

HYPOTHETICAL

Laura Wright is a 40-year-old clerical employee for Hoover Financial Services Corporation (“HFSC”). Since the death of her father when she was a teenager, Ms. Wright has been diagnosed with bipolar disorder. Ms. Wright has worked for HFSC for over 20 years.

During her career, Ms. Wright has had a series of episodic incidents at work caused by periods during which she was experiencing active symptoms. The last incident was ten years ago. At that time, the Human Resources Department and some supervisors were advised by Ms. Wright of her psychiatric condition, as well as the nature of the treatment. The situation was resolved after Ms. Wright was placed on an unpaid leave, during which time she obtained effective treatment and a regimen of care.

In October 2006, Ms. Wright stopped taking a newly prescribed psychotropic medication because of its adverse side-effect. During this time, Ms. Wright was unable to sleep and began feeling agitated and manic at work. The current Human Resources staff and Ms. Wright’s supervisors had not worked for HFSC at the time of the last incident and were not aware of her condition. Ms. Wright’s troubled behavior became increasingly erratic. In response, the current Human Resources staff, working in conjunction with the supervisors, addressed the situation with counseling sessions, job reassignments, a referral to EAP, and threats of discipline.

On March 1, 2007, Ms. Wright had a major episode at work that lasted over an hour. During the incident, she screamed obscenities and threw objects, leading Human Resources staff to summon the police. Before they arrived, Ms. Wright left, telling her supervisor that she felt sick. HFSC suspended her and issued disciplinary charges under the collective bargaining agreement seeking her termination. With the aid of her union representative, she filed a grievance challenging the termination, and the union agreed to pursue her grievance to arbitration. Although Ms. Wright initially did not explain to her union representative what happened on March 1, 2007, she ultimately admitted that she had stopped taking her prescribed medication, but insisted that her behavior at work was justified due to all the stress caused by her job duties.

In advance of the arbitration, the union assisted Ms. Wright in preparing and submitting a request for a reasonable accommodation with respect to her mental disability (she wanted to transfer to another position), as well as a request for FMLA leave. In response, the Human Resources Department agreed to meet with Ms. Wright and her union representative to discuss her requests for an accommodation and FMLA leave.