

Employment Law Update: An Indefinite Accommodation May Not Be a Reasonable Accommodation

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Requests for accommodation made by disabled employees often confuse employers. It is often difficult to determine what the law requires of an employer when presented with an accommodation request. A recent case provides clarity into one area of confusion: the length of time for which an employee can request an accommodation. In *Wraith v. Wayfair*, the United States District Court for the District of New Jersey (“New Jersey District Court”) ruled that a request by an employee for indefinite leave or light duty is not reasonable. This means that an employer may be able to deny an employee’s request for accommodation with no end date.

The Accommodation Request in *Wraith v. Wayfair*

In *Wraith v. Wayfair*, the employee, a 37 year old man who worked in a Wayfair warehouse, badly injured his shoulder at work. The employee submitted a doctor’s note to Wayfair stating that he could not return to work. Wayfair terminated him after he exhausted his sick time under the New Jersey Sick Leave Law and Wayfair’s policies. The employee had not worked at Wayfair long enough to qualify for leave time under the Family and Medical Leave Act (“FMLA”). Wayfair told him that he was eligible to reapply for his position when he could return to work.

Approximately 2.5 months later, the employee was cleared by his doctor to return to full activities; however, he did not contact Wayfair to let the company know he could return to work. Instead, the employee sued Wayfair, claiming that the company failed to accommodate him. He argued that Wayfair should have provided him with light duty or a medical leave rather than terminating him.

Indefinite Accommodation Requests are Not Reasonable

Prior to his termination, the employee asked Wayfair for light duty. The company had no truly light duty positions open at the time; there were only “medium,” in other words, less than full duty but not actually light duty positions available. The employee was not able to physically work in those positions. Moreover, the New Jersey District Court explained that the employee “failed to provide a timeline for which he would either require light duty or medical leave,” and New Jersey law is clear that a request for an indefinite accommodation is not a reasonable request. The Court dismissed the employee’s failure to accommodate claim and held that Wayfair had no duty to accommodate him given the facts of the case.

Indefinite Request for Remote Work

There is no New Jersey case where a court has ruled explicitly on a disabled employee’s request for indefinite remote work. However, both state and federal New Jersey courts have held that a request for an indefinite accommodation is unreasonable.

Takeaway: New Jersey courts view an indefinite request for an accommodation as unreasonable. Requests for medical leave, light duty, or even remote work that are indefinite may be denied by employers. However, each request must always be examined on its own facts before a decision is made. If you are an employer and need help responding to an employee request for accommodation or any federal or New Jersey employment law, contact [Stephanie Gironda](#) or any member of the Wilentz [Employment Law](#) Team.

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