

Disability Discrimination: Injured Nurse Treated Same As Others For Sedentary Jobs.

A nurse in a hospital's dialysis unit was injured in a non-work-related auto accident and could no longer lift and move patients and move equipment as the hospital required of nurses on the dialysis unit. She had to leave her job.

Her former co-workers kept her informed when physically less demanding positions became available at the hospital such as employee health nurse and utilization review nurse. She inquired of human resources whether these positions were compatible with her physical limitations, was told they were, applied and was interviewed, but other candidates were hired in the end. Another open position, in pre-anesthesia, was not a sedentary position, she was told, and she did not apply.

No Disability Discrimination

The US District Court for the Western District of Pennsylvania did not see grounds for the nurse's disability discrimination lawsuit against the hospital.

The hospital was required by law to keep the lines of communication open toward the goal of placing her in a nursing position compatible with her limitations. The hospital did that. The hospital was not required to give her preferential treatment over other applicants. There was no indication the hospital took her inability to do more demanding staff nurse work into consideration in evaluating her suitability for positions which did not carry the same physical demands as staff nurse work.

The nurse herself fully explained to the interviewers she was interested in these particular positions because of her physical limitations. The interviewers could not have unjustifiably suspected her of having limitations she did not have. **Rotolo v. Monongahela Valley Hosp., 2006 WL 2927273 (W.D. Pa., October 11, 2006).**