

Commute Accommodations for Disabilities Spur Federal Court Rift

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Michael Schmidt was quoted in *Bloomberg Law* discussing the recent decision by the U.S. Court of Appeals for the Seventh Circuit joining the Second and Third Circuits in holding that the Americans with Disabilities Act can require an employer to accommodate a disabled worker in getting to and from work. The appeals court revived a lawsuit that the EEOC brought on behalf of a Charter Communications LLC employee who has problems driving at night. "The possibility that the ADA's accommodation requirement covers the commute — as seen in the *Charter Communications* decision — underscores that employers shouldn't assume that regular work attendance at certain times is an essential job function," said Mike. "Make sure you've identified and can justify essential functions. An employee might need a modified schedule because they have an eye condition and can't work later hours. That might be an accommodation that's reasonable and required. It's up to a fact finder to decide that," he said.

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