Advisory Memo: Employment Issues

**MEMO**

To: Will N. Trust

From:

Date: November

Re: Reasonable Accommodation and Undue Hardship

We are currently conducting a review of our employee’s files Ned and we require examination to ensure that State of Estates is in compliance with Title VII laws. Ned was hired by our organization to fill the position of weekend supervisor. His position requires that he work morning shift on the weekends. During the interview process normally an applicant should disclose that fact that they need reasonable accommodation and the cause. However, he failed to disclose his religious practices as a “Weekend Warrior” prior to him hired.

The conflict arises within State of Estates because the supervisor are now required to find other managers to cover his shift, as well as, the cost associated with paying overtime. However, the duty to accommodate Ned only goes to the extent that it will not cause the company undue hardship. (Bennett-Alexander & Hartman, 2015). If the employer knew upon hiring this issue could have been resolved when he was hired. A feasible solution that would not disrupt the workplace would be having management constructed a revised scheduled for the days Ned will be off.

Ned falls under at will employee and either party may end the working relationship at any time as long as discrimination laws haven’t been violated (Bennett-Alexander & Hartman, 2015).For Ned to move forward with a claim of discrimination based on religion he would have to establish a Prima Face case proving on the following:

* He informed State of Estates on the conflict of scheduling
* He has sincere religious beliefs that conflict with requirements of the position
* He was terminated or written up for not complying with schedule start time of his position

 Undue hardship can be can be recognize in this situation for the organization with regards to decreased profits, productivity and resources for the organization. Final review of our records reveal that our company has made every effort to reasonably accommodate the employees’ needs and Ned does not have grounds to file a claim against our organization. The supervisor once all alternatives have been exhaust the State of Estates has satisfied their obligations under Title VII and there would be no liability to the company (Bennett-Alexander & Hartman, 2015).

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Re: Qualification for protection under ADA

Ella has been employed for four years in our accounting department in our Northern Satellite Office. She does really well performing her duties but, as of recent she had been caught sleeping several different occasions. Ella reveal to her supervisor that she has disorder sleep apnea. She was forthcoming with a lot of material about her condition. Ella put in a request a special caffeine supplement, at $200 daily, to keep her focused on the spreadsheets(Alexander & Hartman, 2015). The Americans with Disabilities Act (ADA) of 1990 protects Ella from losing her job or being discriminated against. Therefore, it makes her is request is within the limitations of accommodating for the disorder (Alexander & Hartman, 2015).

If Ella were to file lawsuit against State of Estates she would have to prove the following: The pills are a requirement for her keep working and she has made her employer aware of her need for the special caffeine supplement. To be offer reasonable accommodation to Ella, it is recommended that the supplemental pills be given to her over a thirty day trial basis. Afterwards an evaluation to determine if the pills have helped; if not then it may necessary to schedule more breaks or other activities to keep her alert. It is important to take any steps to help her retain employment with our company.

 If it comes to a situation where all options have been explored, it may be necessary to assess her employment status. State of Estates at this time may have a valid reason to legitimately terminate or to write her up. To prevent a disparate treatment case the organization must be able to demonstrate that Ella did not make her employer aware that she had sleep apnea give proper notification of her disability and that she need for the special accommodation of the caffeine supplements creates undue hardship on State of Estates. To preventUndue Hardship State of Estates will also need to consider the cost to the company and investigate if they may be eligible to get tax deductions or credits to balance out the cost (Bennett- Alexander & Hartman, 2015).

**References**

Alexander, D., & Hartman, L. (2015). Employment Law for Business (8th ed.). New York, NY: McGraw Hill Education.