

Second Circuit Clarifies ADA Standard on Reasonable Accommodations

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Employers in New York, Connecticut, and Vermont should take note of a recent Second Circuit decision holding that an employee may still be entitled to a reasonable accommodation under the Americans with Disabilities Act (“ADA”) even if they can perform the essential functions of their job without accommodation.

In [*Tudor v. Whitehall Central School District*, \(2d Cir. Mar 25, 2025\)](#), a circuit court panel vacated a district court’s grant of summary judgment in favor of Whitehall Central School District (“Whitehall”) on a failure-to-accommodate claim. The employee, a teacher with a longstanding history of PTSD, had been granted an accommodation in 2008 allowing her to leave campus for short breaks during morning and afternoon “prep periods”—times when she otherwise would not have been responsible for overseeing students. In 2016, a policy change prohibited teachers from leaving campus during these periods. Whitehall later permitted a morning break and, at times, an afternoon break when coverage was available.

The case focused on the 2019–20 school year, when the employee was assigned to supervise students during the time she would ordinarily take her afternoon break. She continued to take the breaks without formal approval, which she testified heightened her anxiety due to concerns about violating school policy. She later filed suit, alleging that Whitehall failed to reasonably accommodate her disability in violation of the ADA. The district court granted summary judgment to Whitehall, reasoning that because the employee admitted during the proceedings that she could perform her job without the requested accommodation, she could not establish a required element of her claim.

The Second Circuit disagreed, emphasizing that the ADA does not require an employee to show that an accommodation is necessary—only that it is reasonable. To establish a prima facie case under the ADA, an employee must show that: (1) their employer is subject to the ADA; (2) they were disabled within the meaning of the ADA; (3) they were otherwise qualified to perform the essential functions of their job, *with or without* reasonable accommodation; and (4) their employer refused to make a reasonable accommodation (emphasis added). The Second Circuit held that the ability to perform the essential functions of the job without an accommodation does not foreclose an employee’s failure-to-accommodate claim. The statutory language protects employees who can perform their jobs “with or without” accommodation and obligates employers to provide reasonable accommodations unless doing so would impose an undue hardship.

In reaching this conclusion, the court relied on the ADA’s plain text and aligned itself with the majority of other circuits in rejecting the idea that an employee must show an accommodation is necessary to perform the essential functions of their job in order to be entitled to one. It reiterated that the ADA is a remedial statute that must be construed broadly to eliminate discrimination against individuals with disabilities, and to say that an accommodation must be necessary in order to be reasonable would run counter to this purpose. The Second Circuit did note, however, that Whitehall may still raise other defenses on remand, including whether the employee had a qualifying disability or whether the requested accommodation would have posed an undue hardship.

A key takeaway for Second Circuit employers is that the ADA requires them to consider and, where appropriate, provide reasonable accommodations—even when an employee can perform essential job functions without one.

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