

***Insurance Times:*** Supreme Court to decide scope of federal disabilities act  
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Is An Impairment A Disability If It Precludes A Worker From Performing Only Some Of The Tasks Associated With A Specific Job?

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Associated Press

LEXINGTON, Ky. — Ella Williams worked on a Toyota assembly line until she said the repeated use of pneumatic tools damaged her arms and hands and made routine tasks nearly impossible. She was moved to a different department, but the new plant added a new chore that made the pain even worse.

The situation prompted Williams to sue, claiming Toyota had violated the Americans with Disabilities Act. The U.S. Supreme Court will hear the lawsuit in a case that could have far-reaching effects on the nation's businesses.

At issue is whether Williams actually has a disability, as opposed to a job-related injury that should be handled under workers' compensation, and what her case may portend for business.

Facing the justices is this question: Does an impairment qualify as a disability if it precludes an individual from performing only some of the tasks associated with a specific job?

Toyota argues that the ADA is meant to cover people excluded from a broad range of jobs, not those excluded from a single job or the worker's job of choice.

After her assembly line job, Williams was moved to paint inspection. The chore was to wipe down cars, at the rate of one per minute, with an oil that highlighted paint flaws. It required her to grip a wooden-handled sponge and keep her hands and arms at shoulder level for hours each day, causing tendinitis in her neck and shoulders, she said.

Paint inspection was one of the easiest jobs at the plant, and Williams was fine with it until 1996 when the new chore was added, according to the lawsuit.

#### Large Impact on Business

Williams' case "reaches far beyond just the Toyota operation," Latondra Newton, a spokeswoman for Toyota Motor Manufacturing Kentucky, said. "The decision itself has a large impact on businesses across the United States."

Toyota won at the trial level, where a federal judge dismissed the case. A panel of the 6th U.S. Circuit Court of Appeals reinstated the lawsuit, declaring there was evidence that Williams was "substantially limited as to a major life activity" — an ADA requirement.

The appellate decision said Williams' ailments were "analogous to having missing, damaged or deformed limbs" that prevented her from doing the manual tasks associated with assembly-line work.

Toyota's attorney, John Roberts of New York, said in a brief that the appeals court "turned the logic of the ADA on its head."

The ruling "legitimizes an entire species of disability claims that had heretofore been universally rejected: those based on an inability to perform a single job," Roberts wrote.

Williams' attorney, Leslie Rosenbaum of Lexington, said Williams cannot lift more than 20 pounds or perform any job that requires repetitive manual activity.

That excludes her from at least half the jobs in the labor market as well as "manual tasks associated with recreation, household chores and living generally," Rosenbaum said.

Even if the Supreme Court sides with Williams, much about her case remains in dispute.

She claims she was fired; Toyota claims she quit. She also claims the company failed to "reasonably accommodate" her disability by allowing her to return to her original paint inspection job, something Toyota disputes.