

An employer never has to remove an essential function as an accommodation but, absent undue hardship, must provide a reasonable accommodation that would permit an employee to perform an essential function. Therefore, in example 9 above, if the hospital cannot eliminate the delivery function but another reasonable accommodation exists that would not result in undue hardship, such as a mobility device with carrying baskets for the technician to use within the hospital, the hospital must provide the alternative accommodation.

EXAMPLE 10
Employee Able to Perform Essential Function

An applicant for a hospital patient access technician has paraplegia and uses a wheelchair. The position requires greeting patients and their families, obtaining patient data and entering it into the computer, and moving patients who may be in wheelchairs to their next location, as well as moving back and forth among rooms to check the status of patients. The applicant will be considered qualified for the position if she has the requisite education, experience, and skills, and has the ability to push others in wheelchairs satisfactorily and safely even though she uses a wheelchair herself. ^[24]

[24] The facts in this example are based on a lawsuit filed by EEOC and voluntarily settled February 6, 2006, prior to a decision by a judge or jury (EEOC v. New Hanover Regional Medical Center, Civil Action No. 7:05-CV-180-D(2)). See also Stafne v. Unicare Homes, 266 F.3d 771 (8th Cir. 2001) (disagreement between majority and dissenting opinions regarding whether pushing wheelchairs was an essential function of a nursing home nurse position, and if so whether nurse could have performed this function if provided a motorized cart as an accommodation).