

# Evaluating Work from Home Accommodation Requests: Will New EEOC Lawsuit Signal A Wave Of Similar Litigation?

## Labor & Employment Law Update

on September 17, 2021



Last week, the EEOC filed a federal lawsuit in Georgia against an employer that did not allow an employee with a medical condition to work from home. Employers should carefully consider the circumstances at issue in this lawsuit when evaluating work-from-home accommodation requests as we anticipate litigation of this sort will arise more frequently in the coming months.

The employee at issue (“Moncrief”) worked as a Health Safety & Environmental Quality Manager at a pharmaceutical manufacturing facility. She has a number of physical impairments, including chronic obstructive lung disease and hypertension, that limit her ability to breathe, walk, and work, among other things. In March of 2020, Moncrief’s doctor recommended that she work from home. And around the same time, the employer had Moncrief and many other employees work from home for COVID-19 related reasons.

As the EEOC tells it, working from home improved Moncrief’s condition. However, in June 2020, the employer required Moncrief and all other employees to resume working at the facility five days per week. The EEOC alleges that Moncrief then asked to work from home two days per week, but that request was denied and Moncrief was terminated shortly thereafter.

Now, to be clear, this case is in its earliest stages, and the employer has not yet had the opportunity to tell its side of the story.

That said, the main take-away for employers is this: Because so many companies were able to successfully transition employees to remote work arrangements during the pandemic, it will be harder than ever before to deny employee requests for medical accommodations in the form of work-from-home arrangements.

This does not mean that employers must allow employees with medical conditions to work from home. The law does not require employers to always give employees the exact accommodation they request—and employers have considerable discretion to choose their preferred accommodation so long as it is effective in removing the workplace barrier that led to the accommodation request.

The bottom line is that employers—particularly employers who prefer to require employees to work on-site—must be creative in exploring reasonable accommodations that will effectively allow employees with medical conditions to perform the essential functions of their jobs. Employers should keep in mind, too, that it is imperative that all reasonable accommodation discussions are documented in writing, particularly where an employer has not provided the employee's preferred accommodation. As always, questions regarding these issues should be directed to experienced labor and employment counsel.

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