

Disability Discrimination: Nurse Must Respond To Codes.

According to the US Court of Appeals for the Eleventh Circuit, a nurse's employer has the right to expect a nurse to be physically capable of responding to emergency codes. The employer is permitted by law to define that as an essential function of a nurse's job description.

That is, if being able to participate in codes is necessary in a particular nursing position, and the nurse in question has physical limitations preventing that, the employer does not commit disability discrimination by excluding the nurse from the position.

The court could not apply the concept of reasonable accommodation. The nurse in this case could not explain how her employer could provide an accommodation, an accommodation that would be reasonable and not an undue hardship to the employer, to compensate for her inability to respond to patient emergencies. Gary v. Dept. of Human Resources, 2006 WL 2946842 (11th Cir., October 17, 2006).