

Manufacturers Face Unique Problems in Accommodating Assembly Line Workers With Disabilities

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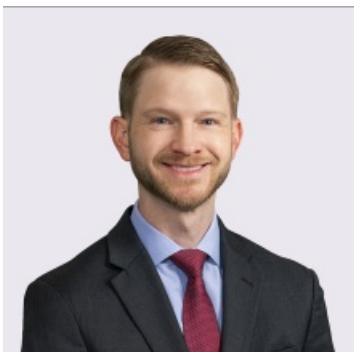


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As manufacturers rebound from the disruptive impact of the COVID-19 pandemic and begin putting more employees back to work, they should be prepared for a corresponding increase in requests for accommodation from assembly line workers.

These requests can create unique challenges in manufacturing plants due to the inherently physical nature of the work, but there are options and strategies for employers to consider.

Under the Americans with Disabilities Act (ADA), employers must provide reasonable accommodations to enable qualified individuals with disabilities to perform the essential functions of their jobs. However, what is reasonable for one employer may not be reasonable for another. In no setting is this more apparent than on the assembly line.

By its very nature, the assembly line is often physical, requiring employees to stand or sit for long periods, engage in repetitive motions, use tools, and manipulate parts of varying weights and sizes. In many situations, these requirements cannot be easily adjusted without altering the fundamental nature of the job and causing a ripple effect on the duties of the other workers on the assembly line. Manufacturers, like other employers, do not have to provide a reasonable accommodation if it imposes an “undue hardship.”

Indeed, courts have generally affirmed that the duty to reasonably accommodate a disabled employee does not require a manufacturer to *eliminate* essential functions of the employee’s job, create a new job, dilute uniformly enforced productivity standards, or displace other existing employees.

What exactly might be a reasonable accommodation for an assembly line worker?

In some circumstances, assistive technologies or making physical changes to the work environment may enable the worker to carry out the essential functions of their job.

Assistive technologies are wide-ranging and can include a steering wheel spinner knob or ball grip on a forklift or a stress mat or stool for an employee to use to take pressure off their feet at their workstation, depending on the specific task. The viability and reasonableness of these options will depend on the unique facts and circumstances at play. For instance, the assistive technology required for a particular assembly line worker to do a specific task might carry a high price tag, or the layout of the plant might not allow for the physical changes the worker would require.

Some employees might need additional breaks in the workday in order to tend to their condition by taking medication, eating, and so on.

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If the employee cannot perform the essential functions of the job, and there is no reasonable accommodation for that position, then a transfer to a different position that fits the employee's skill set and abilities can be considered.

Temporary reassignment to a light duty position while the employee continues to recover or explores or undergoes other treatments to enable the employee to return to their prior job could be another option. However, traditional light duty assignments that exist in other industries (like putting an employee behind a desk or having them answer the phones) usually are not options in a manufacturing plant. Rather, in manufacturing, light duty work might include basic cleaning, general labor, or miscellaneous assignments, if such jobs exist in the facility. However, there may be a limited number of such jobs, especially in small facilities.

Moreover, even if light duty or less physically demanding positions exist on the assembly line, a manufacturer running a unionized facility must consider whether any job reassignments comply with the terms of their collective bargaining agreement.

Temporary assignments to less physically demanding jobs on the assembly line, if any exist, may provide the answer in some cases. The position would have to comply with the employee's medical restrictions in order to be a viable option, and it should be made clear to the employee that the position is only being offered on a temporary basis. Often, a temporary assignment such as this will not violate the terms of a collective bargaining agreement. Manufacturers will need to check the terms of their own collective bargaining agreements to be sure.

When changes to the job or environment, light duty assignments, and temporary assignments are not available on the assembly line, or if the disabled employee's medical restrictions do not allow them to perform the available jobs, [leave](#) also may be an option. If an employee is eligible for leave under the Family and Medical Leave Act (FMLA), the employee could request leave even if there are accommodations that would allow the employee to continue working. If leave under the FMLA has been exhausted or the employee is not eligible for FMLA, a manufacturer can consider offering an [unpaid leave of absence of limited duration](#) as a reasonable accommodation. How long a leave of absence is long enough depends on the unique circumstances of each situation and the law controlling the jurisdiction where the employee works.

No matter which options are considered when attempting to accommodate an assembly line worker, an evaluation and determination of whether a potential accommodation is reasonable and whether it creates an undue hardship on the manufacturer must be made on a case-by-case basis.

Jackson Lewis attorneys can help manufacturers with these and other workplace issues.

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