

Court ruled female officer was not perceived as disabled under ADA prior to her voluntary resignation

The U.S. Court of Appeals for the 10th Circuit, which includes Colorado, ruled that a female officer wasn't disabled under the Americans with Disabilities Act (ADA) and affirmed a lower court's decision in favor of the county. A former deputy sheriff filed hostile work environment and constructive discharge claims under the ADA.

The Case

Susan Lanman, who had been a deputy sheriff in Johnson County, Kansas for 13 years, alleged that some of her co-workers started treating her as if she was mentally ill. She alleged that co-workers described her as crazy and asked her if she was off her medication. She said some officers didn't like her because she was the only female in the unit.

The following month, Lanman was transferred to the operations department after she made "serious errors misclassifying inmates." Two co-workers subsequently filed written reports against her, and she was placed on administrative leave. She was told to take a psychological fitness-for-duty test. She was cleared to return to work and was never disciplined for the alleged incidents in the written reports.

When Lanman returned to duty, she was assigned to work with a training officer, but she didn't see the need due to her experience. After she was told her supervisors wouldn't change the assignment, she allegedly yelled at her co-workers in front of inmates, so she was suspended for three days without pay.

Then Lanman took a month of medical leave. Before her scheduled return, other officers were told that they should speak with the supervising sergeant if they had any concerns about her return. She heard this information and resigned, citing "extreme hostile conditions." She filed hostile work environment and constructive discharge claims under the ADA.

What the Court Said

The U.S. Court of Appeals for the 10th Circuit said that requesting the fitness-for-duty exam alone didn't show that the county thought Lanman was impaired. The court also noted that since she retained the same rank after her transfer and the county returned her to work after the exam, that the county didn't regard her as disabled. The court concluded that Lanman didn't show that she was disabled under the ADA.

What This Case Means to Counties

The appeals court doubted that the comments made by nonsupervisory co-workers showed that the county regarded Lanman as mentally impaired. The court implied the decision may have been different if the comments had been made by supervisors. Standard procedures for complaint filing should be in place.

This case shows the limits of liability a county might have for a potential ADA situation, particularly where the employee quits prematurely. This case would not prevent claims for intentional infliction of emotional distress against coworkers.

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