

JAIL EMPLOYEE FIRED FOR SLEEPING ON THE JOB, OR WAS IT DISCRIMINATION?



A man working at a sheriff's department was fired for constantly sleeping on the job. He claims that his termination was in actuality a violation of Title VII of the Civil Rights Act and the Americans with Disabilities Act (ADA). His case was made in front of district and appellate judges. The man was employed as a detention deputy at the Sedgwick County Sheriff's Department in Wichita, KS, for nearly a decade. He was twice suspended and received counseling in 2006 for falling asleep on the job three separate times. He was discovered sleeping on the job three additional times in 2007, and he denied each time that he had been asleep. Due to five separate disciplinary violations, the man was placed in a "reckoning period," which required that he avoid further offenses. He was dismissed from his position following a third violation during this period. He'd likewise been given a marginal performance rating and was in the midst of a 90-day probation period at the time he was fired. The man alleged that he was fired because he is black and has attention-deficient hyperactivity disorder (ADHD). He declared his ADHD as a disability and stated that the sheriff's department failed to accommodate his request to work in the jail lobby, as he was "distracted, bored and drowsy" while completing what he considered mundane duties.



The former employee filed a complaint in a district court. The court did not believe that the plaintiff had offered sufficient evidence of his ADHD, as he'd merely claimed it as a condition and did not show how it limited "major life activities." Even if the disorder was recognized as a disability by the ADA, the man had not shown how reasonable accommodation would allow him to perform essential functions of the job, which demand constant monitoring and the need to stay awake. The defendants stated that the requested accommodation was not even feasible, since the lobby is typically used as light-duty work on a temporary basis. It affords the opportunity for rotating positions and was not intended for any employee's permanent placement. Similarly, the court found no evidence of unfair treatment with regard to the discrimination claim. Other detention deputies had been disciplined for sleeping while on duty but none had been terminated. However, none of the employees had more than three incidents. The court consequently saw no proof of pretext in terminating the plaintiff's employment. It granted summary judgment in favor of the defendants. On appeal, the plaintiff submitted a report with an ADHD diagnosis, but there was no specification of any potential limitations. As such, the appeals court agreed with the dismissal of the ADHD claim and dismissed the issue of accommodation entirely. The man's evidence to support racial discrimination – a sheriff saying that he would put a dress on the plaintiff and a supervisor voicing his intention to get the man fired – failed to suggest any racial motivation. The Title VII claim was likewise dismissed, and the district court's grant of summary judgment was affirmed.