Keith v. County of Oakland

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 In Keith v. County of Oakland, the sixth court of appeal reversed the court ruling of Michigan state district court. It mentioned that the deaf applicant’s rights under the “Americans Disabilities Act (ADA)” have been violated. This violation took place when the county revoked his job offer of hiring him as a lifeguard.

# Case study review of Judge Griffin’s opinion

In Keith v. County of Oakland case, the circuit Judge Griffin argued that the burden of evidence is required to decide if Oakland County has given Nicholas Keith the due rights or not? He remarked that the evidence will suggest that whether Nicholas has been discriminated on the basis of his disability. He argued that if this disability gets prove, it will also be the violation of ADA. Prior to this, the county authorities refused to hire Keith as the lifeguard. The Court, later on, gave the county authorities the summary of judgment so that the can prove that how Keith was differently qualified for the position of Lifeguard in their pool. The Court guided, the County authorities to also make this clear that whether Keith was eligible for accommodation or not (Schaff et al., 2013).

# What are the legal issues presented in this case? Did the plaintiff establish a valid claim of failure to reasonably accommodate? What did the appeals court decide?

The following are the legal issues which were presented in this case

1. Keith was not given this position and was discriminated on the basis of disability
2. It is not clear that the County had made an individual inquiry or not
3. Whether Keith was eligible for the job if provided with reasonable accommodation
4. Whether or not the county engaged in the individual case analysis of Keith.

A separate inquiry was, therefore, necessary to be done by the ADA especially in cases involving persons with such disabilities. The legal problem with this case was that County failed to provide the accommodation for Keith which was deaf. He was also denied the position both in 2007 and 2008. Keith, therefore, adopted the valid claim that the county has not provided him reasonable accommodation. Since Oakland County knew that the person requires special accommodation without the request of the applicant (Walsh, 2015). The court also noticed that Keith also remained to fail in proving that due to his cochlear plant he requires an interpreter during only the classroom instructions, and these will be sufficient accommodations. This led the District Court to make his opinion.

# What accommodations was Keith requesting? Was it reasonable? Support your opinion with an argument based on the course concepts and existing legal evidence or precedents.

The accommodations Keith wanted was using a notecard, the permission to use an interpreter/ signer which he wanted to use during the meetings and classrooms. I think that these were some viable demands since he had the ability to detect voices through his cochlear implant. He can also detect the alarm bell, the noise of people calling him, and whistles. Even though he was not able to speak, therefore he just needed the help of an interpreter. Considering the EEOC (2018) instructions, an employer is bound to provide any such accommodation to an employee with such disabilities. If an employer remains to fail in providing such accommodations, it can result in significant difficulties for the employer (Malos, 2015). Appeal court suggested that since the County has valid concerns about the duties of the employees, therefore, Keith's disability is not alone and is therefore not the right reason to justify non- employment.

# Did the county follow the interactive process required by the Americans with Disabilities Act (ADA)? What did they do well? What could they have done differently?

 There had been no such proofs that the County followed some interactive processes. Malos argued that ADA wants the employers to take actions, different from stereotype and generalization about disability (Malos, 2015). In cases pertaining to specific disability and its effect on individual ability to do a certain job, the ADA suggests the follow the most appropriate set of guidance. In the case of Keith, County went much ahead in providing him every kind of medical support and more than that.

Works Cited:

Malos, S. (2015). Overt Stereotype Biases and Discrimination in the Workplace: Why Haven’t We Fixed This by Now? *Employee Responsibilities and Rights Journal*, *27*(4), 271–280.

Schaff, K., Desautels, A., Flournoy, R., Carson, K., Drenick, T., Fujii, D., … Shrago, A. (2013). Addressing the social determinants of health through the Alameda County, California, place matters policy initiative. *Public Health Reports*, *128*(6\_suppl3), 48–53.

Walsh, D. J. (2015). *Employment law for human resource practice*. Nelson Education.