. Severson sued, alleging that Heartland Woodcraft violated the ADA by failing to reasonably accommodate his disability. The Seventh Circuit upheld summary judgment for Heartland Woodcraft, finding that a long term medical leave of absence falls outside of the scope of a reasonable accommodation because it does not enable an employee to work, but instead "excuses his not working." The court left open the possibility that "intermittent time off or a short leave-say, a couple of days, or even a couple of weeks-may, in appropriate circumstances, be analogous to a part-time or modified work schedule."

What does this mean?: With the denial of Mr. Severson's petition for writ of certiorari, the Seventh Circuit's *per se* rule that a long-term leave of absence cannot be a reasonable accommodation stands. While employers in Illinois, Indiana and Wisconsin should still engage in the interactive process when receiving employee requests for accommodation and look for accommodations that will allow the employee to do his or her job, this means that employers no longer need to guess at how long they are obligated to hold a job open for an absent employee.

For more information on this topic, please contact a member of Benesch's Labor & Employment Practice Group:

Eric Baisden at ebaisden@beneschlaw.com or 216.363.4676.

Margo Wolf O'Donnell at modonnell@beneschlaw.com or 312.212.4982.