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Store Manager with Bad Knee Could Not Perform Essential Functions of Job

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By Teresa D. Teare

A former store manager at Walgreens stores in Connecticut and Massachusetts could not prove her discrimination and failure to accommodate claims under federal and Massachusetts anti-discrimination law because her permanent knee problems rendered her unable to perform essential job functions, the 1st U.S. Circuit Court of Appeals ruled.

Pamela Jones worked as a store manager at Walgreens for approximately 20 years. After a workplace injury, she underwent surgery on her knee. Thereafter, she returned to work with limitations including that she would lift no more than 25 pounds and could exert herself only to minimal bending, stooping and squatting.

About two years later, Jones reported that she was having difficulty walking and shelving items, and complained that she was working longer hours than were medically advisable. In turn, her supervisor requested updated medical information. The updated medical information showed that Jones had several permanent physical restrictions. Jones could not bend, stoop or reach below her knees. She could not squat, kneel, climb stairs or use ladders. She could not stand or walk for more than 30 minutes a day. In addition, Jones' doctor stated that she had "reached end maximum medical improvement."

Based on the medical documentation Jones submitted, Walgreens concluded that she could no longer perform the essential functions of her position as store manager. Walgreens terminated Jones.

Jones brought claims under federal and state law claiming that the company discriminated against her based on her disability and failed to accommodate her. The trial court, however, ruled in favor of the employer and granted it summary judgment finding that no reasonable jury could find that Jones had been discriminated against. The 1st Circuit affirmed that finding.

In order to succeed on her claims of disability discrimination, Jones had to show that she was disabled within the meaning of the Americans with Disabilities Act; she was able to perform the essential functions of her job with or without accommodation; and she was discharged or adversely affected, in whole or in part, because of her disability. With regard to the second prong, the court found that Jones could not prove that she could perform the essential functions of her job, and therefore, her claim failed.

An essential function is one that is fundamental to a position. Courts give deference to an employer's judgment regarding which functions are essential to a given position. In doing so, courts, like the one in this case, closely review the job description for the position. Walgreens' job description for store manager made it clear that the position was an "on-your-feet post requiring routine physical activity." Being a store manager at Walgreens required maintaining the store condition; performing maintenance; and erecting and taking down endstands, promotional information and display tables.

While Jones asserted that she could have delegated those physical tasks to other employees, the court did not find this argument of any consequence. The court noted that obviously certain tasks associated with any position can be reduced, reassigned or reallocated, but that does not render those functions nonessential to the position. Accordingly, because Jones could not perform the essential functions of her job, she had no claim for disability discrimination.

Finally, the court held that Jones' failure to accommodate claims failed, too. Walgreens was not under a legally imposed obligation to go further than it did or engage in a more demanding interactive process to accommodate Jones. Relying on 1st Circuit case law, the court stated that "an employer's duty to accommodate does not arise unless (at a bare minimum) the employee is able to perform the essential functions of [her] job with an accommodation." Because of the laundry list of tasks Jones was medically barred from performing, the court did not believe that a reasonable jury could find that Jones could perform the essential functions, with or without accommodation. The court emphasized that the law does not require an employer to accommodate a disability by foregoing an essential function of the position or by reallocating essential functions to make other workers' jobs more onerous.

Jones v. Walgreen Co., 1st Cir., No. 11-1917 (May 10, 2012).

Professional Pointer: Detailed and accurate job descriptions are imperative to identify the essential functions of a job and should be reviewed on a regular basis to ensure they accurately capture the duties of a particular position.

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