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Second Circuit Clarifies Employer Obligations Under ADA: Accommodation May Be Required Even If Employee Can Perform Essential Job Functions Without It

The U.S. Court of Appeals for the Second Circuit recently clarified the scope of employers' obligations to provide reasonable accommodations under the Americans with Disabilities Act (ADA), holding that an employee may be entitled to a reasonable accommodation even if the employee can perform the essential functions of the job without one. The case is *Tudor v. Whitehall Central School District*.

This decision marks a significant change for employers in the Second Circuit, which covers New York, Connecticut, and Vermont. It expands when an employer's duty to accommodate is triggered, and it reinforces the importance of engaging in the interactive accommodation process—even when an employee appears to be meeting job performance expectations without any accommodation.

Background on *Tudor v. Whitehall*

The plaintiff, Angel Tudor, a high school teacher, suffered from PTSD related to sexual harassment and sexual assault by a supervisor in her former workplace. For years, she had an accommodation allowing her to leave campus for 15 minutes each morning and afternoon during prep periods to manage symptoms that were triggered by the school environment. The lawsuit concerns the 2019-2020 school year, during which Tudor had a morning prep period and an afternoon study hall. She was permitted to leave the school for 15 minutes each morning, but she was permitted to leave in the afternoons only on days when another school employee could watch her students during study hall.

Tudor sued, claiming that Whitehall's refusal to guarantee a 15-minute afternoon break each day violated the ADA. Tudor acknowledged that even without additional accommodation, she was able to perform the essential functions of her job, though under great duress. The district court granted summary judgment to the school district, finding that because Tudor could perform her job without the accommodation—even if under significant stress—she was not entitled to an accommodation.

The Second Circuit's Holding

The Second Circuit reversed the district court's decision. The Second Circuit emphasized that the ADA defines a “qualified individual” as someone who can perform the essential job functions “with or without reasonable accommodation.” The Second Circuit concluded that the statutory language must be read literally: An employee's capacity to do the job without accommodation does not negate their right to one if the accommodation is otherwise reasonable.

The ruling aligns the Second Circuit with a growing consensus among other federal appellate courts, including the First, Fifth, Ninth, Tenth, and D.C. Circuits. The court stressed that the ADA's requirement that employers provide reasonable accommodations to “qualified individuals” is not contingent upon proving that such an accommodation is necessary for the performance of essential job functions. Rather, the accommodation must be reasonable, which may include mitigating an employee's disability-related pain.

Key Takeaways for Employers

The *Tudor* decision raises the bar for employers in New York, Connecticut, and Vermont. It has significant implications for how employers evaluate accommodation requests:

- **Performance is not the only benchmark.** An employee may be entitled to an accommodation even if their job performance is unaffected—especially if the accommodation alleviates pain, stress, or functional limitations.
- **Employers should assess reasonableness, not necessity**. Employers should not automatically deny a request just because the employee appears "fine" without it. The focus should be whether the request is reasonable and whether it would alleviate a documented disability-related challenge.
- **The interactive process is essential.** This decision underscores the importance of actively engaging with employees during the accommodation process and documenting those efforts.
- **Undue hardship remains a valid defense.** While employers may have to provide accommodations in circumstances in which they otherwise may have thought they were not required to do so, they may still deny a requested accommodation that would significantly disrupt operations or impose undue cost—provided that they can support that conclusion with evidence.

Bottom Line

Tudor reshapes how employers in the Second Circuit should think about accommodation requests. The decision serves as a reminder that compliance with the ADA is not a one-size-fits-all exercise and that reasonable accommodations may be required not only to enable job performance but also to reduce the burden of performing with a disability.

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