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In California, You Can't Pick Your Supervisor

June 4, 2015 | | Employee Health Issues,Labor And Employment

A California appellate court recently held that an employee diagnosed with an adjustment disorder triggered by stress caused by her supervisor's standard oversight of her job performance is not disabled under the California Fair Employment and Housing Act (FEHA). *Higgins-Williams v. Sutter Medical Foundation*, 2015 Cal.App.LEXIS 455 (May 26, 2015). Coming as quite a surprise and coup to employers, the court rejected the current Californian trend of expanding protection of employees unable to work due to medical conditions. Employed as a clinical assistant, plaintiff Michaelin Higgins-Williams complained to her employer, Sutter, that she suffered stress from interactions with her supervisor and Sutter's human resources department. She reported to her physician that she was stressed because of interactions at work with HR and her manager. Her physician diagnosed her with an adjustment disorder with anxiety, placed her on intermittent leave, and stated that she could return to work without limitation if transferred to a different department. After several months of leave, Sutter advised Ms. Higgins-Williams that it would terminate her, unless she provided information as to when she could return to work and whether additional leave as an accommodation would effectuate her return to work. She did not provide the requested information. As such, Sutter terminated her. As a result, Ms. Higgins-Williams sued, alleging disability discrimination, California Family Rights Act (CFRA) and wrongful termination claims. The trial court granted Sutter's motion for summary judgment on all claims. The Court of Appeals affirmed summary judgment for Sutter on the ground Ms. Higgins-Williams was not disabled as a matter of law. The court noted a previous case had held a mental condition that prevented an employee from working under a particular supervisor or performing one particular job did not constitute a disability under FEHA: *Hobson v. Raychem Corp.*, 73 Cal.App.4th 614 (1999). While some of *Hobson's law has been* rejected, the court held part of *Hobson* remains good law on the point that inability to work under a specific supervisor because of anxiety and stress related to the supervisor's standard job performance oversight does not constitute a mental disability under FEHA. Moreover, the court found the supervisor engaged in standard oversight as a matter of law, even though the supervisor allegedly singled Ms. Higgins-Williams out for negative treatment and on one occasion grabbed her arm and yelled at her. The lesson to be learned from this decision is that ordinarily a physical or mental condition that limits an employee's ability to work will be deemed a disability requiring reasonable accommodation, and accordingly employers will generally want to accommodate employees with such conditions where possible. However, if an employee's sole claim of a disability is stress or anxiety related to standard oversight by a specific supervisor(s), an employer need not provide accommodations to the employee. That being said, employers should consider engaging in a timely, good faith interactive process for employees or applicants who request reasonable accommodations that extend beyond the inability to work with a particular supervisor.

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