

U.S. Vet. App. No. 18-765 (oral argument held June 19, 2020),

<https://www.youtube.com/watch?v=c5N7a6Zwcok>.

In *Vande Zande*, the case counsel referenced in response, the Seventh Circuit Court of Appeals recognized that government employment can be in a protected environment. That Court rejected the plaintiff’s argument that providing her with a laptop computer and allowing her to work from home to avoid taking sick leave were reasonable accommodations that her employer, the State of Wisconsin, was legally required to provide. *Id.* at 544. These accommodations were not required by the ADA (and hence unreasonable), the Court explained, because “[a]n employer is not required to allow disabled workers to work at home, where their productivity inevitably would be greatly reduced.”¹ *Id.* at 545.

The Court went on to recognize that a government employer is equipped to make generous concessions to a disabled worker, and it explained that the accommodation the employer provides may be an over-accommodation that is not mandated by law:

[I]f the employer, because it is a government agency and therefore is not under intense competitive pressure to minimize its labor costs or maximize the value of its output, or for some other reason, bends over backwards to accommodate a disabled worker—goes further than the law requires—by allowing the worker to work at home, it must not be punished for its generosity by being deemed to have conceded the

¹ The Court recognized, “This will no doubt change as communications technology advances.” *Id.* at 544.

reasonableness of so far-reaching an accommodation. That would hurt rather than help disabled workers.

Id.

WHEREFORE, counsel notifies the Court of the foregoing supplemental authority.

Respectfully submitted,

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