

**SUPREME COURT SETS YET ANOTHER
DEMANDING STANDARD FOR EMPLOYEES TO SATISFY
IN ORDER TO QUALIFY AS DISABLED UNDER
THE AMERICANS WITH DISABILITIES ACT**

JANUARY 23, 2002

On January 8, 2002, the United States Supreme Court issued a unanimous decision in *Toyota Motor Manufacturing, Kentucky, Inc. v. Williams*, No. 00-1089, which considerably restricts the coverage of the Americans With Disabilities Act, 42 U.S.C. §12101 *et seq.* (the “ADA”). In a major decision that substantially favors employers, the Court has continued to define narrowly the term “disability”, as it had done in its earlier ADA decisions such as *Sutton v. United Air Lines, Inc.*, 527 U.S. 471 (1999) (individual with impairment that can be corrected with prosthetic device is not “disabled” within the meaning of the ADA) and *Albertson’s, Inc., v. Kirkingburg*, 527 U.S. 555 (1999) (truck driver with monocular vision does not have a disability that substantially limits a major life activity, where his vision was merely different from that of most people).

THE FACTS OF TOYOTA MOTOR

In the *Toyota Motor* case, the employee, Williams, was an assembly line worker at an automobile manufacturing plant. After having been diagnosed with carpal tunnel syndrome and taking a leave of absence, she was assigned to the Quality Control Inspection Operations area (“QCIO”). QCIO generally consists of four operations, namely: (1) assembly paint; (2) paint second inspection; (3) shell body audit; and (4) ED surface repair. For several years, Williams performed only the first two operations as her QCIO team was not required to perform all QCIO functions. These operations required visual and manual inspections of cars, with the manual inspection conducted by wiping down each car with a glove as it passed the work station. Williams could perform these two QCIO tasks without problem.

Thereafter, the employer decided to require all QCIO employees to perform all four QCIO operations in a rotation. This change required Williams to perform the “shell body audit” operation, which she did by holding her hands and arms up at shoulder height for several hours at a time while applying an oil to the cars’ surfaces. This work caused her substantial pain. She requested to be accommodated by being returned to performing only the first two QCIO tasks. No accommodation was made and a doctor soon placed her under a restriction against work of any kind. After missing work, she was terminated by the employer for poor attendance. Williams commenced an action against the employer under the ADA and

the analogous Kentucky state statute prohibiting employment discrimination on the basis of disability (the “Action”).¹

In the Action, Williams alleged *inter alia* that she was disabled within the meaning of the ADA because her impairment substantially limited her in performing: (1) manual tasks; (2) housework; (3) gardening; (4) playing with her children; (5) lifting; and (6) working. Williams claimed that each of these functions was a major life activity under the ADA and, therefore, that her employer had a duty to reasonably accommodate her.²

THE DECISIONS OF THE DISTRICT COURT AND COURT OF APPEALS

The District Court dismissed the Action, finding that Williams was not disabled as that term is used in the ADA because her impairment did not affect a major life activity.³ The District Court held that housework, gardening and playing with children were not major life activities under the ADA. It also held that although the performance of manual tasks, lifting and working could be major life activities, the record established that she was not substantially limited in any of those three areas because she could perform the first two of the QCIO operations without limitation or difficulty.

On appeal, the Court of Appeals for the Sixth Circuit held in favor of Williams and reinstated the Action. The Sixth Circuit held that in order for Williams to prove that she was disabled as a result of being limited in performing manual tasks, she would have to prove that her impairment involved a “class” of manual occupational activities. The court further held that Williams had sufficient evidence to prove that she was disabled by a substantial limitation in performing manual tasks that apply to a class of jobs including some types of assembly line work, manual product handling and some construction jobs (*e.g.*, painting, roofing) that necessitate using hand tools and her arms in similar fashion to the QCIO shell body audit operation. Because this legal issue was a sufficient basis upon which to decide the case and

¹ The Kentucky Civil Rights Act, Ky. Rev. Stat. Ann. §344.010 *et seq.*, is substantially identical to and construed in accordance with the ADA insofar as it relates to disability discrimination in employment.

² Under the ADA, a private employer must generally provide reasonable accommodations to known physical or mental impairments of an applicant or employee who is otherwise a qualified individual with a “disability”. The term “disability” is defined in the ADA as “(A) a physical or mental impairment that substantially limits one or more of the major life activities of such individual”. 42 U.S.C. §§12111(8), 12112(b)(5)(A).

³ The phrase “major life activity” is not defined in the ADA.

grant partial summary judgment to Williams, the Sixth Circuit did not reach the issues of whether she was also substantially limited in the major life activities of lifting or working.⁴

THE SUPREME COURT RAISES THE BAR FOR PROOF OF DISABILITY

The Supreme Court reversed the Sixth Circuit, holding that the Court of Appeals erred by determining that Williams was substantially limited in performing manual tasks solely by reference to occupational tasks.

As its starting point, the Court held that for the performance of manual tasks to constitute a major life activity, which otherwise includes such basic activities as walking, seeing and hearing, the manual tasks must be those that are of central importance to daily life. The Court also reasoned that because the regulations of the Equal Employment Opportunity Commission interpreting the ADA provide that one is “substantially limited” in a major life activity, which is a prerequisite for ADA protection, when one is “[u]nable to perform a major life activity that the average person in the general population can perform”, or “[s]ignificantly restricted as to the condition, manner or duration under which an individual can perform a particular major life activity as compared to the condition, manner, or duration under which the average person in the general population can perform that same major life activity,” 29 C.F.R. §1630.2(j), a substantial limitation in a major life activity requires that the individual must “have an impairment that prevents or severely restricts the individual from doing activities that are of central importance to most people’s daily lives.”

The Court held that the Sixth Circuit did not apply the correct standard when it granted partial summary judgment in favor of Williams on her ADA claim. Rather than focusing on manual activities that are of central importance in most people’s lives, the Sixth Circuit standard examined the manual tasks that Williams was called upon to perform at work and inquired whether those tasks fit generally into categories that were common across various jobs. Thus, to the Supreme Court, it was not relevant whether Williams could show a substantial limitation in performing a “class” of manual activities. As the Court held, “the central inquiry must be whether the claimant is unable to perform the variety of tasks central to most people’s daily lives, not whether the claimant is unable to perform the tasks associated with her specific job.”

In this regard, the Court relied upon the fact that the manual tasks that caused difficulty to Williams (*i.e.*, repetitive work with hands and arms extended at or above shoulder level for extended periods of time) are not important parts of most people’s lives. And, the Court criticized the Sixth Circuit for disregarding evidence that Williams could largely perform household chores, garden, cook, do laundry, bathe and brush her teeth, all of which, in the Court’s view, should have been considered in determining whether Williams was substantially

⁴ Williams did not appeal the District Court’s determinations that gardening, doing housework and playing with her children were not major life activities as a matter of law.

limited in a major life activity.⁵ The Court remanded the case to the Sixth Circuit for further proceedings consistent with its decision.

CONCLUSION

The Court's decision in *Toyota Motor* continues the process, seen in its earlier ADA decisions in *Sutton* and *Albertson's*, of imposing what the Court itself characterizes as a "demanding standard for qualifying as disabled." The effect of this decision is to sharpen the focus upon the individual on the initial issue of ADA litigation, when it is determined if a protected disability exists, by making relevant how an individual conducts the basic tasks in his or her daily life, and lessen the importance of an inquiry into the job itself. Still, a job-specific inquiry will continue to be important on the separate issue often present in ADA litigation of determining what changes to the job or workplace constitute a reasonable accommodation. This decision is clearly favorable to employers and will likely increase the already high rate of dismissals of ADA claims by the courts, compared to the rate of dismissals of other types of employment discrimination claims not involving disability.

Notwithstanding the decision in *Toyota Motor*, employers must remain cautious of other statutory rights that may provide a larger measure of protection against disability-based discrimination than does the ADA. Although the Kentucky statute under which Williams sued was substantively identical to the ADA, and the disposition of the state law claim followed the disposition of the ADA claim, many states, such as New York and Illinois, have enacted prohibitions against disability discrimination in employment that are much broader than the ADA and do not require employees to prove that their physical or mental impairments substantially limit a major life activity. See N.Y. Exec. Law §290 *et seq.*; Ill. Comp. Stat. §5/1-101 *et seq.*

Please contact J. Scott Dyer (212-455-3845), Fagie Hartman (212-455-2841), or Susan Digilio (212-455-3085) if we can be of assistance on this or any other labor and employment law matter.

SIMPSON THACHER & BARTLETT LLP

⁵ The Supreme Court found other evidence that Williams avoided sweeping, gave up dancing, sometimes needed help dressing, and reduced the time she spent playing with children, gardening and driving to be legally insufficient to constitute a substantial limitation on the major life activity of performing manual tasks.