

Sleeping On The Job Due To Prescription Medication Not A Sufficient Basis to Dismiss Disability Discrimination Complaint

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In *Beaton v. Metropolitan Transportation Authority New York City Transit*, Docket No. 15 CV 08056 (S.D.N.Y. June 15, 2016), the Court denied Defendant's motion to dismiss Plaintiff's disability discrimination claims under the ADA and local laws. The case is significant because it addressed an alleged mental disability. By way of background, Plaintiff was employed by Defendant as a station agent in a subway station in New York City for over ten years. Plaintiff alleged, among other things, that Defendant terminated his employment on the basis of his disability (schizophrenia) and the effects of the medication used to treat that condition. Specifically, Plaintiff's employment was suspended, and thereafter terminated, after Plaintiff's supervisor discovered him sleeping during work time. Plaintiff alleged that while working he experienced severe schizophrenia symptoms, necessitating a higher dosage of his anti-psychotic prescription medication. The higher dosage caused drowsiness. Plaintiff advised his supervisor of his condition and the related side effect. Plaintiff nevertheless was subjected to disciplinary proceedings, despite corroboration from his physician, and terminated from his employment. In rebuttal, the Transportation Authority argued that Plaintiff could not proceed with his disability discrimination, in part, because: (1) sleeping on the job prevents an employee from performing the essential functions of the job, thus making him not qualified for the position; and (2) Plaintiff did not raise a plausible inference that his employment was terminated because of his disability.

The Court held that Plaintiff was a long-tenured employee, having worked for years without incident. Thus, found the Court, he was qualified for the position under the law. The Court further held that it was plausible that Plaintiff's employment was terminated because of his disability given that Plaintiff advised his supervisor of his condition, and nonetheless, Defendant terminated his employment. Though employers are permitted to discipline employees for policy violations, despite a disability, compliance with the interactive process is important – including relying upon medical information. Courts have upheld discharges for sleeping on the job, but increasingly will demand proof of an interactive process to address disabilities and perhaps more proof of hard to the employer's business operations. Employers need to have a very strong basis to disregard appropriate medical information when disciplining an employee.

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