



## Contents

[Case of the Month](#)  
[From the Courts and Attorney General](#)  
[Recent Rules and Regulations](#)  
[In the News](#)



## Case of the Month

**City did not discriminate against an employee in violation of the ADA by declining to grant the employee's request for reasonable accommodations.**

James Davis, a former bus operator for the city of Columbus, Georgia, exhausted both his regular and [Family and Medical Leave Act \(FMLA\)](#) leave due to neck and back pain. After exhausting his leave, Davis' doctor informed him that he would need surgery and an additional six weeks of leave for recovery. Davis requested Columbus provide him accommodations in the form of an additional unpaid leave of absence and light duty work. Columbus denied Davis' requests stating that light duty work was unavailable and an additional leave of absence would create an undue hardship on the city's transportation department. Columbus terminated Davis after the exhaustion of his FMLA leave. Davis filed suit alleging Columbus discriminated against him in violation of the [Americans with Disabilities Act](#) (ADA) by refusing to provide reasonable accommodations.

Columbus filed a motion for summary judgement. The district court granted the motion, holding that Davis's request would impose an undue hardship on Columbus by increasing overtime expenses, overburdening other bus operators, and increasing recruiting and training costs. Davis appealed.

The Eleventh Circuit Court of Appeals agreed with the district court's finding that Columbus met its burden of showing that Davis' leave would impose an undue hardship as defined by the ADA and stated that Columbus was not required to demonstrate the impact of a requested accommodation with the specificity and certainty sought by Davis. Columbus' projections of potential costs were sufficient to meet its burden under the ADA. The court of appeals affirmed the grant of summary judgment to Columbus. [Davis v. Columbus Consol. Gov't](#), No. 19-14601, 2020 WL 5758676 (11th Cir. Sept. 28, 2020).

### Why is this case significant?

A community college may deny an employee's request for a reasonable accommodation under the ADA if the college can demonstrate that the accommodation will impose an undue hardship on college operations.

### Highlights

[Update 40](#) to the CCPRM is now available.

New on eLaw:

[First Amendment Basics](#)  
[Campus Expression and Facilities Use](#)

### Resources

[Texas Higher Education Coordinating Board](#)  
[Texas Legislature](#)  
[Texas Statutes](#)  
[Texas Attorney General](#)  
[U.S. Department of Education](#)



## From the Courts and the Attorney General

---

### Personnel

Former professor alleged that he was discriminated against based on his race in violation of [Title VII of the Civil Rights Act of 1964](#) when he was terminated for sexual misconduct with a student. The court held that he failed provide evidence that race affected his termination and that he failed to demonstrate how his allegations of earlier mistreatment based on race were related to his termination. [Edwards v. Indiana Univ.](#), No. 20-1866, 2020 WL 5847193 (7th Cir. Oct. 1, 2020).

### Community and Governmental Relations

The Texas Supreme Court concluded that the Texas Election Code does not authorize a county early voting clerk to mass mail unsolicited mail-in ballot applications to voters. [State v. Hollins](#), No. 20-0729, 2020 WL 5919729 (Tex. Oct. 7, 2020).

### Open Records Letter Rulings

This month, the attorney general issued an Open Records Letter Ruling based on requests from a Texas community college related to bids associated with a specified request for proposals. Tex. Att'y Gen. [OR2020-23466](#) (Sept. 17, 2020).



## Recent Regulations and Guidance

---

The Texas Board of Architectural Examiners amended [rules](#) addressing the regulation of interior design in response to changes made during the 86th Legislative Session.

The Texas Comptroller of Public Accounts adopted [regulations](#) concerning estimated tax notices required to be delivered by county appraisal districts in response to changes made during the 86th Legislative Session.



## In the News

---

The Texas Higher Education Coordinating Board updated its [Frequently Asked Questions](#) regarding the Texas Governor's Emergency Education Relief Fund.

The U.S. Department of Education issued an additional set of [Frequently Asked Questions](#) regarding the Higher Education Emergency Relief Fund.

The U.S. Centers for Disease Control updated its [guidance](#) for institutions of higher education responding to the COVID-19 pandemic.

The President issued an [Executive Order on Combating Race and Sex Stereotyping](#), Executive Order 13950, prohibiting federal contractors and grant recipients from engaging in training that promotes concepts defined by the order as "divisive" or race or sex "stereotyping" or "scapegoating".