



Employment Law Case Alert

Employer’s Refusal to Allow Employee to Continue to Work Remotely as a Medical Accommodation Leads to \$22 Million Dollar Jury Verdict



In July, 2024, a federal jury awarded Christopher Billesdon, a former Wells Fargo director, \$22.1 million dollars after finding that Wells Fargo violated the Americans with Disabilities Act (“ADA”) when it failed to accommodate Billesdon’s request to work remotely, and later included Billesdon in a layoff. (*Billesdon v. Wells Fargo Securities LLC*, case number 3:23-cv-00160, in the U.S. District Court for the Western District of North Carolina.) Wells Fargo has appealed the verdict.

Billesdon worked for Wells Fargo for over 25 years, and first requested a work-from-home accommodation in August 2021. Wells Fargo assigned an “ADA Accommodations Consultant” to evaluate his request, and the consultant met with Billesdon and his managers regarding the requested accommodation. The consultant recommended Wells Fargo approve a work-from-home accommodation for Billesdon. Ignoring the recommendation, the managers said they had concerns that Billesdon would not be “effective and productive” working from home, even though Billesdon and other employees had been working remotely for over a year due to the global pandemic.

Billesdon’s manager previously selected a group of employees, which did not include Billesdon, for layoff. On December 6, 2021, Billesdon was added to the layoff group by his manager. On December 28, 2021, Billesdon’s manager told the ADA Accommodations Consultant that Billesdon could work from home temporarily because Wells Fargo had delayed its return to office requirement for all employees. The managers essentially “kicked the can down the road” — instead of following up on the accommodation request, they put off the accommodation decision because: 1) the work from the office requirement had been postponed for all employees, and 2) Billesdon had been added to the group selected for layoff.

Wells Fargo informed all employees on February 9, 2022, that they would be required to return to work in the office on March 14, 2022. Then, on February 14, 2024, Billesdon’s employment was terminated as part of the scheduled layoff.

The [jury found for Billesdon](#) and awarded him:

- \$6 million dollars in compensatory damages for back pay;
- \$14 million dollars for future lost earnings;
- \$100,000 dollars for emotional distress;
- \$1 million dollars for punitive damages under the ADA; and

- \$1 million dollars under North Carolina law.

The jury found that Wells Fargo violated federal law when it failed to provide a reasonable accommodation and unlawfully retaliated against Billesdon. It also found Billesdon was wrongfully discharged under North Carolina law.

TAKEAWAY - The Wells Fargo ADA Accommodations Consultant got it right — listen to the experts!

The *Billesdon* case is a good reminder that employers in the United States must:

- Engage in the interactive process when an employee makes an accommodation request by regularly communicating, requesting information from the employee if needed, and discussing accommodation options with the employee.
- Document accommodation discussions and any denial of a requested accommodation.
- Consider the employer's obligation to provide an accommodation, and do not assume placing an employee in a layoff group extinguishes the accommodation obligations.

- Remember that reasonable accommodations can take many forms, and cannot be summarily rejected by the employer. Accommodations can include, for example, a reduced schedule, remote work, intermittent time off, special office equipment, use of a service animal, receiving feedback in writing rather than verbally, and many other adjustments the employer can reasonably provide that enable the employee to perform the essential functions of the position.

Please contact our Employment Attorneys, [Erin McDermitt](mailto:emcdermit@mh-llp.com) (emcdermit@mh-llp.com) and [Beth Knodel](mailto:bknodel@mh-llp.com) (bknodel@mh-llp.com):

- if you plan to terminate an employee or conduct a reduction in force to discuss the associated legal risks,
- if you need advice on how to lawfully engage in the interactive process and provide necessary and reasonable accommodations to employees under federal and state law.

We also provide training for internal Legal and Human Resources professionals on managing accommodations and leaves of absence, and how to engage in the interactive process when an employee has a special accommodation request.

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