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### *Toyota Motor Manufacturing, Kentucky, Inc. v. Williams* Clarifies What Constitutes A “Disability” Under The Americans With Disabilities Act

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On January 8, 2002, the U.S. Supreme Court announced its unanimous decision in *Toyota Motor Manufacturing, Kentucky, Inc. v. Williams*, 2002 Lexis 400 (2002), holding that Ella Williams, an assembly line worker who claimed that she was disabled in her ability to perform manual tasks, could not continue to pursue her claim against Toyota under the Americans With Disabilities Act (ADA) unless she could prove that her impairment substantially limited one or more major life activities. To do so, the Court concluded, Williams had to prove that her carpal tunnel syndrome was permanent or long-term and either prevented her from performing manual tasks that are of central importance to most people’s daily lives, or severely restricted her from doing so. The Court held that Williams was not necessarily disabled in her ability to perform manual tasks, because the evidence suggested that Williams’ carpal tunnel syndrome precluded her only from performing manual tasks associated with her *particular job*.

The *Toyota Motor* decision is helpful because the definition of a disability endorsed by the Court appears to return to the ADA’s original parameters for job applicants and employees who are potentially entitled to reasonable accommodation under the ADA. Employers, however, should be mindful of what the Court did and did *not* say about the ADA, noting in particular that some cases of carpal tunnel syndrome can

be disabling under the ADA, and that employers may now have more difficult work ahead in evaluating who is entitled to accommodation.

### Factual Background

Williams developed carpal tunnel syndrome while she was working for Toyota. Her doctor placed her on permanent work restrictions, including no lifting over 20 pounds and no frequent lifting or carrying of objects weighing over 10 pounds. Williams was further precluded from engaging in “constant repetitive . . . flexion or extension of [her] wrists or elbows,” performing “overhead work,” or using “vibratory or pneumatic tools.” In an effort to accommodate these restrictions, management provided Williams with modified work. Nonetheless, Williams continued to miss work, allegedly due to her injuries.

Williams eventually became dissatisfied with her accommodations and filed the first of her two ADA lawsuits against Toyota. This suit was settled before trial, and as part of that settlement, Williams returned to work on a quality control inspection team. The quality control process had four stations: (1) assembly paint; (2) paint and second inspection; (3) shell body audit; and (4) ED surface repair. Initially, Williams was placed on a team that performed only the first two of these tasks, and for a couple of years, she rotated on a weekly basis between them. In 1996, however, management required

all team members to rotate between the four tasks.

During the litigation, the parties disputed what happened next. Williams claimed that she complained of neck and shoulder pain when she was assigned to the shell body audit station; that she asked to be relieved from working at all but the first two stations; and that management denied her request. Williams further claimed that she missed work due to her increased symptoms. Toyota claimed that Williams simply began missing work on a regular basis. Toyota eventually terminated Williams for poor attendance.

## Lower Court Proceedings

After she was fired, Williams filed her second lawsuit against Toyota. Williams alleged that she was disabled in her ability to perform manual tasks, housework, gardening, playing with her children, lifting, and working. Toyota moved for summary judgment on the ground that Williams was not disabled. The district court agreed and entered judgment for Toyota. Williams prevailed on appeal, however, with the Sixth Circuit Court of Appeal holding that, as a matter of law, Williams' carpal tunnel syndrome involved a range of manual activities that affected her ability to perform manual tasks at work. In reaching this conclusion and entering partial summary judgment for Williams, the Sixth Circuit disregarded evidence that Williams was not limited in her ability to perform manual tasks outside of work, such as routine household chores and tending to her personal hygiene.

## The Supreme Court's Decision

The Supreme Court reversed the Sixth Circuit's decision. Under the ADA, an individual is not "disabled" unless he or she is "substantially limited" in one or more "major life activities." 42 U.S.C. § 12102(2)(A). In Williams' case, the Court concluded, the fundamental issue was the

proper standard for assessing whether Williams was substantially limited in her ability to perform manual tasks.

Initially, the Court remarked that the text of the ADA reflected Congress' clear intention to require individuals to meet a demanding standard in order to qualify as disabled within the meaning of the law. Otherwise, the Court continued, the ADA would cover far more than the approximately 43,000,000 Americans who Congress believed had one or more physical or mental disabilities. On the other hand, employers must consider whether an individual is disabled based upon a case-by-case analysis, especially when the symptoms of the impairment can vary widely from person to person, such as with carpal tunnel syndrome.

Next, the Court explained that, in cases where the plaintiff claims to be disabled in the ability to perform manual tasks, he or she cannot satisfy this exacting standard merely by submitting evidence of a medical diagnosis indicating an impairment, nor of an impairment that interferes in only a minor way with the performance of manual tasks. Likewise insufficient is evidence of occupation-specific manual tasks that are not an important part of most people's daily lives, such as the manual task of performing repetitive work with hands and arms extended at or above shoulder levels for extended periods of time. Instead, the Court held, the plaintiff must prove that the impairment prevents or severely restricts him or her from doing manual activities that are of central importance to most people's daily lives, for example, walking, seeing, and hearing. Williams was not *necessarily* disabled in this regard, the Court ultimately held, because the evidence suggested that Williams' carpal tunnel syndrome precluded her only from performing manual tasks associated her *particular job*, not from tasks that are of central importance to most people's daily lives.

## Important Points

As noted above, although the *Toyota Motor* decision represents a victory for employers, HR professionals should be mindful of the following:

### *What is a Disability?*

Although the *Toyota Motor* Court was discussing the major life activity of performing manual tasks, the exacting standard for a disability endorsed by the Court should apply to most other major life activities. Thus, in assessing whether an applicant or employee is disabled, employers should carefully consider whether the individual's impairment is permanent or long-term. Additionally, employers should consider whether the individual's impairment interferes in only a *minor way* with the performance of one or more major life activities, or *prevents or severely restricts* the individual's ability to perform one or more major life activities. Note further that, although the Court was analyzing Williams' *present* impairment, the *Toyota Motor* standard should apply to situations where the individual has a record of a disability, or claims he or she was regarded as disabled.

### *Conducting Case-by-Case Evaluations*

Carpal tunnel syndrome can be, but is not always, disabling under the ADA. The Court was careful to reiterate its prior admonishment to employers in *Sutton v. United Air Lines, Inc.*, 527 U.S. 471 (1999), and *Albertson's, Inc. v. Kirkingburg*, 527 U.S. 555 (1999), that an individual's status as disabled must be assessed on a *case-by-case* basis, taking into account the actual effect of the impairment on his or her life and the individual's ability to compensate for the impairment. In evaluating a request for reasonable accommodation, it is therefore imperative for employers to continue to work together cooperatively with the applicant or employee to gather the pertinent information needed to make this assessment.

Please note that this may now be made more difficult after the *Toyota* decision. The Court emphasized the need for evaluation of impairment of life functions outside the working environment (e.g., performing household chores, bathing, brushing one's teeth). These can be easy limitations to claim, and difficult for an employer to evaluate or rebut.

#### *Conducting a Comprehensive Analysis*

It is increasingly common for employment discrimination plaintiffs to assert claims under both the ADA and Family and Medical Leave Act (FMLA). The FMLA creates a right for eligible employees of covered employers to take an unpaid leave of absence and then return to their same or a comparable job. Employees do *not* have to be disabled to take a leave of absence under the FMLA. Instead, employees only have to suffer from a "serious health condition," which *can be* a temporary, short-term health problem. Employers covered by the ADA and FMLA should be aware of the interaction and differences between these two laws.

When an employee suffers an impairment because of a workplace injury, employers need to coordinate their ADA and FMLA compliance with requirements imposed by state workers' compensation laws. It is not safe for an employer to assume that its workers' compensation insurance carrier is properly analyzing the associated ADA and FMLA implications.

Additionally, employers must be familiar with state and local disability discrimination and leave of absence laws because some state laws create rights for job applicants and employees that *exceed* the rights created by the ADA. In California, for example, employers may have to accommodate individuals with impairments that are merely "limiting," not just those which are "substantially limiting," because California has expressly disavowed this more stringent standard for a disability under the ADA. Cal. Gov't Code §

12926.1.

## Conclusion

Disability discrimination issues require serious and thoughtful consideration. Employment counsel can help you comply with the ADA and other laws, such as the FMLA, and can help you implement ADA policies, conduct training and evaluate the risks of potential liability.

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