

JASON COOLING v. CITY OF TORRINGTON, AC 45395

Judicial District of Litchfield

Discrimination; Summary Judgment; Whether Employer's Conduct Did Not Constitute Disability Discrimination as Matter of Law; Whether Undisputed Facts Established that Employer Had Engaged in Good Faith Interactive Process to Reasonably Accommodate Employee's Disabilities. The plaintiff was hired by the defendant city as a police officer in 2008. Both prior to and during his employment, he served in the Marine Corps. In January, 2017, the defendant began an investigation into the plaintiff's use of sick leave, which prompted the plaintiff to disclose that he suffered from various disabilities. The defendant placed the plaintiff on sick leave probation in February, 2017. The following month, the plaintiff's psychiatrist notified the defendant that the plaintiff was being treated for anxiety and depression and recommended certain accommodations to his work schedule. In April, 2017, the parties met at the plaintiff's request to discuss the potential accommodations that he work either a regular day shift or an evening shift with weekends off. In response, the defendant offered the plaintiff a day shift, which he declined because it would result in the loss of his canine partner that he considered "part of [his] family." In June, 2017, the plaintiff was injured while on duty and was seen by a workers' compensation doctor. Due to ambiguity in the doctor's report, the defendant instructed another police officer to accompany the plaintiff back to the doctor to seek clarification. The doctor cleared the plaintiff to return to work with certain limitations, but he nevertheless remained out of work until January, 2018. While the plaintiff was on leave, his photograph was defaced at the police station. The defendant investigated, disciplined another officer for failing to report the defacement, and there were no further incidents after the plaintiff returned to work. The plaintiff later resigned and, shortly thereafter, filed the present action alleging disability discrimination under the theories of a hostile work environment, which requires proof that the workplace was objectively and subjectively hostile, and failure to reasonably accommodate his disabilities. The trial court granted the defendant's motion for summary judgment. The court determined that, as a matter of law, the defendant had not created a hostile work environment in placing the plaintiff on sick time probation, refusing to provide an accommodation permitting him to keep his canine partner, sending another officer with him to the workers' compensation doctor, and responding to the defacement of his photograph and the police chief's alleged comments that the plaintiff was not acting "like a Marine." The court further rejected the plaintiff's reasonable accommodation claim because the defendant had engaged in an interactive process to arrive at an appropriate accommodation and it did, in fact, offer the plaintiff such an accommodation. The plaintiff now appeals to the Appellate Court, claiming that the trial court erred in (1) concluding as a matter of law that the defendant's conduct was not discriminatory or sufficiently severe or pervasive so as to create a hostile work environment and (2) determining that the defendant engaged in a good faith interactive process to reasonably accommodate the plaintiff's disabilities. The plaintiff argues that the defendant's conduct was objectively and subjectively hostile and that a jury should decide whether the defendant engaged in the interactive process in good faith. The defendant contends that assigning the plaintiff and his canine partner to the day shift was an unreasonable accommodation, as it would have violated the police's collective bargaining agreement.