

# LEGAL EAGLE EYE NEWSLETTER

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*For the Nursing Profession*

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## Back, Neck, Shoulder Injuries: Nurse's Disability Discrimination Case Dismissed.

A staff nurse worked in a university hospital's hyperbaric and vascular surgery unit. The patients on the unit are bedridden, wheelchair-bound amputees and other severely disabled individuals. Many are morbidly obese.

Nursing tasks on the unit are very demanding physically. Patients usually have to be helped. Often they have to be lifted bodily from carts or wheelchairs, on and off examining tables and on and off bathroom commodes. The patients can faint or fall at any time.

The hospital expects nurses on this unit to be able to exert themselves physically and to be able to work alone.

### **Medical Restriction From Injuries No Heavy Lifting**

The nurse in question injured her back, neck and shoulder in a car accident. She returned to work and injured her back, neck and shoulder again lifting a heavy patient. When she was released to return to work this time she had medical restrictions on lifting that prevented her from performing her job.

### **Reasonable Accommodation Was Offered**

According to the Supreme Court of Iowa, the university hospital system fulfilled its legal obligation to offer the nurse reasonable accommodation. Human resources assigned an accommoda-



***The Americans With Disabilities Act requires an employer to offer reasonable accommodation to any employee who becomes disabled.***

***However, any accommodation that places the burden of performing one employee's job responsibilities on other employees substantially impinges on the rights of other employees and is inherently unreasonable.***

SUPREME COURT OF IOWA, 2002.

tion specialist to help her find another position for which she was qualified and physically able to perform with her limitations.

She also got priority status for any vacancy that was open or would become open for which she was qualified.

The nurse was told to check the university hospital's job line frequently. The accommodation specialist would act as her advocate in securing a suitable position, and many were available. The court faulted the nurse for failing to follow up on this herself.

### **Lifting Help For A Nurse Ruled Not A Reasonable Accommodation**

In her lawsuit the nurse claimed disability discrimination because the hospital refused to let her return to her old job with other nurses being instructed they had to help her with any lifting tasks in excess of the lifting restrictions her physician had imposed.

The court ruled it is inherently unreasonable to expect other employees to perform the essential physical tasks of a disabled employee's job.

An employee has no right to accommodation beyond what is reasonable. The court ruled this nurse had no basis to sue for disability discrimination.

**Schlitzer v. University of Iowa Hospitals & Clinics, 641 N.W. 2d 525 (Iowa, 2002).**

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