

Phobias and the A.D.A.

Does a disability under the Americans with Disabilities Act (“ADA”) include phobias? Very recently the Sixth Circuit Court of Appeals took up the issue. Whether the ADA’s protections apply and whether an employer must provide a reasonable accommodation under the law depends largely on the specifics of each situation.

In *Waltherr-Willard v. Mariemont City School*, Willard, a foreign language instructor, taught several high school French courses and one Spanish class for over twenty years. At one time, the school district asked her to teach at the elementary school level. Willard claimed that she was unable to do so because of pedophobia, a debilitating fear of young children. After providing proof to the school district that a psychiatrist had determined she would be “unable to effectively teach young children”, the school district allowed her to continue to teach in the high school.

However, the school district eventually moved all of its high school French and Spanish courses online. This meant that the high school no longer had a need for a French and Spanish instructor in a full-time capacity. Willard was then transferred to the middle school based on Willard’s claims and the information from her doctor that she feared only elementary-aged children. Willard did not contest the transfer. However, after six months at the middle school, Willard retired when the district denied her request to move back to teaching high school language courses. She eventually sued the school district in Ohio. Along with other claims, Willard brought a disability-discrimination claim under the ADA. The district court ruled in favor of the school district and Willard appealed.

The Sixth Circuit Court of Appeals affirmed the decision in favor of the school district. The court stated that while the ADA requires an employer to accommodate a disabled employee, it does not require the employer to provide an unreasonable accommodation, such as creating a new job or displacing an existing employee. The school district in this case was not required to create a new position for Willard and because no other jobs were available, Willard’s request to transfer back to the high school would have constituted an undue hardship for the employer.

The take away for employers from this case is that a phobia may be considered a disability under the ADA. However, whether the requested accommodation is reasonable depends on whether granting the request would constitute an undue hardship for the employer. Undue hardship is imposed if the accommodation would come with “significant difficulty or expense”. Such an assessment requires considering the resources and circumstances of the employer, as well as the cost or difficulty of providing such accommodation.