



Federal court upholds two-year limit on medical leave of absence

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The Sixth Circuit Court of Appeals in Cincinnati (which hears cases from Ohio, Michigan, Kentucky, and Tennessee) has upheld the action of an Ohio school district which refused to allow an injured employee to return to work after her two years of medical leave had expired. In so doing, the court rejected claims that the district's actions violated the Americans with Disabilities Act (ADA).

The fact pattern in this case was typical of that experienced by many school districts when a classified employee is injured on the job. The employee in question, a custodian for the Columbus City Schools, hurt her shoulder at work. After she had exhausted all of her sick leave and vacation days, she applied for an unpaid leave of absence and began receiving Workers' Compensation. Her unpaid leave was renewed multiple times, until more than two years had passed. After approximately two years and seven months, she wrote a letter to the Board of Education stating that she would be "returning to work," and that she was "disabled" and "will need accommodations." The Board's Director of Human Resources rejected her request, effectively terminating her employment. The reason given was that the maximum two-year period for an illness/disability leave of absence under the union contract had been exceeded. The employee then filed a claim for disability discrimination, saying that the district had failed to meet its legal duty to accommodate her condition. This claim was ultimately rejected by the Court because the employee had "never asked the Board to accommodate her physical disabilities within the two-year time frame."

Although this case dealt with the application of a union contract provision, it would appear to be relevant in virtually all Ohio school districts, since the two-year unpaid leave period involved in the case is based on wording of an Ohio school statute.

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