

Accommodation vs Personal Benefit: Federal Court Weighs In

In *Hopman v. Union Pacific Railroad*, the U.S. District Court for the Eastern District of Arkansas considered whether working without mental or psychological pain constituted a “benefit or privilege of employment” warranting a reasonable accommodation under the Americans with Disabilities Act (ADA) or the Rehabilitation Act.

Hopman was a conductor on the railroad who suffered from post-traumatic stress disorder (PTSD) and requested an accommodation to work alongside his service animal; a rottweiler named Atlas. Hopman admitted that he was able to perform the essential functions of the job but argued that the accommodation would allow him to enjoy the same benefits and privileges of employment afforded to non-disabled employees — namely, the benefits and privileges of working “without the continual and unrelenting burden and pain of PTSD.” Union Pacific Railroad argued that “benefits and privileges of employment,” as considered under the ADA and the Rehabilitation Act, do not include the ability to work without mental or psychological pain. The case proceeded to trial where the jury returned a verdict in favor of Hopman.

The District Court reversed, however, on Union Pacific’s post-trial motion for judgment as a matter of law. In its opinion, the court analyzed the distinction in the law between an accommodation that would enable an employee to perform the essential functions of the job (an “essential functions accommodation”) and an accommodation that provides an employee the same benefits and privileges of employment as similarly situated, non-disabled employees (a “benefits and privileges accommodation”). Because Hopman admitted that he could perform the essential functions of his job, the analysis proceeded on the latter prong, holding that freedom from mental or psychological pain is not a “benefit or privilege of employment” warranting a reasonable accommodation under the ADA or the Rehabilitation Act. The court noted that “benefits and privileges of employment” under the ADA and the Rehabilitation Act are limited to those benefits and privileges the employer provides to all similarly situated, non-disabled employees. Here, the court found there was no evidence that Union Pacific allowed service animals as a benefit and privilege of employment to similarly situated, non-disabled employees. More generally, there was no evidence that Union Pacific provided the freedom to work without mental or psychological pain as a benefit and privilege of employment to similarly situated, non-disabled employees. As such, Hopman was not entitled to an accommodation that modified the job for his “personal benefit.”

After finding that working without mental or psychological pain was a “personal benefit” not entitled to ADA accommodation, the court addressed Hopman’s arguments that the requested accommodation would “enhance” his job performance and held that the degree to which Hopman’s requested accommodation would affect his job performance may be relevant in determining an “essential functions accommodation,” but is not relevant in determining a “benefits and privileges of employment” question.

The court’s rationale highlights the importance of understanding the precise accommodation that is being sought in any case under the ADA or the Rehabilitation Act. Hopman’s counsel argued that the requested accommodation would enable Hopman to “work better [and] safer,” and Hopman testified that the service animal would improve his job performance. Such argument and evidence is not compelling once the plaintiff has admitted that he can perform all essential functions of his job.



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