

## TELECOMMUTING DOESN'T WORK FOR ALL JOBS



**Summary:** Ford Motor Company won an unusual ADA case refusing special accommodations to telecommute four days a week. Not all cases like it will be awarded the same.

A district court sided with [Ford Motor Company](#) in denying a disabled employee the right to telecommute four days each week. The former employee had requested being allowed to work four days at home after already receiving approval to work two days at home.

While the court sided with Ford in this case, it does not mean all employers will win the case against denying special accommodation requests for [telecommuting](#) with disabled employees. In the instance of this particular case, the employer already had bad reviews when working two days a week telecommuting, making it clear that she couldn't handle telecommuting. The appeals court sided with the EEOC before agreeing that the full panel of judges should make the call about whether the case should move on to a full trial, and that panel then sided with Ford.



[caption id="attachment\_22665" align="alignnone" width="300"]

Eric B Meyer[/caption]

Labor and employment law attorney Eric B. Meyer of Dilworth Paxon LLP suggests that employers be cautious in how employees are treated. Give written job descriptions that clearly state when attendance is an essential function. It would be smart to have the employees sign off on the job description when they are hired so that it is clear that they understand what is expected of them. More importantly, managers need to uphold the job descriptions, because if a manager lets one employee telecommute once, it will become harder to prove in-office attendance is necessary as an essential function of the job. Treat each accommodation request individually; there is no one-size-fits-all method in how special requests are treated. Different jobs may have different essential functions that require more or less from an employee.

Technology has come a long way to make [telecommuting](#) possible, but there are some jobs that require more hands-on in-person interaction, so it is up to the company to make sure that all job descriptions state such requirements.

Source: <http://hrmorning.cpm/ada-telecommuting-ruling-not-employers/>

Meyer photo source: LinkedIn.com