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Plaintiff and Defense Attorneys' Perspectives on Sexual Harassment and ADA Discrimination Litigation

Scenario 2

Emily Employee is hired by Ricky's Recruiters as a recruiter placing candidates with college degrees in specialized positions. Ricky's employs 10 employees full-time and all are recruiters, other than the owner. Emily's job primarily focuses on recruiting recent college graduates to fill these jobs, and requires her to regularly visit with college job placement officers and professors who suggest students able to fill the specialized positions in which new graduates are placed by Ricky's. Her duties require her to start most days at Ricky's offices in south St. Louis County. On any given day, in addition to being required to be at the office, Emily may have to drive to three (3) different college campuses. While she has some control over her schedule, it is not unusual for Emily to have appointments in the City of St. Louis, St. Louis County, and other outlying counties in the same day. Emily was told that driving was part of her job when she was hired.

Unfortunately, four (4) months after she was hired, Emily suffers from an epileptic seizure (the first she has suffered in some time). When Emily goes to her doctor's office, he reports her epileptic seizure to the DMV, which suspends Emily's driver's license until she completes six (6) consecutive months without a seizure.

Emily tells her boss, Ricky's owner, that she has lost her driver's license for 6 months because of her epilepsy, but insists she can do the job without a driver's license. She suggests taking taxicabs, catching rides with other employees or friends, and utilizing public transportation, to get her to the office and campuses she must visit. Ricky's, without further conversation with Emily, determines she cannot perform the job because she no longer has a valid driver's license, and will not be able to timely reach all of the locations she must go to perform her job. Ricky's fires Emily.