

Mr. Jones

Mr. Jones worked as a maintenance mechanic at the County Highway Department for approximately seven years. During the first few years of his employment he had several incidents and confrontations with co-workers and supervisors. The incidents included heated arguments, threats, fights, insults to co-workers and foreman. He quickly developed the reputation as a hothead. He received several formal written warnings indicating that the County would no longer tolerate his outbursts and this could lead to his termination. In September of 2003, Jones was involved in another incident with an employee which resulted in a final warning. Smith, the County's new enlightened Human Resources Manager, referred Jones to its employee assistance program. Jones started therapy and the therapist diagnosed his condition as Attention Deficit Hyperactivity Disorder (ADHD). Jones continued to receive counseling and obtained medication. He advised his superiors that his condition has significantly improved to the point where it almost disappeared. In February of 2004, Jones requested a medical leave and submitted a medical certificate to support it. Over the 40 days of his leave, he was treated and hospitalized for depression at which time he was released to return to work without restriction. His therapist reported to the County that Jones was making good progress and both work and in terms of his family situation. Nevertheless in June of 2004, he had a run in with a co-worker that became so heated that two supervisors were involved and he engaged in behavior which was described as "irrational and belligerent and out of control." His supervisors indicated that Jones' behavior made them concerned for their safety and that of the other employees. His employment was terminated.

Wonka Chocolate Company

Veruca Salt worked at Willie A. Wonka Chocolate Company, Inc. (Wonka), between 1985 and 2001. During that time, she began to experience back problems, some of which resulted in surgery. After her first surgery in 1998, she returned to light duty as a production line inspector of Wonka's Everlasting Gobstoppers candy.

In 2001, WACCI began a rotation policy for inspectors to minimize repetitive stress injuries. Salt refused to participate in each of the rotations because of her back problems. Her doctor subsequently issued a letter supporting her position.

In August 2001, Salt went on short-term disability, saying that she was unable to work in any position in the Wonka plant. She applied for and received long-term disability benefits in November 2001, stating in her application that she was unable to perform the essential functions of the inspector's job. She also successfully applied for Social Security disability benefits in 2002, based on her representation that she had been totally unable to work beginning in July 2001.

As required by the collective bargaining agreement between WACCI and Bakery, Confectionery, Tobacco Workers & Grain Millers Local 464, Salt received full-time employee benefits as a disabled employee. Also pursuant to the collective bargaining agreement, WACCI terminated Salt in July 2003 because she had been absent from work for 24 months. Salt then sued under the ADA, alleging that she was not completely disabled and could have performed her job if Wonka had exempted her from the job rotation system. She claimed that Wonka violated the ADA by not offering her that reasonable accommodation. Wonka moved for summary judgment.