#### Case Scenario – To Hire or Not to Hire

Having resolved the supplement abuse issue in a positive manner about a year ago, Polar Health’s manufacturing capacity for Bear Strength health supplements has grown considerably, and Bill Brice needs to hire additional employees and a couple more factory floor engineers to meet the demand. He has reviewed almost 100 resumes and interviewed several dozen candidates for the two engineering positions he needs to fill. The candidate search has been narrowed down to three individuals who are extremely qualified, motivated, personable, and ready to join the company: Harry Gianapolous, Wesley Osbourne, and Garvin McLeod.

Bill has scheduled one final interview with each of the three engineering candidates and has been going over all the paperwork for all of them. As Bill goes through the employment application packet for one of the three candidates, Harry Gianapolous, he discovers that Harry wrote that he has epilepsy in the medical history disclosure section. Apparently, Harry is able to control his seizures by regularly taking prescribed medications. In the application, Harry disclosed that in the last five years, he has had only two instances when he forgot to take his medicine and suffered one mild seizure and one serious one. Each time, however, neither Harry nor his coworkers had been injured.

Wesley and Garvin are both definitely qualified for the engineering positions, but Bill is most impressed with Harry’s excellent qualifications, solid experience, and his great personality. Bill concludes that Harry is his first choice for the position; however, Bill is admittedly concerned about Harry’s medical condition. The engineering position Harry has applied for requires him to spend more than 75% of his time on the factory floor among manufacturing and packaging machinery that runs 24/7. As one of the engineers in charge of managing, maintaining, and repairing this heavy equipment, Harry would need to spend many hours each day walking and working very closely next to these machines; one wrong step or a small slip has the potential of causing serious or severe injury to that individual and anyone else nearby. Given Harry’s epilepsy condition, the likelihood of an attack and the potential injury resulting from such an event, Bill is beginning to have second thoughts about hiring Harry.

However, Bill is familiar with the Americans with Disabilities Act (ADA) passed in 1990 and is worried that Harry would have a potential discrimination case against Polar Health if he does not get the job, especially since he is one of the top three candidates for the two positions. Bill is also torn, since he thinks that Harry may be just fine by taking his medication and avoiding any seizures.

#### Critical Analysis

Apply what you have learned from your course readings and assignments to your detailed analysis of at least 150–200 words for each of the following 4 questions. Support your position by identifying the unit concepts from which you draw for your responses, citing references from unit readings using APA 6th edition format. Clearly label and answer each question individually.

1. As originally drafted (before any court decisions) does the ADA cover Harry’s condition? Should it?
2. What legal or ethical issues may arise if Harry is hired and an epilepsy attack causes the serious injury or death of another employee?
3. Are there any court cases from the textbook readings for this Unit to which you can refer that may help Bill evaluate the ADA issues better?
4. What should Bill do? Whom should he hire?