

chicagotribune.com

Court rulings give workers with SAD something to smile about

By Megan Twohey, Tribune reporter

8:39 PM CST, February 18, 2010

Since she was hired two years ago as a suburban medical assistant, Jennifer Simonsis has come to an agreement with her employer: During the winter, she is given time off to see her doctor, frequent breaks and help in setting up a light-therapy lamp at her desk.

Joining a controversial trend, Simonsis sought workplace accommodations for seasonal affective disorder, or SAD — depression triggered by limited daylight in winter.

Pointing to a federal law that prohibits employers from discriminating against the disabled, some SAD sufferers say they are entitled to schedule changes, access to windows and other modifications. Recent legal rulings are prompting human resources experts to warn about the need to take the depression seriously.

"Some people brush you off, saying you're just in a bad mood this time of year," said Simonsis, 36, of Mount Prospect, who received her accommodations from Alexian Brothers Medical Group in Palatine. "But it's a real disability, and employers need to realize that."

Most people experience gloominess in winter, but as many as 10 percent of Chicago-area residents have enough psychological and biological symptoms to be diagnosed with SAD, according to Michael Young, an associate professor at the Institute of Psychology at the Illinois Institute of Technology.

The 7th U.S. Circuit Court of Appeals in Chicago ruled in October that a teacher could move forward with a lawsuit against her former employer alleging that the school district failed to accommodate her SAD when it refused to give her a classroom with natural light, causing her mental health to deteriorate.

The Equal Employment Opportunity Commission had determined two years earlier that Simonsis' previous employer, Advocate Medical Group, had discriminated against her when it failed to accommodate her depression and dismissed her, records show.

"I think seasonal affective disorder is rare, but it's protected under disability law," said Chicago attorney Gerald Maatman Jr., who represents employers in workplace disputes, including one involving seasonal affective disorder. "The law protects a wide range of conditions, not just physical disabilities like heart attacks and carpal tunnel (syndrome)."

When Employment Law Today, a publication put out by the Alexander Hamilton Institute, ran an article about the recent appeals court ruling, describing symptoms of seasonal affective disorder and explaining that accommodations may be necessary, editor Gloria Ju said she was dismayed to receive an e-mail from a manager brushing it off.

**Get Your 3 Bureau
Credit Report with
FICO Score.**

Now Only \$29.95 | 25% Off

LIMITED TIME OFFER

EQUIFAX **ORDER NOW** ▶

"She scoffed about seasonal affective disorder, saying that everyone feels down in the winter," Ju said. "But it's important to get out there that seasonal affective disorder and other forms of depression are not made up, and need to be taken seriously."

The depression often sets in around October and lifts in March. Fatigue, declining sexual interest and weight gain are other common symptoms. Treatment includes antidepressants, therapy and exposure to intense lamps that simulate natural light.

"Whenever we start closing up the pool at the end of the summer, I know everything is about to go downhill," said Greg Giuliani, 48, of Chicago, who takes antidepressants to counter the despair that grips him this time of year.

Dr. Angelos Halaris, chairman of the psychiatry department at Loyola University Medical Center in Maywood, tells patients with seasonal affective disorder to consider the conditions of their jobs.

"I tell them to try to find offices that are well-lit, and to be near windows so that they are exposed to natural light," Halaris said. "I make myself available to their employers, so they know this is not just someone making an excuse for a better office."

No one tracks how many people seek workplace accommodations for SAD or any other types of disability. The number of discrimination complaints filed with the Equal Employment Opportunity Commission related to anxiety, depression and other psychiatric disorders nearly doubled between 2005 and 2009. Last year, 3,837 such complaints were filed nationwide.

For employees to be entitled to workplace accommodations under the Americans with Disabilities Act, they must prove their disability substantially impairs their life and that the accommodation does not cause an undue hardship on the employer.

It's a case-by-case determination.

Some Midwesterners who suffer from SAD say their treatment and the nature of their jobs allow them to work without problems. Giuliani, for example, enjoys his night patrol duty in law enforcement and spends time off absorbing as much daylight as possible.

Others encounter greater difficulties. Renae Ekstrand, who brought the lawsuit against the Somerset School District in Wisconsin, said her teaching went smoothly for years until she was placed in a basement classroom with no windows in the fall of 2005.

She explained to the administration that she suffered from seasonal affective disorder, and that her depression would be made worse in such conditions. But the administration dismissed her pleas for a classroom with windows, even when presented with notes from her doctor, according to the appeals court ruling.

Within months, Ekstrand was suicidal. She quit rather than endure the basement classroom.

The Somerset School District, which had tried to get her lawsuit dismissed, declined to comment on the case, which is headed back to federal court in Madison.

Ekstrand, 49, who now teaches early childhood education at South Dakota State University, said she was heartened by the appeals court decision and is determined to see the lawsuit through.

"It's been very stressful for me and my family," she said. "But it's important for people to see seasonal affective disorder for what it is. And for school districts and other employers to know that they have to take all types of disabilities seriously."

Advocate Medical Group said in a statement that it complied with a settlement struck with Simonsis and the EEOC and that it was committed to maintaining a workplace that supports workers' individual needs. It said that it was unaware her depression had a seasonal component.

Simonsis said her new employer was quick to accommodate her depression.

Her boss, Laura Jakubowski, a site manager for Alexian Brothers Medical Group, said doing so made sense.

"I can staff around her when she needs to leave for doctor's appointments or to take short breaks on really difficult days," Jakubowski said. "The better her mental health, the better it is for our business."

mtwohey@tribune.com

Copyright © 2010, [Chicago Tribune](#)