Employment Law Monthly - April 2013

April 26, 2013

Essential Could Mean Infrequent: A Look At "Essential Job Function" Under The ADA

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Earlier this month, the United States Court of Appeals for the Eighth Circuit ruled that an employer can terminate an employee without violating the Americans with Disabilities Act ("ADA"), 42 U.S.C. §12101, et seq., if the employee's disability prevents him from fulfilling a job obligation listed in his job description, even if he rarely performed those job duties pre-disability.In Knutson v. Schwan's Home Service, Inc., 12- 2240 (8th Cir. Apr. 3, 2013), the Court determined that an employee's "essential job function" is not based on how many times he is required to perform those job duties, but rather what is listed in his written job description.