

March 12, 2010

Seventh Circuit holds that the ADA does not protect an alcoholic who drives under the influence.

The Americans with Disabilities Act (“ADA”) protects qualified individuals with disabilities who are able to perform the essential functions of the job with or without reasonable accommodations. A portion of the law that often has been confusing for employers is the section that indicates that alcoholics are qualified individuals with disabilities under the Act. While the law recognizes alcoholism as a disability and, therefore, requires an employer to make reasonable accommodations, it does not excuse individuals suffering from the disease from complying with the employer’s work rules. An employer can discipline, discharge, or deny employment to an alcoholic whose use of alcohol adversely affects the employee’s job performance or conduct.

The Seventh Circuit Court of Appeals recently addressed the issue when a chief of police in Illinois, who suffers from alcoholism, was fired after he was arrested for driving under the influence, and his license was suspended. The chief was arrested after causing an accident that sent two people to the hospital. His blood alcohol level was almost three times the legal limit. He was not on-duty at the time of the accident. The police department provided a termination letter to the chief stating that he was being terminated for errors in judgment; inability to perform his duties without a license; and engaging in conduct below the expectations of his position. The chief sued his employer claiming that the reasons given by the department were just pretext and that he was terminated because of his disability in violation of the ADA.

The appeals court agreed with the department’s rationale that it was the police chief’s conduct, not his disability, which resulted in his termination. For example, one of the essential functions of the position is operating a vehicle. When the chief’s license was suspended, he was no longer able to perform the function. The court found that the chief’s inability to operate his vehicle was not caused by his disability but, rather, by the fact that he consumed too much alcohol. Further, the chief’s conduct in driving under the influence and causing an accident demonstrated unacceptable conduct for a police officer. It was this behavior, the department argued, that resulted in the chief’s termination. The Seventh Circuit agreed with the department that the violation of a workplace rule, even if it is caused by a disability, is no defense to discipline up to and including termination. Consequently, the court held that the chief was not a qualified individual with a disability as defined by the ADA because, as a result of his conduct, he could not perform the essential functions of the job.

Employers should make it a practice to review their job descriptions to make sure that they accurately reflect the essential functions of the job. Employers also should review their work rules on a regular basis and be sure that all employees are aware of the rules either by their inclusion in an employee handbook or by some other means of dissemination.

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