

CHURCH SECRETARY BELIEVES SHE SHOULD BE ACCOMMODATED FOR HER DISABLED DAUGHTER



Most people who are fired due to a disability will allege a violation of the ADA (Americans with Disabilities Act). But what about claiming that a family member's disability was the reason for termination? That's exactly what a former employee of St. Mark United Methodist Church asserted in her lawsuit. The woman had worked for the Illinois church for a short time in the late nineties and was rehired as a receptionist/secretary in 2006. Her daughter is mentally challenged and was living in an assisted-living facility. The woman was permitted to take her daughter home with her on weekends. From 2006 to early 2008, she was working part-time on evenings and weekends. In February 2008, she accepted a full-time position with a Monday-Friday schedule. The church's other secretary – and the woman's supervisor – worked every day except Monday. Soon after the woman's bump to full-time, the supervisor proposed that the two secretaries alternate weekends. The woman was asked several times by the Reverend and the committee chairman to work weekends, but she refused, even after the chairman told her it was a "non-negotiable request." The church claimed that a schedule of two consecutive weekends off and two on had been suggested, but the woman testified that she had only been asked to work weekends in addition to her regular schedule. In November, the church's other secretary took a few weeks off because of illness. While the other woman covered the extra workload, her work was criticized, including scheduling and coordinating staff, operating the answering machine and her unsatisfactory phone etiquette. The Reverend stated in court that the woman's poor work performance was an "ongoing issue," but the woman testified that the church had complained of her performance on only one occasion. The woman received a five-percent raise in January 2009. This was an "across-the-board" raise for all employees – excluding recently-hired part-time – not one based on merit. That same month, committee members were planning to meet to discuss firing the secretary. She arrived an hour late the day prior to the committee meeting, due to a medical situation with her daughter. The following day, she was terminated. The woman's resultant lawsuit claimed that she was fired for her inability to work weekends and her hour-late arrival. The reputed subpar work performance, she claimed, was a pretext, and her firing was an ADA violation via associational discrimination. The district court granted summary judgment in favor of the church, and the plaintiff appealed. Appellate judges noted that the church's decision to terminate the woman was made the weekend before her late arrival. The woman had not offered evidence to dispute this or evidence to show that anyone was unhappy that she was at work an hour late. Furthermore, she failed in proving pretext by showing that her raise was actually merit-based. The church, for its part, had presented evidence that the plaintiff had been made aware of her inadequate work performance before she was fired. But most significantly, the ADA only protects employees who are disabled, not employees with disabled relatives, so the church was under no obligation to accommodate her schedule. The district court's ruling was affirmed.