

When Accommodation Meets Its Limits: Lessons from *Fleischmann* on the Importance of Engaging Meaningfully in the Interactive Process

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Few areas of employment law present as persistent a compliance challenge as disability accommodation. Despite decades of federal and state anti-discrimination statutes, employers continue to struggle with the interactive process — balancing legitimate operational needs against their obligation to engage meaningfully with employees who request workplace modifications. Common pitfalls include failing to document accommodation discussions, treating the interactive process as a one-time event rather than an ongoing dialogue, and confusing frustration with absenteeism for a legitimate basis to deny a request. These missteps frequently expose employers to “failure-to-accommodate” claims, even when the employer believes it acted reasonably. A recent New Jersey appellate decision illustrates how getting the interactive process right can be an employer's strongest defense.

On February 4, 2026, the Appellate Division issued its decision in *Fleischmann v. New Jersey Department of the Treasury, Division of Pensions and Benefits*, affirming summary judgment in favor of the employer and two individual supervisors on claims of hostile work environment, failure to accommodate, retaliation, and aiding and abetting under the New Jersey Law Against Discrimination (LAD). This decision is significant for New Jersey employers because it clarifies the boundaries of disability discrimination claims, underscores the importance of engaging in good faith dialogue regarding accommodations, and provides guidance on distinguishing legitimate workplace management from actionable discrimination.

Background and Key Facts

The plaintiff, Staci Fleischmann, worked for the Division of Pensions and Benefits starting in 2000 and suffered from Crohn's disease, migraines, and a traumatic brain injury. Throughout her tenure, she requested and received multiple accommodations — including lighting changes, modifications to the company's footwear policies, and extended medical leaves — which the Division granted upon receipt of medical documentation. She was nevertheless disciplined for chronic absenteeism in 2010 and 2017. The plaintiff claimed her supervisors made belittling comments about her disabilities and treated her differently than coworkers. She filed an EEOC complaint in 2017 and her LAD complaint in April 2021.

The Court's Analysis

The court affirmed that LAD claims are subject to a two-year statute of limitations, therefore not applying to conduct prior to April 2019. The court rejected the plaintiff's continuing violation argument, finding she knew or should have known her claims were actionable when they occurred. On the hostile work environment claim, the court emphasized that the LAD “is not intended to be a ‘general civility code’” and that supervisors' frustration with chronic absences does not constitute disability-based animus.

Regarding the failure-to-accommodate claim, the court found that the Division "participated in good faith in an active dialogue" and extensively accommodated the plaintiff. Critically, the court highlighted the specific accommodations the Division provided over the years — adjusting workplace lighting, permitting modified footwear, granting extended medical leaves, and reassigning duties when supported by medical documentation. Each time the plaintiff presented a documented medical need, the employer responded. It was this consistent pattern of engagement that proved decisive: because the Division could demonstrate a record of meaningful participation in the interactive process, the court concluded there was no genuine issue of material fact on the failure-to-accommodate claim. The plaintiff, for her part, failed to show that she supported any denied request with appropriate medical documentation. On retaliation, the court held that mere awareness of protected activity and temporal proximity to adverse action are ordinarily insufficient to establish causation without facts "unusually suggestive of retaliatory motive."

Takeaways for Employers

This decision offers several practical lessons. First and foremost, *Fleischmann* underscores that the interactive process is not a mere formality: it is an employer's strongest shield against failure-to-accommodate claims. The Division's success on summary judgment was directly attributable to its demonstrated willingness to engage each time the plaintiff raised a new accommodation need. Employers should treat every accommodation request as an opportunity to document their good faith, and maintain detailed records of each request received, each response provided, and any medical documentation reviewed. Second, employers may, and should, require medical documentation to support accommodation requests; the court found it significant that the plaintiff could not identify any denied request backed by proper documentation. Third, supervisory frustration with performance issues, including chronic absenteeism, does not automatically constitute disability discrimination. However, it is critical in this regard that the employer document the impact on the business and on the employee's ability to perform the essential functions of the job. Finally, employers should be mindful of the two-year statute of limitations for LAD claims and ensure that any adverse action following protected activity — such as requesting an accommodation — is well-documented, together with dated notes, and justified by legitimate business reasons.

Fleischmann v. N.J. Dep't of the Treasury, Div. of Pensions & Benefits, No. A-0227-24 (N.J. Super. Ct. App. Div. Feb. 4, 2026).