

TELEWORK AS A REASONABLE ACCOMMODATION

EEOC has held that a request for telework or a shorter commuting time because of a disability is a request for reasonable accommodation and triggers an agency's responsibility under the Rehabilitation Act. For example, in Jody L. v. Dep't of the Air Force, EEOC No. 0120151351 (2018) the agency violated the Rehabilitation Act when it denied complainant's request for situational telework due to inclement weather; in Doria R. v. Nat'l Sci. Found., EEOC No. 0120152916 (2017) the agency's ten-month delay in granting complainant's request for additional telework days violated the Rehabilitation Act; and in Hupka v. Dep't of Def., EEOC No. 02960003 (1997) the agency violated the Rehab Act when it refused to allow complainant whose long commute exacerbated his disability to work at home or at a local alternative work site. EEOC just added another case to that line of precedent. After an employee showed that three days a week of telework would remove the obstacles presented by his handicap, the agency failed to show that... [Continue reading](#) →

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allowing the employee that accommodation would have resulted in an undue hardship. EEOC declared that management's mere claim that the

accommodation would have caused an undue hardship because of its impact on “the operation of the department” and “business operations” was not enough justification. Moreover, when a manager swore that the employee’s work required on-site interactions, EEOC also tossed that excuse aside because there was no tangible explanation of why that was so. Mere management conclusions do not cut it with EEOC.

Finally, EEOC ignored another manager’s claim that the employee’s work required him to interact with others because there was no explanation why the employee’s work, to the extent that it involved interactions with others, required in-person rather than e-mail or telephonic communication.

Employees frequently have telework requests denied and unions grieve them as contract denials. However, they should consider if there is any disability-related reason why the employee needs the telework.

For more details, check out *Alonso T., v. Janet Dhillon*, EEOC No. 0120162340 (2020)

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