

## DISCRIMINATION LAWSUIT AGAINST ALLIANT ENERGY QUESTIONS "ESSENTIAL FUNCTIONS" OF JOB



To prove that an employee has been discriminated based on a disability, a person must show a failure for providing reasonable accommodation. But that person must also show that he/she can perform essential functions of a job if reasonably accommodated. These essential functions were the crux of a recent lawsuit from a woman who alleged that Alliant Energy Corporate Services violated the ADA (Americans with Disabilities Act). The woman was the Resource Coordinator at Alliant's Distribution Dispatch Center (DDC) in Cedar Rapids, IA. Because DDC employees often handle emergency situations 24 hours a day, the Resource Coordinator is required to work a rotating shift. The woman has Type I diabetes, relies on insulin and must test her blood sugar throughout the day. She also suffers from Peripheral Vascular Disease, which limits circulation to her legs and feet. She found working a rotating shift increasingly more difficult to manage due to her conditions. She contacted the company's HR about a possible accommodation. She submitted a form, completed by her physician, which recommended that she only work straight day shifts. The request was denied, as the company stated that a rotating shift was an "essential function" because the position demanded 24-hour service. The HR rep suggested taking another position with a straight day shift, but the woman turned down three offers, as the positions necessitated walking, less pay or relocation. While on leave for surgery, she applied for the DDC Administrator position, one with her desired shift. She was one of six applicants to be interviewed but was not hired. Upon her return from medical leave, she was given temporary light duty. Her doctor recommended that she work a permanent day shift. Because of this, Alliant did not reinstate her as a Resource Coordinator but allowed her to use her paid leave for finding another position. She declined more jobs offered to her and ultimately never applied for another position, receiving long-term disability benefits based on Alliant's disability plan. She sued, alleging violations of the ADA and Iowa state laws. The case was removed to federal court, where Alliant argued that the woman wasn't qualified under the ADA because she couldn't perform essential functions of the job. The district court agreed and ruled in the company's favor. On appeal, Alliant did not dispute that the woman was disabled. The only dispute was whether or not she could perform functions that the company considered essential. The woman countered by asserting that a rotating shift was not essential for the job and that she would be able to handle the necessary functions with a day shift. Appellate judges, however, sided with both Alliant and the district court, noting in particular that a rotating shift was listed as a requirement in the job description. The woman argued that the DDC in Washington used a permanent shift, but it functioned under different circumstances. She also argued that statements made by management proved that the day shift was a possibility, but judges stated that it wasn't the courts' responsibility to question Alliant's decision in not creating permanent shifts. If the rotating shift was essential for the job, then the request for a day shift meant that the woman couldn't perform the job with or without reasonable accommodation. The appeals court affirmed the district court's decision.