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Under the ADA, Mental Illness is Illness too

A recent EEOC case involving an executive who was fired after having an episode of depression underlines the importance of accommodating mental disabilities under the Americans with Disabilities Act (“ADA”).

In *Equal Employment Opportunity Commission v. Ranew’s Management Company Inc et al.*, Georgia company Ranew's Management Co., Inc., reached a consent decree with the EEOC after it discharged its chief financial officer discharged six weeks after he took leave to treat a depressive episode that led to suicidal thoughts. According to the CFO’s lawsuit, the CEO allegedly asked him before discharging him, "How can I trust you to do my accounting work if you have another episode?"

The consent decree requires the company to train its executives on employees’ rights under the ADA as well as pay compensation to the discharged CFO. Notably, the suit alleged that the company’s leadership supported the CFO and encouraged him to take time seek treatment for his depression prior to his being discharged, but their encouragement and support did not prevent him from losing his job due to his mental illness.

As the outcome of this case shows, mental illness must be accommodated just like physical illness. If an employee requests accommodation due to a diagnosed mental illness, the employer must extend reasonable accommodations to allow the employee to treat the illness, and to perform the essential functions of their position. Employers should not think that the mental illness will permanently prevent the employee from satisfactorily discharging the duties of the position, just as a temporary flare-up of arthritis would not permanently prevent a housekeeper or warehouse employee from working. An employer may request medical notes from a health care provider just as it would in the case of a physical disability, but unless and until there is actual evidence to that show that employees suffering from chronic illness – whether mental or physical – can no longer discharge their responsibilities, they must be given the opportunity to show that they can continue to do their jobs.

Questions? Contact Stokes Wagner.

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