



Disability Watch



**Keeping An Eye On
Legal Developments
Affecting The Workplace**

Mansfield, Tanick & Cohen, P.A. Attorneys at Law

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RECENT COURT RULINGS UNFAVORABLE TO DISABILITY CLAIMANTS

Decision of U.S. Supreme Court in Minnesota High Court Curb Federal and State Laws

The past year, 2002, was not a good one for disability discrimination claimants. They hope that the New Year, 2003, will be more favorable for them, although they will have to overcome the precedent established by a number of recent rulings of the U.S. Supreme Court and its counterpart in Minnesota.

The U.S. Supreme Court ruled against disability claimants in several cases during the past year. Additionally, the Minnesota Supreme Court curbed the rights of those seeking disability insurance benefits for mental and emotional afflictions.

The decisions were greeted unfavorably by employees and their advocates. Business groups, however, lauded the decisions as constituting reasonable restrictions that prevent abusive and costly claims.

Federal Focus

The U.S. Supreme Court focused on four cases during its 2001-02 Term.

The most important one was *Toyota Motor Mfg.,*

Inc. v. Williams, 122 S.Ct. 681 (2002). The Court rejected the claim under the Americans with Disabilities Act (ADA) of an assembly line worker's carpal tunnel condition. The Court ruled that he was not covered by the law because his affliction was not so severe to prevent him from performing "tasks central to most people's daily lives." That standard focuses on the severity of the disability and not whether the claimant is unable to perform the tasks associated with [a] specific job."

In *U.S. Airways v. Barnett*, 122 S.Ct. 1516 (2002), the Court by a narrow 5-4 vote, ruled that an employer generally does not have to provide a disabled employee with a "reasonable accommodation" under the ADA if doing so would clash with the company's seniority system under a labor union contract. The Court held that ordinarily the seniority system will trump a disability claim. In *Chevron v. Echazabal*, 122 S.Ct. 2045 (2002), the Court held that a company does not have to give a job to a disabled worker if doing so would jeopardize the employee's health. The
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Disability Watch Fact

Cases	Ruling	Result
<i>Toyota v. Williams</i> , 122 S.Ct. 681 (2002)	The court ruled unanimously that an assembly-line worker with carpal-tunnel syndrome, a repetitive-motion disorder that interfered with her performing certain activities, wasn't covered by the ADA.	In order to invoke ADA protection, an individual must have an impairment that prevents or severely restricts activities that are of central importance to most peoples' daily lives.
<i>US Airways v. Barnett</i> , 122 S.Ct. 1516 (2002)	The court ruled 5-4 that U.S. Airways didn't have to accommodate a disabled worker by making an exception to its seniority system.	The federal disabilities law, in most instances, doesn't require companies to accommodate a handicapped worker by offering a job that normally would go to a more senior employee.
<i>Barnes v. Gorman</i> , 122 S.Ct. 2097 (2002)	The court ruled unanimously that Kansas City didn't have to pay punitive damages to a wheelchair-bound man who was injured while taken to jail.	Bars Americans from seeking punitive damage awards from state and local governments under the ADA.
<i>Chevron v. Echazabal</i> , 122 S.Ct. 2045 (2002)	The court ruled unanimously that Chevron Texaco Corp.'s Chevron USA Inc. didn't have to hire a worker with liver disease for a refinery job that would expose him to chemicals that could worsen the ailment.	A company may refuse to hire a person with a disability for a job that could exacerbate the problem.

Mansfield, Tanick & Cohen, P.A.

West Suburban Office
700 Park Place East
5775 Wayzata Boulevard
St. Louis Park, MN 55416
(952) 525-2200

Main Office
1700 Pillsbury Center South
220 South Sixth Street
Minneapolis, MN 55402-4511
(612) 339-4295

St. Paul Office
Bandana Square Bldg., Suite 226
1021 Bandana Boulevard East
St. Paul, MN 55108
(651) 645-7746

case concerned an employee with a liver disease that could have been aggravated by exposure to chemicals at the facility.

(continued from page 1)

Finally, in *Barnes v. Gorman*, 122 S.Ct. 2097 (2002), the Court ruled that punitive damages cannot be recovered under the ADA against governmental entities. It reversed a \$1.2 million punitive damages verdict for a man in a wheelchair who was involved in an altercation with the police.

Minnesota Matter

The Minnesota Supreme Court weighed in with a restrictive ruling of its own. In *Kolton v. County of Anoka*, 645 N.W. 2d 403 (Minn. 2002), the court reversed a ruling of the Minnesota Court of Appeals, which had invalidated a standard provision in long term disability insurance policies that restricted coverage for claimants with emotional afflictions.

The standard provision, which was contained in a disability insurance policy issued by Anoka County to an employee, limited long term disability insurance to two years for claims of emotional distress. The Appellate Court had ruled that the restriction constituted discrimination against the disabled in violation of the Minnesota Human Rights

Act. However, the Supreme Court disagreed. Following precedence under the federal Americans with Disabilities Act (ADA), the court held that the restriction was reasonable and did not violate the state law.

The court reasoned that the two year cutoff, unless a claimant is institutionalized, does not constitute discrimination. As a result of the ruling, individuals who seek long term disability insurance because of an emotional condition, without any physical maladies, can be restricted to coverage for a two year period of time, while claimants with physical injuries will be entitled to receive disability insurance benefits for an indefinite time period.

“These rulings, especially the *Williams* case, will make it harder for disabled individuals to pursue disability discrimination claims,” said **Teresa J. Ayling**, an attorney with the law firm of **MANSFIELD, TANICK & COHEN, P.A.** “By the same token, employers now have greater latitude in dealing with disability issues that arise in the workplace,” she added.

HAMLIN PROFESSOR RECEIVES DISABILITY AWARD

Ellen Dickson (second from left) received the **MICHAEL SMITH DISABILITY ACHIEVEMENT AWARD** from the law firm of **MANSFIELD, TANICK & COHEN, P.A.** at a recent **ROUND TABLE** luncheon program at the law firm from **Marshall H. Tanick** (left) of the law firm. **Ms. Dickson**, who recently retired as a Professor of Public Administration at Hamline University, was given the Award for her strong advocacy of the rights of the disabled in academic positions. She was joined at the program by her husband, **Jim** (center), and attorneys **Denise Yegge Tataryn** and **Phillip J. Trobaugh** (right), who represented her with **Mr. Tanick** in successful legal proceedings in connection with the disability claims. The Award, named after a deceased former client of the law firm who was an advocate for the disabled, included a Certificate of Merit, a cash award, and a donation by the law firm to the Dickson’s preferred charity, Little Brothers Friends of the Elderly.



DISABILITY WATCH is a complimentary service of the law firm of **MANSFIELD, TANICK & COHEN, P.A.** for clients and other interested parties. It provides general information about legal developments concerning the rights and obligations of employers and employees in dealing with the disabilities in the workplace, in Minnesota and elsewhere. Information about specific disability-related issues may be directed to the law firm at 1700 South Pillsbury Center, 220 Sixth Street, Minneapolis, MN 55402, by FAX at (612) 339-3161, or by e-mail at mtanick@mansfieldtanick.com.
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Mansfield, Tanick & Cohen, P.A.
1700 Pillsbury Center South
220 South Sixth Street
Minneapolis, MN 55402-4511