

FP SNAPSHOT FOR MANUFACTURERS: DELAY ALONE CAN VIOLATE THE ADA

Insights
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Welcome to this edition of FP Snapshot for Manufacturers, where we take a quick snapshot look at a recent significant workplace law development with an emphasis on how it impacts employers in the manufacturing sector. This edition is devoted to a recent federal appeals court ruling confirming that employers may face liability under the Americans with Disabilities Act (ADA) for unreasonably delaying disability accommodation requests, even if the request is ultimately granted.

Snapshot Look at *Strife v. Aldine Independent School District*

In a [May 16 decision](#), the 5th Circuit Court of Appeals revived an Army veteran's ADA failure-to-accommodate claim based on her employer's six-month delay in granting her service dog accommodation request. Even though the school district ultimately granted the plaintiff's requested accommodation (albeit after the plaintiff filed suit), the appeals court said that the alleged unjustified delay in doing so showed a lack of good faith to "meaningfully evaluate her request in an appropriate and timely manner."

The Equal Employment Opportunity Commission (EEOC) supported this view in an [amicus brief](#), which argued that an unreasonable delay in providing a reasonable accommodation can amount to a failure to accommodate in some circumstances (such as delays due to excessive medical documentation demands, or unnecessary procedural hurdles).

Related People



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Read more here: Barking Up the Wrong Tree? [The Legal Risk Delaying ADA Accommodations and Best Practices to Avoid](#)

3 Key Points for Manufacturers

ADA accommodation requests often raise complex questions for manufacturers due to industry-specific issues concerning workplace safety and layered logistical or operational processes. For instance, a manufacturer may not have to allow a service dog on an active production floor, particularly if there are forklift routes, high-voltage areas, sanitation rules, etc. at play. As a result, there may be many requests that you may permissibly deny.

In addition, manufacturing environments are usually fast-paced. Yet they demand precision and accuracy and require supervisors to balance a range of issues, from throughput targets to shift coverage. It therefore may be tempting to deprioritize ADA requests – but doing so can bring significant legal risks. Here are three things you should do instead:

1. Respond promptly to accommodation requests.

Acknowledge requests right away and initiate the interactive process without delay – even if the ultimate answer is “no” based on legitimate operational constraints. As shown in *Strife*, timing alone can make or break a claim. Make sure frontline leaders are trained to flag requests immediately, involve HR early, and document each step of the process to show good faith engagement. Do not wait for the request to escalate before acting on it.

2. Engage in the interactive process, even if you are not required to comply with the specific request. If the requested accommodation isn’t feasible, communicate why and work with the employee to explore other reasonable solutions. For example, if a service animal poses a safety and operational concern in a production area, consider:

- whether the employee can be reassigned to a different and less safety-sensitive workspace; or
- other conceivable reasonable accommodations that meet the employee’s medical needs, without jeopardizing the pursuit of safe, efficient, and productive manufacturing.

3. Avoid imposing unnecessary hurdles and act in good faith. Even if you respond to the initial request right away –

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and even if you ultimately provide a reasonable accommodation – you could still have liability exposure if you drag out the interactive process without justification. For example, you should limit or avoid:

- **medical barriers**, such as excessive paperwork or demands for independent medical exams if the employee has provided documentation that supports that they have a disability and require a reasonable accommodation; and
- **procedural roadblocks**, such as requiring the employee to route requests through unnecessary layers of internal approval, delaying meetings without explanation, imposing arbitrary deadlines or forms not required by law, or requesting re-submission of previously provided documentation.

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We will continue monitoring workplace law developments as they apply to the manufacturing industry, so make sure you are subscribed to [Fisher Phillips' Insight System](#) to have the most up-to-date information sent directly to your inbox. If you have questions, contact your Fisher Phillips attorney, the authors of this Insight, or any attorney on our [Manufacturing Industry Team](#).