

Disability Discrimination: Back Problem, Lifting Restriction Is Not A Disability.

Nineteen years after a lumbar laminectomy a registered nurse was hired by a long-term care facility for a position later described in the court record as “basically an office job with light nursing duties.”

When she returned from a medical leave from an unrelated issue that was fully resolved, the facility was not able to give her the same job back. She could only be offered per-diem work as a floor nurse.

She told the scheduler she had medical restrictions against lifting more than 25 lbs., pushing and standing or walking for any extended period of time. She was never scheduled to work.

A lifting restriction from a back injury is not a disability under the Americans With Disabilities Act (ADA).

One Federal case ruled that a 10-pound lifting restriction is not a disability for a nurse.

COURT OF APPEALS OF OHIO
September 26, 2008

The Court of Appeals of Ohio ruled there were no grounds for a disability discrimination lawsuit against the facility.

The court noted it was not breaking new legal ground as there are already many cases on the books stating that a lifting restriction is not a disability as contemplated by the ADA.

Having given a light-duty job to an employee with lifting restrictions does not impose a continuing obligation on the employer to provide light duty if there is good reason to suspend that accommodation. ***Kredel v. Austinwoods, 2008 WL 4444730 (Ohio App., September 26, 2008).***