

2nd Cir.: Deaf Engineer Reasonably Accommodated with Sign Language Interpreters

By Stephen J. Dunn 6/18/2015

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IBM reasonably accommodated a deaf employee by providing American Sign Language (ASL) interpreters capable of translating video and audio files posted on the company's intranet, the 2nd U.S. Circuit Court of Appeals held.

Alfred Noll had sued under the Americans with Disabilities Act (ADA), alleging that IBM should be required to provide video captions and transcripts of audio files posted on the company's internal website. IBM argued that it satisfied its obligation to reasonably accommodate Noll's disability by providing ASL interpreters to translate the online materials.

Noll is a software engineer and has been employed by IBM since 1984. He regularly makes use of several accommodations provided by IBM, including onsite and remote ASL interpreters, Internet-based real-time transcriptions, and video relay services. However, Noll found it "confusing and tiring" to look back and forth between online videos and ASL interpreters. He requested as an additional accommodation that all intranet videos be captioned and that all audio files have transcripts at the time they are posted.



The district court granted IBM's motion for summary judgment, finding that the accommodations provided were "plainly reasonable." The 2nd Circuit affirmed.

Under the ADA, an employer is required to provide an accommodation of an employee's known disability unless doing so would impose an undue burden. A reasonable accommodation is one that enables the employee to perform the essential functions of the position or to enjoy the same benefits and privileges of employment as nondisabled employees.

Reasonable accommodation may take many forms, but the key is that it be effective. Employers are not required to provide a perfect accommodation or the one most strongly preferred by the employee. Ultimately, the employer has discretion to choose between effective accommodations, and it may choose the less expensive option or the accommodation that is easier to provide.

The court found that IBM satisfied its obligation by providing ASL interpreters, noting that the ADA regulations specifically identify the provision of qualified readers or interpreters as a reasonable accommodation. The court also found it significant that Noll is fluent in ASL and that he conceded ASL interpreters were effective for him in live meetings.

» Having determined that the accommodation provided by IBM was "plainly reasonable," the court concluded that Noll had no separate claim for failure to engage in the interactive process. Under the ADA, the purpose of requiring an interactive process is to discover a means by which an employee's disability may be accommodated. Since that purpose was accomplished here, IBM's alleged failure to engage in the interactive process did not give rise to a separate discrimination claim.

Noll v. International Business Machines Corp., 2nd Cir., No. 13-4096-cv (May 21, 2015).

Professional Pointer: The key in accommodating employees with disabilities is to determine what works. Often, there will be more than one effective option. The purpose of the interactive process is to explore the possibilities. While it is ideal if the employee accepts the employer's proposed accommodation, this case confirms that when choosing among equally effective options, ultimately it is the employer's call.

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