



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Washington, D.C. 20507

Office of
General Counsel

Fact Sheet on Recent EEOC Litigation-Related Developments
Under the Americans with Disabilities Act
(Including the ADAAA)

(Last Updated 03-24-15)

Highlights

- Since the start of FY 2011, the Commission has filed more than 200 lawsuits involving claims of disability discrimination under the Americans with Disabilities Act of 1990 and the ADA Amendments Act of 2008.
- Since the start of FY 2011, through its litigation program, the Commission has recovered approximately \$52,000,000 (as well as important injunctive and other “make whole” relief) in cases involving disability discrimination. The Commission secured this relief through jury verdicts, appellate court victories, court-entered consent decrees, and other litigation-related resolutions.
- Disability-related lawsuits filed since the start of FY 2011 have involved workers in all segments and sectors of the workforce – e.g., in manufacturing, supply, energy, retail, agriculture, farming, service, hospitality, cleaning, facilities management, labor support, logistics, engineering, medical, health and home care, and construction, among others.
- The Commission has filed these lawsuits to seek relief for discrimination victims with a variety of impairments, including cancer (e.g., breast cancer, basal cell carcinoma, and colon cancer), dwarfism, emphysema, epilepsy, deafness, blindness, retinitis pigmentosa, Fuchs Endothelial Dystrophy, Usher’s Syndrome, traumatic brain injury, HIV, multiple sclerosis, spinal stenosis, neuropathy, herniated discs and other back impairments, diabetes, anemia, coronary artery disease, end-stage renal disease, PTSD, narcolepsy, depression, anxiety disorder, and dyslexia.
- The alleged discrimination has included failure to provide reasonable accommodation (including the failure to provide appropriate leave for disability-related needs or treatment); asking prohibited disability-related questions of applicants and employees; refusing to hire qualified applicants based on myths, fears, or stereotypes concerning certain impairments, and discharging qualified workers on the basis of disability.

EEOC Enforcement-Action Victories in Court

- ***EEOC v. Hill Country Farms, Inc., d/b/a Henry's Turkey's Servs.***, 899 F. Supp. 2d 827 (S.D. Iowa 2012); 564 Fed. App'x 868 (8th Cir. May 8, 2014). The EEOC's Dallas District Office sued defendant, a Texas-based employer, on behalf of 32 intellectually disabled workers who were discriminated against by non-payment of wages, severe verbal and physical harassment, and disparate terms and conditions of employment. EEOC presented evidence to the jury that Henry's Turkey exploited these workers, whose jobs involved eviscerating turkeys, because their intellectual disabilities made them particularly vulnerable and unaware of the extent to which their legal rights were being denied. Specifically, the EEOC presented evidence that for years the owners and staffers of Henry's Turkey subjected the workers to abusive verbal and physical harassment; restricted their freedom of movement; required them to live in deplorable and sub-standard living conditions; and failed to provide adequate medical care when needed. The Commission won the largest verdict in history of the agency at \$240 million (later reduced to conform to statutory caps). The U.S. Court of Appeals for the Fifth Circuit ultimately affirmed the jury's verdict on liability.
 - [Jury Awards \\$240 Million for Long-Term Abuse of Workers with Intellectual Disabilities - 5/1/2013](#)
 - [Intellectually Disabled Workers Awarded \\$1.3M for Pay Discrimination by Henry's Turkey Service - 9/19/12](#)
- ***EEOC v. Old Dominion Freight Line, Inc.***, (W.D. Ark. No. 2:11-cv-02153-PKH). The EEOC's Memphis District Office sued defendant Old Dominion Freight Line alleging it had discriminated against charging party, a truck driver, because of self-reported alcohol abuse in violation of the ADA and ADAAA. The charging party had worked for the company for five years without incident. In late June 2009, the employee reported to the company that he believed he had an alcohol problem. Under U.S. Department of Transportation regulations, defendant suspended charging party from his driving position and referred him for substance abuse counseling. However, the EEOC maintained that DOT Regulations did not require charging party's suspension because he did not meet the definition of alcohol misuse under DOT Regulations. The EEOC admitted that once the charging party received a clinical diagnosis of alcoholism then he could not drive until he received the treatment. Also, the charging party did not receive the treatment due to lack of funds. The EEOC argued that conditioning reassignment to non-driving positions on the enrollment in an alcohol treatment program violated the ADA and ADAAA. In

addition, the EEOC argued that Old Dominion's policy banning any driver who self-reports alcohol abuse from ever driving again also violates the ADA. In May 2014, the district judge, sua sponte, reversed his prior ruling that defendant's "no-return policy" violated the ADA as a matter of law,¹ and instead denied summary judgment to both parties. On January 16, 2015, the jury returned a verdict for the EEOC and awarded the charging party \$119,612 in backpay.

- [Jury in EEOC Suit Says Old Dominion Freight Line Must Pay Former Driver \\$119,612 for Disability Bias - 1/16/2015](#)
- ***EEOC v. Supervalu, Inc.***, 2014 WL 6791853 (N.D. Ill. Dec. 2, 2014) (No. 1:09-cv-5637), (*resolved* Jan. 14, 2011). The EEOC's Chicago District Office recovered \$400,000 in attorneys' fees and costs after prevailing in a contempt proceeding against defendants, Supervalu, Inc. and Jewel-OSCO, a chain of grocery stores. The district court affirmed a Magistrate Judge's finding that defendants failed to comply with an earlier consent decree's requirement to provide reasonable accommodation to employees seeking to return to work from disability leave. The finding was based on EEOC's evidence, presented during a three-day hearing, that three employees asked to return to work after disability leave and that defendants refused to allow them to return to work with or without an accommodation. (2014 WL 6791853 at *4). Finding defendants in contempt, the court required defendants to pay fees and costs to the Commission, and the parties later agreed to the amount. The EEOC filed this case on September 2009 alleging that defendants had a policy and practice of terminating employees with disabilities at the end of medical leaves of absence rather than bringing them back to work with reasonable accommodations, in violation of the ADA. In January 2011, the defendants agreed to pay \$3.2 million to settle the case and entered into a consent decree which required them to ensure that its employees involved in making accommodation decisions undergo training on the requirements of the ADA and on the types of accommodations that are available to return their employees to the workplace. It also required defendants to create a medical accommodations administration team to facilitate a cooperative process with employees on a disability leave, including a requirement that Supervalu send written return-to-work offers when an employee on leave can be accommodated. In March 2013, defendants were held in contempt for failure to comply with the terms of the consent decree. Then in July 2014, after an evidentiary hearing, the Magistrate Judge further recommended sanctions against defendants for their failure to comply with the consent decree.

¹ See *EEOC v. Old Dominion Freight Line, Inc.*, 2013 WL 3230670 (W.D. Ark., June 26, 2013)(holding defendant's "no-return policy" violated the ADA as a matter of law and amounted to a denial of reasonable accommodation to the charging party).

- [Jewel-Osco to Pay \\$400,000 to EEOC for its Fees and Costs in Contempt Action - 3/6/2015](#)
- [Court Recommends Supervalu/Jewel-Osco Be Held in Contempt for Violations of EEOC Consent Decree in Disability Case - 7/16/2014](#)
- [Supervalu / Jewel Food Held in Contempt for Breaching Consent Decree Settling Earlier EEOC Disability Discrimination Suit - 3/21/2013](#)
- [Supervalu / Jewel-Osco to Pay \\$3.2 Million under Consent Decree for Disability Bias - 1/5/2011](#)
- ***EEOC v. P.A.M. Transp., Inc.*** (E.D. Mich. No. 4:09-13851)(resolved 2/26/15). The EEOC's Indianapolis District Office sued defendant, an over-the-road trucking company which delivers goods to companies throughout the United States, Mexico and Canada, alleging it violated the Americans with Disabilities Act (ADA) by subjecting its entire workforce of truck drivers to overly broad medical inquiries. The lawsuit arose from P.A.M.'s medical clearance policy, which required all drivers to notify the company whenever the driver had any contact with a medical professional, including a routine physical. The EEOC alleged that such conduct violated the ADA which prohibits employers from making medical inquiries of employees unless the inquiries are job-related and consistent with business necessity. The EEOC further alleged that P.A.M. terminated employees based on the medical information it obtained. In February 2015, a non-appealable judgment was entered against P.A.M. requiring it to pay 12 of its former truck drivers a total of \$477,399. Previously, in April 2012, the court entered a stipulated order requiring the company to change its medical clearance policy to make medical inquiries of drivers only when they are job-related and consistent with business necessity.
 - [PAM Transport Ordered to Pay \\$477,399 In EEOC Disability Case - 3/4/2015](#)
- ***EEOC v. Florida Commercial Security Services***, 2014 WL 4771887 (S.D. Fla., Sept. 24, 2014) (No. 1:13-cv-20465). The EEOC's Miami District Office sued defendant Florida Commercial Security Services (FCSS) for discriminating against charging party, a security officer, when it terminated him for failing to wear his prosthetic arm, and then refused to assign him to another position because he filed a discrimination charge with the EEOC. Defendant hired charging party for a driving post and he was responsible for driving around a community association in a security vehicle. Following his first day of work, however, the President of the community association called defendant and

complained that FCSS "was a joke for sending them a one-arm security officer." Although charging party did not need his prosthetic arm to perform his job, and although FCSS never instructed him to wear it, FCSS removed him from the position immediately. Further, once the charging party filed his discrimination charge, FCSS refused to assign him to another position. On October 21, 2014, a jury returned a verdict for the EEOC and awarded charging party \$35,922 in monetary damages. The jury found that defendant unlawfully discriminated against charging party based on his limb loss (arm) when it removed him from his post following a customer complaint about his disability.

- [Jury Finds In Favor Of EEOC That One-Armed Security Guard Was Fired Because Of His Disability - 10/23/2014](#)
- ***EEOC v. LHC Group, Inc. d/b/a Gulf Coast Homecare***, 773 F.3d 688 (5th Cir. 2014) (S.D. Miss., No. 1:11-cv-00355-LG-JMR). The EEOC's Birmingham District Office sued defendant, a home care, hospice, and long-term acute care provider, alleging that it denied charging party a reasonable accommodation and then fired her because of her epilepsy. The EEOC alleged that charging party informed the Gulf Coast Branch Manager that she had a history of one seizure prior to being hired as a field nurse in 2006. Charging party had annual physicals during her employment and disclosed her epilepsy and the medications she was taking to her employer. After performing successfully as a field nurse, charging party was promoted to a team leader position in March 2009. Two months later, she experienced a seizure at work, her first since 2005. She was subsequently seen by her physician, who gave her new medication and released her to return to work. Less than a month after charging party returned to work, defendant fired her, claiming that her seizures made her a "liability" to the company. Charging party's health insurance was also immediately terminated. The district court dismissed the case on summary judgment.

However, the U.S. Court of Appeals of the Fifth Circuit reversed the summary judgment in part, finding that there was a genuine issue of material fact about whether the employer was motivated to terminate the employee because of disability. The panel clarified a long-standing intra-circuit split over the prima facie standard of proof under the ADA. While some panels had held that the employee in an ADA case must prove that he or she was replaced by a non-disabled individual or treated less favorably than non-disabled employees, the court held that such proof was not necessary. To establish a nexus, the Fifth Circuit ruled that an employee must show "he was subject to an adverse employment decision on account of his disability." (773 F.3d. at 697). The panel noted that this correction brings the Fifth Circuit in line with "the other circuits [that] have overwhelmingly required plaintiffs to prove their termination was because of their disability rather than provide evidence of disfavored treatment

or replacement." (*Id.* at 696). In this case, the Fifth Circuit held that while driving was an essential function of the Field Nurse position (on which the court affirms summary judgment), there was a genuine dispute about whether driving was necessary for a Team Leader. "[C]ontrary to the written position description, Team Leaders in practice drove far less frequently than did Field Nurses. Statements in [Nursing Director] Guchereau's deposition qualify the driving requirement in the position description: many Team Leader tasks were performed in the branch office." (*Id.* at 698). The driving duties, the panel held, could have been modified.

- ***EEOC v. Grane Healthcare Co.***, 2 F. Supp. 3d 667 (W.D. Pa. Mar. 6, 2014), (*reconsideration denied*, July 7, 2014). The EEOC's Philadelphia District Office sued defendant Grane Healthcare, winning partial summary judgment. The district court ruled that "[i]t is undisputed that [Grane] violated the ADA more than 300 times" by subjecting job applicants to unlawful pre-offer medical exams and inquiries. The court then permanently enjoined Grane from conducting medical examinations or disability-related inquiries before extending job offers to applicants. In a second decision, the district court denied the defendant's motion for reconsideration. In this second decision, the district court clarified that even *successful* job applicants subjected to illegal pre-offer medical exams/inquiries could nevertheless have cognizable ADA claims. Notwithstanding that the defendant ultimately hired these individuals, they nevertheless could have suffered harm (from the illegal pre-offer exams/inquiries) that would warrant punitive damages or injunctive relief, for example.

- ***EEOC v. American Tool & Mold, Inc.***, 21 F. Supp. 3d 1268 (M.D. Fla., April 16, 2014) (No. 8:12-cv-2772). The EEOC's Miami District Office sued defendant for violating the ADA when it failed to hire charging party for a permanent process-engineer position because he was regarded as disabled due to a prior back surgery for two herniated discs. Defendant had a policy requiring medical documentation releasing all employees for work without restrictions, even where the applicant could perform the essential functions of the position. The lawsuit was resolved with a final judgment and a settlement agreement between defendant and the EEOC, stating that defendant shall pay the charging party \$150,000 in damages and for four years will also provide annual ADA training to managers, human resources personnel and supervisors; bi-annual written reports to the EEOC with a list of individuals who filed ADA discrimination complaints; revised job descriptions for each individual subjected to post-offer medical examinations; and a notice posted in the workplace.
 - [Court Enters Permanent Injunction Against American Tool & Mold in EEOC Disability Case - 5/20/2014](#)

- [EEOC Wins Summary Judgment in American Tool & Mold Disability Case - 4/21/2014](#)
- ***EEOC v. Walgreen Co.***, 34 F. Supp. 3d 1049 (N.D. Cal. Apr. 11, 2014) (No. 11-cv-4470). The EEOC's San Francisco District Office sued drugstore giant Walgreens, alleging that it fired former cashier Josefina Hernandez, who has Type II Diabetes, because of her disability after she ate a \$1.39 bag of chips during a hypoglycemic attack in order to stabilize her blood sugar level. Hernandez had worked for Walgreens for almost 18 years with no disciplinary record, and Walgreens knew of her diabetes. Yet the company security officer testified that he did not understand nor did he seek clarification when Hernandez wrote, "My sugar low. Not have time," in reply to his request for an explanation of why she took the chips before paying. The EEOC alleged that employers like Walgreens must provide reasonable accommodation to an employee or job applicant with a disability, unless doing so would impose an undue hardship for the employer. Walgreens moved for summary judgment. The district court denied Walgreens' motion, ruling that the company "failed to allege any misconduct that is unrelated to [Hernandez's] disability." At the hearing, Walgreens' own legal counsel acknowledged Hernandez as a long-term valued employee with a very good track record and described her termination as a "harsh result." The parties ultimately resolved the suit via consent decree. Walgreens agreed to pay Hernandez \$180,000 and to post its revised policy regarding accommodation of disabled employees on its employee intranet site. The company will also provide anti-discrimination training, make periodic reports to the EEOC, and post a notice regarding the decree for three years.
 - [America's Largest Drug Store Chain to Pay \\$180,000 to Settle EEOC Disability Discrimination Suit -7/2/2014](#)
- ***EEOC v. UPS***, 2013 WL 14064 (N.D. Ill. Jan. 11, 2013) and 2014 WL 538577 (N.D. Ill. Feb. 11, 2014), (No. 09-cv-05291). The EEOC's Chicago District Office sued defendant, UPS, alleging it violated the Americans with Disabilities Act (ADA) by allowing only 12-month leaves of absence, failing to provide disabled employees with further reasonable accommodations for their disabilities, and firing them if they exceeded those parameters. UPS moved to dismiss the EEOC's complaint, arguing, in part, that the EEOC did not provide enough information about unidentified UPS employees for whom EEOC was seeking relief. The court initially agreed and dismissed the EEOC's complaint but allowed the EEOC to file an amended complaint. The EEOC filed two amended complaints, both of which the court dismissed at UPS's request, finding that the EEOC still had not alleged adequate factual information with respect to the unidentified class members. The EEOC did not identify by name more than two of its class members in any of its complaints. After the EEOC filed a motion to

appeal the court's dismissal of its case, the court, on its own, reversed its prior decision and held that the most recent EEOC complaint indeed satisfied the legal requirements under *Iqbal* and *Twombly*. (2013 WL 140604, at *6). The court directed UPS to answer or otherwise respond to the EEOC's second amended complaint. UPS then filed a motion to dismiss the EEOC's second amended complaint, arguing that the EEOC's § 12112(b)(6) claim failed because it was not an actionable qualification standard. The court held that the EEOC's §12112(b)(6) claim was not "premised on attendance but rather on UPS's imposition of a 100% healed requirement on those seeking to return to work. Framed as such, the twelve-month policy can be considered a qualification standard--a medical requirement that an individual must meet in order to maintain his or her position with UPS--and not an essential job function." (2014 WL 538577, at * 2). The court further held that, "because such a requirement falls within the definition of a 'qualification standard,' and the EEOC has alleged that the policy applies to qualified individuals with disabilities, the EEOC may proceed on its § 12112(b)(6) claim," and denied UPS's motion to dismiss. (*Id.*)

- [Judge Reverses Prior Rulings Dismissing Case and Allows EEOC Disability Suit Against UPS to Proceed - 1/15/2013](#)

- ***EEOC v. DynMcDermott Petroleum Operations Co.***, 537 Fed. App'x 437 (5th Cir. July 26, 2013). The EEOC's Houston District Office sued defendant alleging that it discriminated against an applicant on the basis of his age and because of his wife's disability. DynMcDermott (DM) provided maintenance and operations services for the Strategic Petroleum Reserve managed by the U.S. Department of Energy. Charging party, a former planner/scheduler for DM, was recommended for an open planner/scheduler position at DM's facility in Winnie, Texas, by both his former supervisor and the manager in charge of hiring for the position. Despite these recommendations, the facility's director, who had direct supervisory authority over the hiring manager, repeatedly stated that charging party should not be hired because of his age (Swafford then was 56 years old) and because his wife had cancer, which the facility's director assumed would interfere with charging party's ability to perform his job duties. The director's discriminatory statements were made both verbally and in writing in emails to company officials in New Orleans, including his supervisor, the Human Resources Director, the CEO and the company's General Counsel. Subsequently, the hiring manager hired a 35-year-old applicant with no prior experience with the company or its program-specific software. The Commission filed suit under the ADA's "association provision" which prohibits employers from discriminating against applicants and employees because of their association with an individual with a disability. The district court granted summary judgment for the company. However, in a

unanimous decision, the U. S. Court of Appeals for the Fifth Circuit reversed and returned the lawsuit to the lower court for a trial on the merits. The appeals court concluded that a reasonable jury could return a verdict for the EEOC and find that but for charging party's age and/or disabled wife, DM would have hired him. The parties later resolved the matter via consent decree requiring (among other relief) the company to implement and maintain anti-discrimination practices and conduct appropriate training to its personnel, and to pay charging party \$160,000 and provide an apology expressing regret for the comments made by defendant's facilities director and condolences to charging party and his wife for the harm and stress caused by defendant's hiring decision.

- [Fifth Circuit Rules for the EEOC in Age and Disability Discrimination Lawsuit - 7/30/2013](#)

- ***EEOC v. Western Trading Co., Inc.***, 291 F.R.D. 615 (D. Colo. 2013). The EEOC's Phoenix District Office sued defendant for failing to provide the charging party with a reasonable accommodation because of his disability. The EEOC alleged that charging party worked for Western Trading less than a week before having a seizure on the job. Charging party was allowed to return to work after providing three separate releases from his doctors, but was then sent home again when Western Trading learned of a second seizure during his off-duty hours. The lawsuit alleged that despite additional information from charging party's doctors, he was never allowed to return to work. The EEOC asserted that Western Trading failed to make reasonable accommodations for the charging party and terminated him in violation of the ADA. The EEOC also alleged that Western Trading unlawfully kept charging party's medical records with his other personnel information. A federal jury unanimously found that Western Trading terminated the charging party because of his disability, epilepsy. The jury awarded him \$24,000 in back pay, \$20,000 in compensation for emotional distress, and \$65,000 in punitive damages. The case was ultimately resolved in a \$102,240 consent decree, which also provides injunctive relief enjoining defendant from engaging in any employment practice that discriminates on the basis of disability in the future.

- [Jury Verdict for EEOC Against Western Trading Company In Disability Case - 3/11/2013](#)

- ***EEOC v. AutoZone, Inc.***, 707 F.3d 824, 829 (7th Cir. 2013). The EEOC's Chicago District Office sued defendant, a national retailer of automotive parts and accessories, alleging that it discriminated against the charging party on the basis of his disability. At trial, the EEOC presented evidence that the company's managers insisted that Parts Sales Manager John P. Shepherd III

mop floors at the end of the day, an activity that aggravated Shepherd's back impairment and caused him intense pain and ultimately led to serious injury. The EEOC also showed that company officials refused to eliminate the mopping assignments despite repeated requests from Shepherd and his doctor. In June 2011, a federal jury in Peoria, Ill., awarded \$100,000 in compensatory damages for physical and emotional pain and suffering. The jury also awarded \$500,000 in punitive damages for what the trial judge described as "total and knowing disregard for the underlying purpose of the ADA." (The judge later reduced the punitive damages award to \$200,000 to comply with a statutory limit on damages, but added \$115,000 in lost wages.) In February 2013, the U.S. Court of Appeals for the Seventh Circuit held there was no basis for granting judgment to the company as a matter of law or for ordering a new trial. This was the second appellate victory for the EEOC in this case. An earlier appellate decision, *EEOC v. AutoZone, Inc.*, 630 F.3d 635 (7th Cir. 2010), reversed a summary judgment decision and led to the June 2011 trial.

- [Judgment Against AutoZone Affirmed in EEOC Disability Discrimination Case - 2/19/2013](#)

- ***EEOC v. Creative Networks, L.L.C.***, 912 F. Supp. 2d 828 (D. Ariz. 2012). The EEOC's Phoenix District Office sued defendant which provides job training and educational support services to individuals with developmental and other disabilities. The EEOC alleged that Creative Networks violated the ADA by adhering to a rigid policy of denying deaf and hearing-impaired applicants' requests for American Sign Language (ASL) interpreting services costing more than \$200 to complete its pre-employment orientation and training. The EEOC accused Creative Networks of discriminating against Rochelle Duran, a deaf applicant, by denying her request for ASL interpreting services necessary to complete the company's mandatory 24-hour pre-employment orientation and training program. Instead, the EEOC said, Creative Networks offered Duran a mere \$200 towards the cost of 24 hours of ASL interpreting services, even though the company knew that the actual cost would far exceed this arbitrary limit. Creative Networks admitted it had sufficient resources to afford the interpretation services. When Duran was unable to attend the training due to Creative Networks' refusal to provide her with a reasonable accommodation, the company then declined to hire her. The EEOC moved for partial summary judgment, and the district court granted the motion, holding as a matter of law that Creative Networks failed to accommodate and failed to hire Duran because of her disability in violation of the ADA. The parties then entered into a Consent Decree that requires defendant to pay plaintiff \$57,500 in damages to the charging party, provide training on the company's obligations under the ADA to provide accommodation to applicants with disabilities, post EEO

notices, and eliminate their former policy of limiting accommodations to \$200 for sign-language interpreter services.

- [Creative Networks to Pay \\$57,500 to Settle EEOC Disability Discrimination Suit - 9/23/2013](#)
- [EEOC Wins Rare Summary Judgment Verdict In Disability Suit Against Creative Networks - 9/21/2012](#)
- ***EEOC v. Dillard's Inc.***, 2012 WL 440887 (S.D. Cal., Feb. 9, 2012). The EEOC's Los Angeles District Office filed this systemic ADA lawsuit alleging that defendant, a nationwide chain of department stores, discriminated against employees by requiring them to disclose personal and confidential medical information or face disciplinary action including termination. The EEOC originally filed its lawsuit in 2008 to seek relief for Corina Scott, a former cosmetics-counter employee at a Dillard's store in El Centro, Calif., and others who were required to disclose the exact nature of their medical conditions to be approved for sick leave since 2005. According to the EEOC, Scott – who was absent from work for a mere four days – and others were fired in retaliation for their refusal to provide details of their medical conditions, despite the fact that many of their own doctors advised them not to disclose specific medical information in accordance with the law. The EEOC alleged that the company's policy violated the ADA, which prohibits employers from making inquiries into the disabilities of their employees unless they are job-related and necessary for the conduct of employer's business. Additionally, the EEOC claimed that Dillard's enforced a maximum-leave policy limiting the amount of health-related leave an employee could take and, in practice, did not regularly engage in an interactive process with employees to determine if more leave was required under the ADA as an accommodation of the employee's disability. The district court denied defendant's motions for summary judgment, ruling that Dillard's medical disclosure policy was facially discriminatory under the ADA and that individuals subjected to the policy were potentially eligible for compensatory and/or punitive damages. The parties then entered into a three-year consent decree requiring Dillard's to pay \$2 million to identified victims and establish a class fund for currently unidentified victims who also suffered similar discrimination during the relevant time period. The consent decree further requires that Dillard's hire a consultant with ADA experience to review and revise company policies as appropriate; post documentation related to the settlement; implement effective training for both supervisors and staff on the ADA with an emphasis on medical inquiries and maximum-leave policies; and develop a centralized tracking system for employee complaints involving

disability discrimination. Dillard's will submit annual reports to the EEOC verifying compliance with the decree.

- [Dillard's to Pay \\$2 Million to Settle Class Action Disability Discrimination Lawsuit by EEOC - 12/18/2012](#)
- ***EEOC v. United Airlines***, 693 F.3d 760 (7th Cir. 2012). The EEOC's San Francisco District Office filed suit against defendant based on its investigation of a number of discrimination charges filed by United employees in San Francisco and Chicago. The EEOC's suit charges that United violated the ADA by refusing to place workers with disabilities in vacant positions for which they were qualified and which they needed in order to continue working. Instead, United required these employees to compete for jobs on the company website – a practice that prevented employees with disabilities from continuing their employment. The district court dismissed the Commission's suit, applying then-existing Circuit law holding that the ADA does not compel companies to non-competitively reassign qualified disabled employees as a reasonable accommodation. However, the U.S. Court of Appeals for the Seventh Circuit reversed this dismissal. The Appeals Court overturned its own precedent, agreeing with the EEOC's argument that "the ADA does indeed mandate that an employer appoint employees with disabilities to vacant positions for which they are qualified, provided that such accommodations would be ordinarily reasonable and would not present an undue hardship to the employer." The Supreme Court later denied United's petition for certiorari on this issue.
 - [U.S. Supreme Court Denies United Airlines Petition - 5/30/2013](#)
 - [Seventh Circuit Revives EEOC Disability Discrimination Lawsuit - 9/13/2012](#)
- ***EEOC v. Service Temps, Inc., d/b/a Smith Personnel Solutions***, 679 F.3d 323 (5th Cir. 2012). The EEOC's Dallas District Office sued defendant, a temporary employment agency, when it refused to consider a deaf applicant for the position of stock clerk because of her disability. The EEOC had charged that Service Temps refused to hire Jacquelyn Moncada for a stock clerk position, despite her qualifications and experience, upon learning that Moncada is deaf. Through a sign language interpreter, Moncada attempted to explain to the company that she was fully capable of performing the job and that she had several years of stock clerk experience. Nevertheless, the company refused to conduct an interview or consider Moncada for the position. A Service Temps manager explicitly told Moncada that she would not be hired because she could not hear. After a jury verdict for the EEOC, the Court awarded \$107,175 in damages (representing back pay and compensatory and punitive damages). The district court also granted the EEOC's motion for an injunction, and ordered the

defendant not to discriminate against disabled employees; to post a notice explaining the ADA's protections; to give ADA training to managers; and to notify the EEOC when an employee complains of disability discrimination. The U.S. Court of Appeals for the Fifth Circuit affirmed the jury verdict and the lower court's rulings on damages and injunctive relief.

- [Court of Appeals Upholds Verdict for EEOC against Service Temps/Smith Personnel Solutions - 5/10/2012](#)

- ***EEOC v. Resources for Human Development***, 827 F. Supp. 2d 688 (E.D. La. 2011). The EEOC's Houston District Office sued defendant, a residential treatment facility for chemically dependent women and their children, for firing Lisa Harrison because of her severe obesity. Harrison worked for defendant as a Prevention / Intervention Specialist, assisting young children of mothers undergoing treatment for addiction. The EEOC alleged that Harrison was able to perform all of the essential functions of her position, but defendant perceived her as substantially limited in a number of major life activities, including walking, as a result of her severe obesity. The district court denied both of the defendant's motions for summary judgment in an order holding that severe obesity is an impairment within the meaning of the ADA. The court concluded that severe obesity may qualify as a disability regardless of whether it is caused by a physiological disorder, rejecting defendant's argument to the contrary. The EEOC had offered the expert testimony of a renowned obesity researcher that Harrison's obesity was the result of a physical disorder or disease, and was not caused by lack of character or willpower. But the court reasoned that "neither the EEOC nor the Fifth Circuit have ever required a disabled party to prove the underlying basis of their impairment." The parties later settled the case via a consent decree requiring defendant to pay \$125,000 and provide other relief, including annual training on the ADA to all its human resources personnel and corporate directors nationwide.
 - [Resources for Human Development Settles EEOC Disability Suit for \\$125,000 - 4/10/2012](#)

- ***EEOC v. Cottonwood Fin. Washington, LLC***, 2010 WL 5300555 (E.D. Wash. Dec. 20, 2010). The EEOC's San Francisco District Office sued defendant, a payday lending chain, for refusing to accommodate a manager with bipolar disorder and firing him due to his disability. Sean Reilly was an honor student in high school who attended college in Portland, Oregon, on an academic scholarship. While in college, he was diagnosed with bipolar disorder. When his symptoms forced him to leave school, he returned home to Walla Walla, Washington, and found employment at Cottonwood, which does business as The Cash Store. Hired as an assistant manager in June 2006, Reilly was swiftly

promoted to store manager in October and received an award for the success of his store in November 2006. However, in late January 2007, Reilly, through a health care representative, requested a short leave to adjust to new medication prescribed by his doctor to treat his condition. Reilly alleged that the company denied this request, forcing him to return to work too soon. The Cash Store fired Reilly in February 2007 – just days after his need for sick leave first arose. Following a four-day bench trial, the district court concluded that Cottonwood had violated the ADA and the Washington Law Against Discrimination when it fired Reilly because it regarded him as too disabled to work due to his bipolar disorder. The court awarded Reilly \$6,500 in back wages and \$50,000 for emotional pain and suffering. The court also issued a three-year injunction, requiring defendant to train its managers and human resources personnel on anti-discrimination and anti-retaliation laws, revise its policy regarding requests for accommodation, send a report to the Commission, and post a notices to employees in various locations.

- o [EEOC Wins Disability Discrimination Suit Against Payday Lender 'The Cash Store' - 3/28/2012](#)

EEOC Amicus Curiae Victories in Court

- ***Mazzeo v. Color Resolutions Int'l, Inc.***, 746 F.3d 1264 (11th Cir. 2014). (Amicus curiae brief filed March 12, 2012.) Plaintiff Anthony Mazzeo alleged in this ADA and ADEA action that he was fired from Color Resolutions Int'l, Inc. (CRI) because of his disability (a herniated disc) and age. In a published decision, the U.S. Court of Appeals for the Eleventh Circuit reversed the district court's grant of summary judgment on both claims, consistent with the views advanced by the Commission as amicus curiae. On the ADA claim, the Court held that Mazzeo had submitted sufficient evidence to establish that he was disabled within the meaning of the amended statute. Specifically, the Eleventh Circuit held that the affidavit from Mazzeo's treating physician, in light of the new standards under the ADAAA, was sufficient to show that his herniated disc substantially limited a major life activity. The affidavit reflected that Mazzeo's physician had treated him for an extended period of time, that Mazzeo had degenerative disc disease and a herniated disc that caused pain to radiate from his spine down to his right leg, and that this condition substantially and permanently limited his ability to walk, bend, sleep, and lift more than ten pounds. The Court held that affidavit sufficiently "explained Mr. Mazzeo's medical condition, what specific pain the condition caused, and the limitations on 'major life activities' (as that term is broadly defined by the ADA) resulting from the condition and pain." In its analysis, the Court also cited the Commission's regulations explaining the analysis of disability and substantial limitation under the amended ADA.

- ***Ellis v. Ethicon, Inc.***, 529 Fed. App'x 310 (3d Cir. July 9, 2013). (Amicus curiae brief filed Dec. 21, 2012.) The plaintiff Ellis alleged that defendant Ethicon violated the ADA by denying her a reasonable accommodation and terminating her because of her disability (post-concussion syndrome and mild traumatic brain injury). After Ethicon terminated her, she worked in a comparable position at another company, but then left that company and failed to seek further employment. The jury found for Ellis, and the district court ordered Ethicon to reinstate her. Ethicon appealed the jury's verdict and the relief ordered, and had refused to reinstate Ellis. On appeal, the Commission argued as amicus that Ellis's failure to fully mitigate her monetary damages by continuing to seek employment after leaving the second company did not bar the district court from ordering her reinstatement at Ethicon. The EEOC explained that reinstatement is the preferred remedy in discriminatory-discharge cases, and a failure to earn replacement wages after a discriminatory termination is not relevant to whether the victim should be placed back in her original position. The U.S. Court of Appeals for the Third Circuit affirmed the jury's verdict and the district court's ordering requiring reinstatement, implicitly endorsing the argument the Commission made as amicus.
- ***Lewis v. Humboldt Acquisition Corp. d/b/a Humboldt Manor Nursing Ctr.***, 681 F.3d 312 (6th Cir. 2012) (en banc). (Amicus curiae brief filed Apr. 20, 2011.) Plaintiff Susan Lewis was working as a registered nurse at Humboldt Manor Nursing Home when she developed a medical condition that affected her lower extremities, making it difficult, and at times impossible, for her to walk. Lewis had to take a month of leave because of her condition. When she returned, she periodically used a wheelchair at work. Shortly thereafter, Humboldt Manor fired Lewis, allegedly because she used profanity, yelled, and criticized her supervisors. Lewis maintained that these reasons were false and the real reason was her use of a wheelchair – a perceived disability. Lewis filed suit under the ADA, and the case proceeded to trial, conducted in November 2009. Lewis asked the district court to instruct the jury that she had to prove that her perceived disability was “a motivating factor” in the decision to terminate her employment. The district court instead instructed the jury that Lewis must prove that Humboldt Manor “intentionally discriminated against plaintiff, that is, the fact that plaintiff was a qualified individual with a disability was *the sole reason* for the defendant's decision to terminate plaintiff.” The jury found that plaintiff was “disabled” and a “qualified individual,” but concluded that Humboldt Manor had not discriminated against Lewis under the ADA, “as defined by these instructions.” On appeal, Lewis challenged the “sole reason” jury instruction as an incorrect interpretation of the ADA. A panel of the U.S. Court of Appeals for the Sixth Circuit affirmed, holding it was bound by longstanding Circuit precedent. The Sixth Circuit, sitting en banc, later agreed with the Commission's amicus brief and held that a plaintiff need not show his or her disability was the “sole” cause of the employer's action in order to establish an ADA violation.

- ***Melone v. Paul Evert’s RV Country, Inc.***, 455 Fed. App’x 738 (9th Cir. Oct. 26, 2011). (Amicus curiae brief filed Apr. 4, 2011.) Plaintiff Carmen Melone worked as a commissioned salesperson for Paul Evert’s RV Country, Inc., in Laughlin, Nevada. Making a sale required him to walk the five acre sales lot—in and out of RVs—looking for customers. Melone was diagnosed with prostate cancer and underwent a radical prostatectomy. After his surgery, he was significantly restricted in his ability to walk the sales lot—he walked with pain, resorted to using a golf cart, was fatigued by walking, and often avoided walking altogether. Melone’s condition worsened and he went for a further evaluation and learned that he would need additional surgery. He told his supervisor about the scheduled surgery and was fired the next day. Melone filed suit alleging that his employer violated the ADA when it terminated him, and a jury agreed, awarding him \$40,000.01 in damages. The district court, however, granted judgment as a matter of law to the defendant, reasoning that Melone failed to provide sufficient evidence that he was substantially limited in the major life activities of standing and walking, in part because he presented no evidence of a limitation in walking at home. Melone appealed. The Commission’s amicus brief argued that Melone presented sufficient evidence for a jury to conclude that his ability to walk was “significantly restricted” as compared to that of the “average person in the general population.” A jury reasonably could infer that the average person could walk the five-acre sales lot and step into and out of motor homes but that Melone was significantly restricted in his ability to do so, given his testimony that walking caused him pain and fatigue, that he had resorted to using a golf cart to lessen the need for walking, and that he often avoided walking altogether. The U.S. Court of Appeals for the Ninth Circuit agreed with the Commission’s argument, reversing the district court and remanding for entry of judgment in favor of the plaintiff.

Major Resolutions

- ***EEOC v. Verizon Maryland, Inc., et al.*** (D. Md. No. 1:11-cv-01832-JKB filed July 5, 2011) (*resolved* on or around July 6, 2011). The EEOC’s Philadelphia District Office sued 24 named subsidiaries of Verizon Communications after the company unlawfully denied reasonable accommodations to hundreds of employees and disciplined and/or fired them pursuant to Verizon’s “no fault” attendance plans. The defendant did not allow exceptions to the attendance plans for individuals whose “chargeable absences” were caused by their disabilities. The consent decree settling the suit, in which the defendant agreed to pay \$20 million and provide significant equitable relief, represents the largest disability discrimination settlement in a single lawsuit in EEOC’s history.
 - [Verizon to Pay \\$20 Million to Settle Nationwide EEOC Disability Suit - 7/6/2011](#)

- ***EEOC v. Interstate Distributor Co.*** (D. Colo. No. 12-cv-02591-RBJ filed Sept. 28, 2012) (*resolved* Nov. 8, 2012). The EEOC's Phoenix District Office sued this nationwide trucking firm alleging that it unlawfully denied reasonable accommodations to hundreds of employees and fired them pursuant to its "maximum leave" policy. According to the EEOC's suit, under the challenged leave policy, if an employee needed more than 12 weeks of leave, Interstate automatically terminated them rather than determining if it would be reasonable to provide additional leave as an accommodation. The EEOC also charged that Interstate violated the ADA by refusing to make exceptions to its "no restrictions" policy. Under this policy, if an employee had restrictions, Interstate refused to allow them to return to work and failed to determine if there were reasonable accommodations that would allow the employee to return to work with restrictions. The parties agreed to resolve the EEOC's lawsuit and seven charges of discrimination filed by individuals with the EEOC. In addition to the \$4.85 million in monetary relief, the three-year decree includes injunctions against engaging in any further disability-based discrimination or related retaliation, and requires the company to revise its policies to include reasonable accommodations for persons with disabilities. Interstate will provide mandatory periodic training on the ADA to employees. The company will also report to the EEOC about all employee complaints of disability discrimination relating to the attendance policy and about Interstate's compliance with the consent decree. Interstate also will appoint an internal consent decree monitor to ensure its compliance with the decree. The settlement applies to all of Interstate's facilities and employees throughout the country.

 - [Interstate Distributor Company to Pay Nearly \\$5 Million to Settle EEOC Disability Suit - 11/9/2012](#)
- ***EEOC v. Princeton Healthcare System***, (D.N.J. No. 10-4126 filed August 11, 2010) (*resolved* June 26, 2014). The EEOC's New York District Office sued defendant Princeton HealthCare System (PHCS), which operates an inpatient hospital and several outpatient medical facilities, alleging that PHCS violated the ADA by strictly enforcing a blanket leave policy, which tracked the Family Medical Leave Act and did not provide for leave as a reasonable accommodation. Employees who were ineligible for FMLA coverage or who took twelve weeks of leave were terminated when they requested (additional) leave as an accommodation. Under the consent decree, PHCS will pay \$1.35 million to employees who were unlawfully terminated under the challenged policy. The decree also prohibits PHCS from having a blanket policy that limits the amount of leave time an employee covered by the ADA may take. PHCS must instead engage in an interactive process with covered employees, including employees with a disability related to pregnancy, when deciding how much leave is needed.

In addition, PHCS can no longer require employees returning from disability leave to present a fitness for duty certification stating that they are able to return to work without any restrictions. PHCS also agreed that it will not subject employees to progressive discipline for ADA-related absences, and will provide training on the ADA to its workforce.

- [Princeton Healthcare Pays \\$1.35 Million to Settle Disability Discrimination Suit with EEOC - 6/30/2014](#)
- ***EEOC v. Dura Automotive Systems*** (M.D. Tenn. No. 09-cv-0059 filed Sept. 11, 2009) (*resolved* Aug. 31, 2012). The EEOC's Memphis District Office sued the defendant, a large manufacturer of driver control systems, for conducting illegal medical examinations, making illegal medical inquiries of its employees, using selection criteria to screen out persons with disabilities, failing to maintain the confidentiality of information it obtained from medical examinations it conducted on current employees, and taking adverse employment actions against more than 30 employees who tested positive for legally prescribed narcotic medication. The case was settled for \$750,000 in a four-year consent decree that also enjoins defendant from engaging in disability-based discrimination.
 - [Dura Automotive Systems to Pay \\$750,000 To Settle EEOC ADA Lawsuit - 9/5/2012](#)
- ***EEOC v. Children's Hospital and Research Center*** (N.D. Cal. No. 13-cv-5715 filed Dec. 11, 2013) (*resolved* 2/10/15). The EEOC's San Francisco District Office sued defendant Children's Hospital and Research Center alleging that the charging party was fired after she requested additional medical leave to undergo breast cancer treatment. The charging party underwent a double mastectomy and required more medical leave than the six months the hospital's leave policy provided. The EEOC alleged that during a meeting to discuss her request for extended leave, managers improperly chose to rely on their own assessment that she looked "fragile" and unlikely to return to work, despite her doctor's note stating that the charging party could resume work in September 2012. To resolve the case, the defendant agreed to pay \$300,000 in damages and entered into a three year consent decree requiring it to revise its online employee training modules, revise its policy regarding disabilities and reasonable accommodations, conduct in person training for its managers, and make periodic reports to the EEOC.
 - [Oakland Children's Hospital Settles EEOC Disability Discrimination Suit - 2/11/2015](#)

- ***EEOC v. Comprehensive Behavioral Health Ctr. of St. Clair County, Inc. (CBHC)*** (S.D. Ill. No. 3:12-cv-01031-JPG-SCW filed Sept. 26, 2012) (*resolved* Dec. 30, 2014). The EEOC's St. Louis District Office sued defendant, CBHC, alleging that it violated the ADA when defendant refused to provide a reasonable accommodation to charging party, Pamela Perry, and then retaliated against her by refusing to rehire her after she was laid off. The EEOC stated that Perry requested permission to wear athletic shoes to work in June 2002 after being diagnosed with multiple sclerosis, a disability which caused numbness, pain and tingling in her feet. CBHC allowed Perry to wear athletic shoes for a few years, but later disciplined her for wearing the shoes. When Perry's symptoms worsened, she requested additional reasonable accommodations, which CBHC denied. Two days after Perry wrote a letter to CBHC complaining about its refusal to accommodate her, she was laid off. The EEOC also alleged that CBHC then retaliated against Perry by refusing to hire her when she applied for a vacant position she had performed for a majority of her 23 years of employment. To resolve the case, CBHC agreed to pay \$309,000 in damages and entered into a three year consent decree requiring it to adopt, post, and disseminate anti-discrimination policies, training management employees on the ADA as well as other reporting requirements.

 - [Non-Profit Social Service Agency to Pay \\$309,000 to Settle EEOC Disability Discrimination Lawsuit - 12/31/2014](#)

- ***EEOC v. Benny Boyd Chevrolet*** (N.D. Tex. No. 5:13-cv-00220-C filed Sept. 26, 2013) (*resolved* 2/11/15). The EEOC's Dallas District Office sued defendant alleging that the automobile dealership violated the ADA when it denied a partnership to the charging party because of his multiple sclerosis and subjected him to a hostile work environment which ultimately resulted in his constructive discharge. To resolve the case, defendant agreed to pay \$250,000 in damages and entered into a three year consent decree requiring it to conduct annual training to all their managers on the ADA and to modify their anti-discrimination policies as well as other reporting requirements.

 - [Benny Boyd Car Dealership to Pay \\$250,000 to Former Manager in EEOC Settlement - 2/11/2015](#)

- ***EEOC v. St. Alexius Medical Center*** (N.D. Ill. No. 1:12-cv-7646 filed Sept. 25, 2012) (*resolved* 2/17/15). The EEOC's Chicago District Office sued defendant alleging that the hospital violated the Americans with Disabilities Act (ADA) by failing to provide a disabled employee, who worked as a greeter, with reasonable accommodations which would have allowed her to do her job and by terminating the employee instead. The charging party suffered from cognitive disabilities. The EEOC alleged that defendant failed to provide her a

reasonable accommodation such as written job instructions which would have allowed her to do her job. To resolve the case, defendant agreed to pay \$125,000 in damages and entered into a two year consent decree requiring the hospital to provide training to its managers and other employees about the ADA, implement policies against disability discrimination, as well as other reporting requirements.

- [St. Alexius Medical Center of Hoffman Estates To Pay \\$125,000 to Resolve EEOC Disability Suit - 2/12/2015](#)
- ***EEOC v. Kmart Corp.*** (D. Md. No. 8:13-cv-02576 filed Sept. 5, 2013) (*resolved* 1/22/15). The Philadelphia District Office sued defendant alleging that it denied the charging party, Lorenzo Cook, a reasonable accommodation and refused to hire him in violation of the Americans with Disability Act (ADA). The EEOC alleged that after Kmart offered Cook a job, he advised the hiring manager that he could not provide a urine sample for the company's mandatory pre-employment drug screening due to his kidney disease and dialysis. Cook requested a reasonable accommodation such as a blood test, hair test, or other drug test that did not require a urine sample. The EEOC further alleged that Kmart refused to provide that alternative test and denied Cook employment because of his disability. To resolve the case, defendant agreed to pay \$102,048 in damages and entered into a two year consent decree requiring it to revise its drug testing policies and forms to specify the availability of reasonable accommodation for applicants or employees in the company's drug testing processes, provide training for all managers, and human resources leads on the ADA as well as other record keeping requirements.
 - [Kmart Will Pay \\$102,048 to Settle EEOC Disability Discrimination Lawsuit - 1/27/2015](#)

Cases Involving Pregnancy and Accommodations

- ***EEOC v. Step Three, Ltd.*** (D. Haw. No. 1:13-cv-00674 filed Dec. 9, 2013) (*resolved* Dec. 13, 2013). The EEOC's Los Angeles District Office sued defendant, Step Three, under the ADA and Title VII to seek relief for a female retail buyer who worked for the company in Honolulu. The employee informed the defendant that she had begun treatments for infertility. According to the Commission's suit, a company official responded with offensive comments regarding her disability. The EEOC alleged that later that year, when the employee revealed that she was pregnant and had related travel restrictions, the defendant fired her. Step Three agreed to a two-year consent decree to resolve the suit. The decree included \$60,000 in monetary relief, as well provisions requiring it to: hire a consultant to ensure compliance with Title VII and the

ADA; revise its anti-discrimination policies and procedures; and provide annual training for staff.

- [Step Three to Pay \\$60,000 for EEOC Pregnancy and Disability Discrimination Suit - 12/11/2013](#)
- ***EEOC v. Engineering Documentation Sys., Inc.*** (D. Nev. No. 3:11-cv-00707-HDM-VPC filed Sept. 30, 2011) (*resolved* Apr. 17, 2013). The EEOC's Los Angeles District Office sued defendant under the ADA and Title VII to seek relief for a pregnant technical assistant with a disability who was working at the Hawthorne Army Depot in Northern Nevada. The EEOC alleged that when a management official learned about the assistant's pregnancy, he made derogatory remarks and denied her request to have her office moved closer to the bathroom to accommodate her severe nausea and vomiting. The EEOC also contended that while the charging party was on medical leave, the defendant changed her job description, requiring that she be certified to carry live ammunition and explosives. According to the EEOC, the company failed to accommodate the assistant and terminated her. Additionally, her husband, who was employed by EDSI as a lead engineering technician, was demoted and eventually terminated after complaining about his wife's treatment and participating in the EEOC's investigation of his wife's charge. The defendant agreed to pay \$70,000 to settle the suit. The company also entered into a four-year consent decree requiring it to hire an equal employment opportunity (EEO) consultant to create and implement anti-discrimination policies and complaint procedures, a centralized tracking system for discrimination complaints, and live, annual EEO training for all management and human resources personnel.

Other Significant Filings

- ***EEOC v. All Star Personnel, Inc. & Sims Recycling Solutions, Inc.*** (M.D. Tenn., No. 3:15-cv-00136 filed Feb. 13, 2015). The EEOC's Memphis District Office sued defendant, an international electronics recycling company and a local staffing agency, alleging it refused to assign an employee because of her hearing impairment in violation of the ADA. The EEOC's suit contends that All-Star assigned the employee to work at a Sims recycling facility in LaVergne, Tenn. According to the complaint, when Sims learned the employee had a hearing impairment, Sims and All-Star told the employee she could not work there.
 - [EEOC Sues Sims Recycling and All-Star Personnel for Disability Discrimination - 2/18/2015](#)

- ***EEOC v. Dollar General*** (E.D. Tenn. No. 3:14-cv-00441 filed Sept. 23, 2014). The EEOC's Memphis District Office sued defendant, Dollar General, alleging it violated the ADA by failing to accommodate and firing an insulin-dependent diabetic. According to the EEOC's suit, the employee was working the cash register when she started to experience symptoms of a hypoglycemic episode. Customers were in line, so the former employee grabbed an orange juice from Dollar General's cooler and consumed it to stabilize her blood sugar. She paid for the orange juice after the customers left. The former employee told her supervisor on several occasions that she had diabetes, and she requested that the store allow her to keep her own juice near the cash register, but the store denied those requests. The EEOC alleges that Dollar General fired the employee for violating its "grazing" policy, which prohibits employees from consuming merchandise before payment. *The suit is pending.*
 - [Dollar General Sued by EEOC for Disability Discrimination - 9/24/2014](#)

- ***EEOC v. Orion Energy Sys.*** (E.D. Wis. No. 14-cv-00619 filed Aug. 20, 2014). The EEOC's Chicago District Office filed suit against defendant, Manitowoc, Wisconsin-based Orion Energy Systems, alleging the company violated the ADA in the way it applied a so-called "wellness program." The EEOC alleges that when employee Wendy Schobert declined to participate in the program, Orion shifted responsibility for payment of the entire premium for her employee health benefits from Orion to Schobert. Shortly thereafter, Orion fired Schobert. The EEOC maintains that Orion's wellness program violated the ADA as it was applied to Schobert, and that Orion retaliated against Schobert because of her good-faith objections to the program. The EEOC further asserts that Orion interfered with Schobert's exercise of her federally-protected ADA right to not be subjected to unlawful medical exams and disability-related inquiries. *The suit is pending.*
 - [EEOC Lawsuit Challenges Orion Energy Wellness Program and Related Firing of Employee - 8/20/2014](#)

- ***EEOC v. Flambeau, Inc.*** (W.D. Wis. No. 3:14-cv-00638 filed Sept. 30, 2014). The EEOC's Chicago District Office sued defendant, a plastic manufacturing company, alleging that it violated the American with Disabilities Act (ADA) by requiring an employee to submit to medical testing and assessment in connection with a "wellness program" or face dire consequences. The EEOC alleged that the "wellness program" required employees to submit to biometric testing and a "health risk assessment," or face cancellation of medical insurance, unspecified "disciplinary action" for failing to attend the scheduled testing, and a requirement to pay the full premium in order to stay covered. When charging

party did not complete the biometric testing and health risk assessment, Flambeau cancelled his medical insurance and shifted responsibility for payment of the entire premium cost to him. The EEOC said employees who had taken the biometric testing and health risk assessment, by comparison, did not have their coverage cancelled involuntarily, and were only required to pay 25% of their premium cost. The EEOC contends that the biometric testing and health risk assessment constituted "disability-related inquiries and medical examinations" that were not job-related and consistent with business necessity as defined by the ADA.

ADAAA in Action

The ADAAA protects people with a much broader range of disabilities than the ADA did previously. The EEOC has been at the forefront of expanding protection through its litigation for people with disabilities including but not limited to: intellectual disabilities, dyslexia, bipolar disorder, depression, epilepsy, cerebral palsy, cancer, HIV, diabetes, renal failure, and associations with individuals with a disability. Below are some representative selected filings and resolutions involving particular impairments:

Intellectual Disabilities

- [Jury Awards \\$240 Million for Long-Term Abuse of Workers with Intellectual Disabilities - 5/1/2013](#)
- [Papa John's Discriminated Against Employee with Down Syndrome, EEOC Charges in Suit - 9/29/2014](#) (Down Syndrome)
- [Target to Pay \\$160,000 to Settle EEOC Disability Discrimination Suit - 7/5/2011](#) (cerebral palsy)

Learning Disabilities

- [St. Alexius Medical Center of Hoffman Estates To Pay \\$125,000 to Resolve EEOC Disability Suit - 2/12/2015](#) (cognitive disability)
- [Dollar General Stores to Pay \\$47,500 to Settle EEOC Disability Discrimination Lawsuit - 10/23/2013](#) (dyslexia)

- [National Waste Removal Firm Admits Discrimination, Settles With EEOC For \\$95,000 - 11/24/2010](#) (dyslexia)

Psychiatric Disabilities

- [EEOC Sues The Lash Group for Disability Discrimination - 10/8/2014](#) (*post-partum depression*)
- [Bobby Dodd Institute to Pay \\$40,000 to Settle EEOC Age Discrimination Suit - 6/17/2014](#) (depression)
- [Direct Optical to Pay \\$53,000 to Settle Disability Discrimination Suit - 4/14/2014](#) (depression)
- [Alorica Pays \\$135,000 to Settle EEOC Disability Discrimination Suit - 12/11/2013](#) (bipolar and depression)
- [MISO to Pay \\$90,500 to Settle EEOC Disability Discrimination Lawsuit - 7/11/2013](#) (post-partum depression)
- [Probat/Bauermeister to Pay \\$100,000 to Settle EEOC Disability Discrimination Lawsuit - 5/6/2013](#) (bipolar)
- [AVT to Pay \\$50,000 to Settle EEOC Disability Discrimination Case - 4/16/2013](#) (depression)
- [Gannett Companies Settle EEOC Disability Discrimination Lawsuit for Almost \\$50,000 - 1/24/2013](#) (bipolar and depression)
- [Dayton Superior Corporation to Pay \\$50,000 to Settle EEOC Disability Discrimination Lawsuit - 1/4/2013](#) (bipolar)
- [Dillard's to Pay \\$2 Million to Settle Class Action Disability Discrimination Lawsuit by EEOC - 12/18/2012](#) (bipolar)
- [EEOC Sues King Soopers for Discriminating Against Employee with Bipolar Disorder - 9/18/2012](#) (bipolar)
- [EEOC Wins Disability Discrimination Suit Against Payday Lender 'The Cash Store' - 3/28/2012](#) (bipolar)

- [Adams Jeep of Maryland to Pay \\$50,000 to Settle EEOC Disability Discrimination Lawsuit - 3/23/2012 \(bipolar\)](#)
- [Family Video to Pay \\$70,000 to Settle EEOC Disability Discrimination Suit - 3/14/2012 \(depression\)](#)

Epilepsy

- [Baptist Health South Florida to Pay \\$215,000 to Settle EEOC Disability Discrimination Suit - 2/21/2014](#)
- [Foodworks Will Pay \\$25,000 to Settle EEOC Disability Discrimination Lawsuit - 12/4/2013](#)
- [Jury Verdict for EEOC Against Western Trading Company In Disability Case - 3/11/2013 \(fully resolved in a consent decree on 5/1/2013\)](#)
- [Rite Aid to Pay \\$250,000 to Settle EEOC Disability and Retaliation Discrimination Lawsuit -11/7/2012](#)
- [JES/Genie Temps to Pay \\$80,000 to Settle EEOC Disability Discrimination Suit - 8/13/2012](#)
- [Pioneer Place Assisted Living Settles EEOC Disability Discrimination Suit - 5/24/2012](#)
- [Tyson Foods Settles EEOC Disability Discrimination Lawsuit - 2/23/2012](#)
- [Oakland Restaurant Sued by EEOC for Disability Discrimination - 9/8/2011](#)
- [Presbyterian Village Pays \\$30,000 to Settle EEOC Disability Discrimination and Retaliation Suit - 10/20/2010](#)

Cancer

- [Oakland Children's Hospital Settles EEOC Disability Discrimination Suit - 2/11/2015](#)
- [Angel Medical Center to Pay \\$85,000 to Settle EEOC Disability Discrimination Suit - 11/24/2014](#)

- [Professional Freezing Services to Pay \\$80k under Consent Decree Ending Disability Discrimination Suit - 4/21/2014](#)
- [Henderson Nursing / Rehab Center to Pay \\$50,000 to Settle EEOC Disability Discrimination Suit -1/8/2014;](#)
- [Home Depot to Pay \\$100,000 to Settle EEOC Disability Discrimination Suit - 9/5/2012](#)
- [Johns Hopkins Home Health Care to Pay \\$160,000 to Settle Disability Discrimination Lawsuit -6/19/2012](#)
- [American Apparel Agrees to Settle EEOC Disability Bias Suit for \\$60,000 - 12/19/2011](#)
- [Wal-Mart to Pay \\$275,000 to Former Employee Fired after Cancer Surgery - 12/16/2011](#)
- [Maxim Healthcare Services Settles EEOC Disability Discrimination Suit - 9/22/2011](#)
- [EEOC Lawsuit Challenges Disability Discrimination at South Dakota Non-Profit - 7/29/2011](#)

HIV

- [Suncup / Gregory Packaging to Pay \\$125,000 to Settle EEOC Disability Discrimination Lawsuit - 3/13/2015](#)
- [Maxim Healthcare Services Will Pay \\$75,000 to Settle EEOC Disability Discrimination Suit - 12/3/2014](#)
- [Innershore Enterprises / Marlow 6 Theater To Pay \\$20,000 For Disability Discrimination - 11/22/2010](#)
- [Callaro's Prime Steak & Seafood Settles EEOC HIV Disability Discrimination Suit - 11/22/2010](#)

Diabetes

- [Wal-Mart to Pay \\$150,000 to Settle EEOC Age and Disability Discrimination Suit - 2/19/2015](#)

- [Baker Wellness Center Illegally Fired Employee Because of Disability, EEOC Claims in Lawsuit - 12/31/2014](#)
- [Dollar General Sued by EEOC for Disability Discrimination - 9/24/2014](#)
- [America's Largest Drug Store Chain to Pay \\$180,000 to Settle EEOC Disability Discrimination Suit - 7/2/2014](#)
- [EEOC Sues DuPriest And Sons For Firing Long-Term Employee Because Of Disability - 9/27/2011](#)
- [Ellicott City Surveying Company To Pay \\$77,000 To Settle EEOC Disability Discrimination Lawsuit - 6/20/2011](#)
- [Glenn O. Hawbaker Will Pay \\$200,000 to Settle EEOC Disability Discrimination Lawsuit - 10/5/2010](#)

Renal Failure

- [First Title & Escrow / Streamline Title & Escrow to Pay \\$95,000 to Settle EEOC Disability Bias Lawsuit - 3/13/2015](#)
- [Kmart Will Pay \\$102,048 to Settle EEOC Disability Discrimination Lawsuit - 1/27/2015](#)
- [Wal-Mart Stores East Will Pay \\$72,500 to Settle EEOC Disability Discrimination Lawsuit - 10/22/2014](#)
- [Personal Touch Home Care Of Ohio to Pay \\$35,000 to Settle EEOC Disability Discrimination Suit -4/2/2012](#)

APPENDIX

ADA Press Releases (since October 1, 2010) (<http://www.eeoc.gov/eeoc/newsroom/release/index.cfm>)

Resolutions

- [The Lash Group Will Pay \\$75,000 to Settle EEOC Disability Discrimination Lawsuit - 3/18/2015](#)
- [Save Edge to Pay \\$30,000 to Settle EEOC Disability Discrimination Suit - 3/17/2015](#)
- [Suncup / Gregory Packaging to Pay \\$125,000 to Settle EEOC Disability Discrimination Lawsuit - 3/13/2015](#)
- [First Title & Escrow / Streamline Title & Escrow to Pay \\$95,000 to Settle EEOC Disability Bias Lawsuit - 3/13/2015](#)
- [Jamison Shaw to Pay \\$27,500 to Settle EEOC Lawsuit - 3/11/2015](#)
- [Jewel-Osco to Pay \\$400,000 to EEOC for its Fees and Costs in Contempt Action - 3/6/2015](#)
- [PAM Transport Ordered to Pay \\$477,399 In EEOC Disability Case - 3/4/2015](#)
- [Wal-Mart to Pay \\$150,000 to Settle EEOC Age and Disability Discrimination Suit - 2/19/2015](#)
- [St. Alexius Medical Center of Hoffman Estates To Pay \\$125,000 to Resolve EEOC Disability Suit - 2/12/2015](#)
- [Benny Boyd Car Dealership to Pay \\$250,000 to Former Manager in EEOC Settlement - 2/11/2015](#)
- [Oakland Children's Hospital Settles EEOC Disability Discrimination Suit - 2/11/2015](#)
- [Kmart Will Pay \\$102,048 to Settle EEOC Disability Discrimination Lawsuit - 1/27/2015](#)
- [Cleaning Authority of Plainfield to Pay \\$15,000 to Resolve EEOC Disability Suit - 1/27/2015](#)

- [Jury in EEOC Suit Says Old Dominion Freight Line Must Pay Former Driver \\$119,612 for Disability Bias - 1/16/2015](#)
- [EZEFLOW USA, Inc. Will Pay \\$65,000 to Settle EEOC Disability Discrimination Lawsuit - 1/9/2015](#)
- [Non-Profit Social Service Agency to Pay \\$309,000 to Settle EEOC Disability Discrimination Lawsuit - 12/31/2014](#)
- [Sony to Pay \\$85,000 under Decree Resolving EEOC Disability Discrimination Suit - 12/23/2014](#)
- [Bank of America to Pay \\$110,000 to Resolve EEOC Disability Discrimination Suit - 12/19/2014](#)
- [Maxim Healthcare Services Will Pay \\$75,000 to Settle EEOC Disability Discrimination Suit - 12/3/2014](#)
- [Disability Network Will Pay \\$38,500 to Settle EEOC Disability Discrimination Lawsuit - 11/26/2014](#)
- [Angel Medical Center to Pay \\$85,000 to Settle EEOC Disability Discrimination Suit - 11/24/2014](#)
- [EEOC and Chicago-Area Marshmallow Maker Reach Accord in Disability Suit - 11/4/2014](#)
- [Randall Ford to Pay \\$128,750 to Settle EEOC Disability Discrimination Suit - 11/4/2014](#)
- [Baywood Home Care to Pay \\$30,000 under Decree Ending EEOC Disability Discrimination Lawsuit - 10/30/2014](#)
- [Jury Finds In Favor Of EEOC That One-Armed Security Guard Was Fired Because Of His Disability - 10/23/2014](#)
- [Wal-Mart Stores East Will Pay \\$72,500 to Settle EEOC Disability Discrimination Lawsuit - 10/22/2014](#)
- [Kaiser Permanente to Pay \\$75,000 to Settle EEOC Disability Discrimination Suit - 10/8/2014](#)
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- [Holly Manor Center Nursing Home Pays \\$75,000 to Settle EEOC Disability Discrimination Lawsuit - 9/5/2014](#)
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- [Princeton Healthcare Pays \\$1.35 Million to Settle Disability Discrimination Suit with EEOC - 6/30/2014](#)
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- [Court Enters Permanent Injunction Against American Tool & Mold in EEOC Disability Case - 5/20/2014](#)
- [Norfolk Southern Railway Company Pays \\$110,000 to Settle EEOC Disability Discrimination Suit - 5/19/2014](#)
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- [Weirton Medical Center to Pay \\$12,500 to Settle EEOC Age and Disability Discrimination - 5/6/2014](#)
- [EEOC Wins Summary Judgment in American Tool & Mold Disability Case - 4/21/2014](#)

- [Professional Freezing Services to Pay \\$80k under Consent Decree Ending Disability Discrimination Suit - 4/21/2014](#)
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- [Henderson Nursing / Rehab Center to Pay \\$50,000 to Settle EEOC Disability Discrimination Suit -1/8/2014](#)
- [Silvercrest Center for Nursing and Rehabilitation Settles EEOC Disability Suit - 1/8/2014](#)
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- [Beverage Distributors Ordered to Pay About \\$200K and Hire Sight-Impaired Employee in EEOC Disability Discrimination Suit - 12/12/2013](#)
- [Alorica Pays \\$135,000 to Settle EEOC Disability Discrimination Suit - 12/11/2013](#)
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- [GGNSC Administrative Services to Pay \\$75,000 in EEOC Disability Bias Suit - 9/25/2013](#)
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- [SITA Information Networking Computing USA Settles EEOC Disability Discrimination Suit - 5/7/2013](#)
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- [Kintetsu International Express to Pay \\$77,500 to Settle EEOC Disability Harassment, Retaliation Suit- 1/30/2013](#)

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- [Fox Den Apartments to Pay \\$37,000 to Settle EEOC Disability Suit - 1/4/2013](#)
- [EEOC Settles Disability Discharge Suit Against Scooter Store - 12/27/2012](#)
- [Dillard's to Pay \\$2 Million to Settle Class Action Disability Discrimination Lawsuit by EEOC -12/18/2012](#)
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- [Rite Aid to Pay \\$250,000 to Settle EEOC Disability and Retaliation Discrimination Lawsuit -11/7/2012](#)
- [Wendy's Franchisee to Pay \\$41,500 to Settle EEOC Disability Discrimination Suit - 10/10/2012](#)
- [EEOC Wins Rare Summary Judgment Verdict In Disability Suit Against Creative Networks -9/21/2012](#)
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- [Miles Kimball Company to Pay \\$95,000 To Settle EEOC Disability Discrimination Suit - 9/12/2012](#)

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- [Home Depot to Pay \\$100,000 to Settle EEOC Disability Discrimination Suit - 9/5/2012](#)
- [ABCO West Electrical Will Pay \\$23,000 to Settle EEOC Disability Discrimination Lawsuit - 8/27/2012](#)
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- [Hawaii Electric Company to Pay \\$50,000 to Settle EEOC Disability Discrimination Suit - 8/14/2012](#)
- [JES/Genie Temps to Pay \\$80,000 to Settle EEOC Disability Discrimination Suit - 8/13/2012](#)
- [Maximus Will Pay \\$50,000 to Settle EEOC Disability Discrimination Lawsuit - 8/13/2012](#)
- [Banner Health Settles EEOC Disability Discrimination Lawsuit for \\$255,000 - 7/30/2012](#)
- [BAE Systems Subsidiary to Pay \\$55,000 to Settle EEOC Disability Discrimination Suit - 7/24/2012](#)
- [The Goodyear Tire & Rubber Company to Pay \\$20,000 to Settle EEOC Disability Discrimination Suit -7/23/2012](#)
- [RCC Consultants Will Pay \\$45,000 to Settle EEOC Disability Discrimination Lawsuit - 7/10/2012](#)
- [The Jackson Sun to Pay \\$150,000 to Settle EEOC Disability Discrimination Suit - 6/29/2012](#)
- [Albuquerque Bakery & Café Settles EEOC Disability Discrimination Suit - 6/20/2012](#)
- [Johns Hopkins Home Health Care to Pay \\$160,000 to Settle Disability Discrimination Lawsuit -6/19/2012](#)
- [Stevens Transport to Pay \\$50,000 to Settle EEOC Disability Discrimination Lawsuit - 6/8/2012](#)

- [EEOC and Vitas Health Care Resolve Disability Discrimination Lawsuit for \\$65,000 - 6/6/2012](#)
- [Homestead Gardens Settles EEOC Disability Discrimination Lawsuit - 6/6/2012](#)
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- [Children's Hospital Colorado to Pay \\$95K to Settle EEOC Disability Lawsuit - 5/31/2012](#)
- [Health Partners, Inc. To Pay \\$25,000 to Resolve EEOC Disability Discrimination Case - 5/30/2012](#)
- [Pioneer Place Assisted Living Settles EEOC Disability Discrimination Suit - 5/24/2012](#)
- [Randstad US, LP to Pay \\$60,000 to Settle EEOC Disability Bias Suit - 5/10/2012](#)
- [Roadrunner Redi-Mix to Pay \\$80,000 to Settle EEOC Disability Discrimination Suit - 4/30/2012](#)
- [Resources for Human Development Settles EEOC Disability Suit for \\$125,000 - 4/10/2012](#)
- [Personal Touch Home Care Of Ohio to Pay \\$35,000 to Settle EEOC Disability Discrimination Suit -4/2/2012](#)
- [EEOC Wins Disability Discrimination Suit Against Payday Lender 'The Cash Store' - 3/28/2012](#)
- [Adams Jeep of Maryland to Pay \\$50,000 to Settle EEOC Disability Discrimination Lawsuit -3/23/2012](#)
- [Family Video to Pay \\$70,000 to Settle EEOC Disability Discrimination Suit - 3/14/2012](#)
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- [EEOC Settles Disability and Age Discrimination Suit against DXP Enterprises - 2/6/2012](#)
- [Court of Appeals Vacates Lower Court's Rejection of EEOC Consent Decree in Disability Bias Case - 1/31/2012](#)
- [United Insurance Company of America Pays \\$37,500 To Resolve EEOC Disability Discrimination Lawsuit - 1/23/2012](#)
- [American Apparel Agrees to Settle EEOC Disability Bias Suit for \\$60,000 - 12/19/2011](#)
- [Jim Robinson Ford-Lincoln-Mercury to Pay \\$56,000 to Settle EEOC Disability Lawsuit - 12/16/2011](#)
- [Wal-Mart to Pay \\$275,000 to Former Employee Fired after Cancer Surgery - 12/16/2011](#)
- [B&B Pharmacy in Bellflower to Pay \\$70,000 for Disability Discrimination In EEOC Suit - 12/15/2011](#)
- [UPS Unit to Pay \\$95,000 to Settle EEOC Disability Discrimination Suit - 12/14/2011](#)
- [King Soopers to Pay \\$80,000 to Settle EEOC Disability Discrimination Lawsuit - 12/13/2011](#)
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- [Journal Disposition Settles EEOC Disability Discrimination Lawsuit - 11/17/2011](#)
- [Injunction Entered Against AutoZone Requiring Reasonable Accommodation Of Disabilities - 11/15/2011](#)

- [G2 Secure Staff Pays \\$30,000 to Resolve EEOC Disability Discrimination Lawsuit - 11/8/2011](#)
- [Comfort Suites To Pay \\$132,500 For Disability Discrimination Against Clerk With Autism - 11/7/2011](#)
- [Maverik Agrees To Pay \\$115,000 To Settle EEOC Lawsuit For Disability Discrimination - 11/7/2011](#)
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- [Maxim Healthcare Services Settles EEOC Disability Discrimination Suit - 9/22/2011](#)
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- [Jewish Community Center Of Greater Washington Settles EEOC Disability Discrimination Suit -8/3/2011](#)
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- [Target to Pay \\$160,000 to Settle EEOC Disability Discrimination Suit - 7/5/2011](#)
- [Denny's to Pay \\$1.3 Million to Settle EEOC Disability Discrimination Lawsuit - 6/27/2011](#)
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- [Englobal Engineering To Pay \\$100,000 To Settle EEOC Disability Discrimination Suit - 6/17/2011](#)
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- [State Contractor to Pay \\$55,000 To Settle EEOC Disability Discrimination Suit - 5/26/2011](#)

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- [KobeWieland Copper to Pay \\$84,750 to Settle EEOC Disability Discrimination Lawsuit - 5/24/2011](#)
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- [Haven Manor Settles EEOC Disability Discrimination Suit - 12/28/2010](#)
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- [Vegas Western Cab to Pay \\$30,000 for Rejecting a Disabled Applicant in EEOC Suit - 10/7/2010](#)
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- [Baker Wellness Center Illegally Fired Employee Because of Disability, EEOC Claims in Lawsuit - 12/31/2014](#)
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- [EEOC Sues Genesis Healthcare / Mount Olive Care & Rehabilitation Center for Disability Discrimination - 7/10/2014](#)
- [EEOC Sues Wal-Mart for Disability Discrimination - 7/2/2014](#)
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- [EEOC Sues Baldwin Supply of Minneapolis for Disability Discrimination - 6/24/2014](#)
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- [Hoeganaes Sued by EEOC for Disability Discrimination - 5/7/2014](#)
- [EEOC Sues McPhee Electric and Bond Bros. For Disability Discrimination - 5/1/2014](#)
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- [EEOC Sues Owner of Golden LivingCenter – Dartmouth for Disability Discrimination - 3/19/2012](#)
- [EEOC Sues GGNSC Administrative Services For Disability Discrimination - 3/13/2012](#)
- [Celadon Sued By EEOC for Disability Discrimination - 3/1/2012](#)
- [EEOC Sues Heartland Automotive Services for Disability Discrimination - 1/25/2012](#)
- [RCC Consultants, Inc. Sued for Disability Discrimination - 12/29/2011](#)
- [EEOC Sues Midwest ISO for Disability Discrimination - 12/23/2011](#)
- [EEOC Sues Wal-Mart for Disability Discrimination and Retaliation - 12/15/2011](#)
- [Vitas Healthcare Sued By EEOC in Disability Discrimination Lawsuit - 12/14/2011](#)
- [Butterball Sued By EEOC For Harassment, Firing Of HIV-Positive Employee - 12/1/2011](#)
- [AT&T Sued By EEOC In Puerto Rico Disability Discrimination Lawsuit - 10/6/2011](#)
- [EEOC Sues Capital Healthcare Solutions for Disability Discrimination - 10/5/2011](#)
- [EEOC Files Lawsuit Against Continental Structural Plastics, Inc. for Disability Discrimination -10/5/2011](#)
- [Roadrunner Redi-Mix Sued by EEOC for Disability Discrimination - 10/3/2011](#)
- [Adams Jeep of Maryland, Inc. Sued for Disability Discrimination and Harassment - 10/3/2011](#)
- [EEOC Sues Hospital Housekeeping for Disability Discrimination at Children's Hospital - 9/30/2011](#)
- [Beverage Distributors Company Sued by EEOC for Disability Discrimination - 9/30/2011](#)

- [Safeway Sued for Disability Discrimination - 9/30/2011](#)
- [Dole Sued by EEOC for Disability Discrimination - 9/30/2011](#)
- [All Star Marketing Sued by EEOC for Disability Discrimination - 9/30/2011](#)
- [EEOC Files Suit Against Garney Construction and Georgia Power for Disability Discrimination - 9/30/2011](#)
- [EEOC Sues EDSI for Pregnancy and Disability Discrimination, Retaliation - 9/30/2011](#)
- [Hawaiian Electric Company Sued by EEOC for Disability Discrimination - 9/29/2011](#)
- [Probat / Bauermeister Sued by EEOC for Disability Discrimination - 9/29/2011](#)
- [Stevens Transport Sued by EEOC for Disability Discrimination - 9/29/2011](#)
- [Savory Fare Bakery and Café Sued by EEOC for Disability Discrimination - 9/29/2011](#)
- [EEOC Charges LHC Group / Gulf Coast Homecare with Disability Discrimination - 9/28/2011](#)
- [EEOC Sues Alabama Thrift Stores for Disability Discrimination - 9/28/2011](#)
- [Alpharetta Apartment Management Company Sued by EEOC for Disability Discrimination - 9/28/2011](#)
- [DXP Enterprises Sued By EEOC For Disability And Age Discrimination - 9/27/2011](#)
- [EEOC Sues DuPriest And Sons For Firing Long-Term Employee Because Of Disability - 9/27/2011](#)
- [EEOC Sues BAE Systems for Disability Discrimination - 9/27/2011](#)
- [EEOC Sues D.O.E. Technologies and doeLegal for Disability Discrimination - 9/26/2011](#)

- [Lang's Marina Restaurant Sued by EEOC For Disability Discrimination - 9/26/2011](#)
- [DXP Enterprises Sued by EEOC For Disability and Age Discrimination - 9/26/2011](#)
- [EEOC Sues Windmill International for Disability Discrimination - 9/22/2011](#)
- [EEOC Sues ITT Tech For Disability Discrimination - 9/21/2011](#)
- [ABCO Electrical Sued by EEOC for Disability Discrimination and Retaliation - 9/21/2011](#)
- [Maximus, Inc. Sued by EEOC for Disability Discrimination - 9/21/2011](#)
- [McCormick & Schmick's Seafood Restaurant Sued By EEOC For Disability Discrimination - 9/20/2011](#)
- [Pioneer Place Assisted Living Sued by EEOC for Disability Discrimination - 9/20/2011](#)
- [EEOC Sues Wal-Mart for Firing Disabled Employee - 9/19/2011](#)
- [EEOC Sues Insource Performance Solutions And Legrand North America For Disability Bias - 9/15/2011](#)
- [EEOC Sues Owner of California McDonald's for Disability Discrimination - 9/14/2011](#)
- [Modesto Retailer Sued for Disability Discrimination - 9/13/2011](#)
- [Bank of America's Failure to Accommodate Blind Employee Draws EEOC Disability Lawsuit - 9/13/2011](#)
- [EEOC Sues G2 Secure Staff, LLC For Disability Discrimination - 9/12/2011](#)
- [EEOC Sues Miles Kimball For Disability Bias - 9/12/2011](#)
- [Oakland Restaurant Sued by EEOC for Disability Discrimination - 9/8/2011](#)
- [Walgreens Sued By EEOC For Disability Discrimination - 9/8/2011](#)
- [Outback Steakhouse Sued by EEOC for Disability Discrimination - 9/7/2011](#)

- [Goodyear Sued by EEOC for Disability Discrimination - 9/7/2011](#)
- [EEOC Sues the Scooter Store for Disability Discrimination - 9/2/2011](#)
- [SITA Information Networking Computing USA Sued By EEOC For Disability Discrimination - 8/30/2011](#)
- [Ford Motor Company Sued By EEOC For Disability Discrimination - 8/29/2011](#)
- [EEOC Sues Kohl's Department Stores For Disability Discrimination - 8/23/2011](#)
- [EEOC Sues Rexnord For Disability Discrimination - 8/18/2011](#)
- [National HealthCare Corporation Sued By EEOC For Disability Discrimination - 8/17/2011](#)
- [Old Dominion Freight Line Sued By EEOC For Disability Discrimination - 8/16/2011](#)
- [EEOC Sues Jackson / Gannett, Inc. for Disability Discrimination - 8/16/2011](#)
- [EEOC Sues United Insurance Company of America For Disability Discrimination - 8/16/2011](#)
- [The Children's Hospital Association Sued By EEOC For Disability Discrimination - 8/12/2011](#)
- [J.A. Thomas & Associates Sued By EEOC For Disability Discrimination - 8/1/2011](#)
- [EEOC Lawsuit Challenges Disability Discrimination at South Dakota Non-Profit - 7/29/2011](#)
- [EEOC Sues Illinois Temp Agency For Disability Discrimination - 7/28/2011](#)
- [EEOC Sues Product Fabricators Again For Disability Discrimination, Retaliation - 7/27/2011](#)
- [EEOC Files Disability Discrimination Lawsuit Against Johns Hopkins Home Care Group - 7/14/2011](#)

- [EEOC Sues Tideland EMC For Disability Discrimination - 6/23/2011](#)
- [Muncie Dollar General Store Sued By EEOC For Disability Discrimination - 6/9/2011](#)
- [EEOC Sues BP One Stop Convenience Store For Disability Discrimination - 5/25/2011](#)
- [Starbucks Sued by EEOC for Disability Discrimination - 5/16/2011](#)
- [Randstad US Sued by EEOC for Disability Discrimination - 5/13/2011](#)
- [Health Partners, Inc. Sued By EEOC For Disability Discrimination - 5/11/2011](#)
- [EEOC Sues Sysco Oklahoma for Disability Bias - 4/27/2011](#)
- [EEOC Sues Gannett Companies For Disability Discrimination - 4/7/2011](#)
- [Workers with Intellectual Disabilities Abused by Texas-Based Company for Years, EEOC Charges – 4/6/2011](#)
- [Evergreen Golf Sued by EEOC for Disability Discrimination - 4/6/2011](#)
- [National Home Health Care Services Provider Sued By EEOC For Disability Discrimination - 1/21/2011](#)
- [EEOC Sues State Contractor and Staffing Firm for Disability Discrimination - 1/11/2011](#)
- [National Athletic Apparel Retailer Finish Line Sued by EEOC for Disability Discrimination -12/27/2010](#)
- [The GAP Unlawfully Fired Employee With Disability, EEOC Charges - 11/19/2010](#)
- [Tri-City Comprehensive Community Mental Health Center Sued By EEOC For Disability Discrimination - 11/9/2010](#)
- [EEOC Sues Walmart for Firing Veteran Employee over Cancer-Related Disability - 10/7/2010](#)
- [EEOC Sues Kintetsu International Express for Disability Harassment, Retaliation - 10/5/2010](#)

- [American Apparel Sued by EEOC for Disability Discrimination - 10/5/2010](#)
- [EEOC Sues U.S. Steel Corporation for Nationwide Disability Discrimination - 10/5/2010](#)
- [Maverik Country Stores Sued for Violation of Americans with Disabilities Act - 10/4/2010](#)
- [Western Trading Company Sued by EEOC - 10/4/2010](#)
- [Ranir LLC Unlawfully Fired Employee With Disability, EEOC Charges - 10/1/2010](#)

Other

- [EEOC Disability Case Against Sony to Proceed, Federal Judge Orders - 9/8/2014](#)
- [Court Recommends Supervalu/Jewel-Osco Be Held in Contempt for Violations of EEOC Consent Decree in Disability Case - 7/16/2014](#)
- [EEOC Issues Updated Enforcement Guidance On Pregnancy Discrimination And Related Issues - 7/14/2014](#)
- [EEOC Disability Suit Against Cleaning Authority of Plainfield to Proceed - 5/27/2014](#)
- [EEOC Seeks Public Input on Regulations Requiring Federal Agencies to Be 'Model Employers' of Individuals with Disabilities - 5/15/2014](#)
- [EEOC Examines Rights, Challenges of People with Disabilities on Rehab Act Anniversary - 9/27/2013](#)
- [Federal Court Allows EEOC Disability Case to Proceed, Denying United Parcel Service's Appeal - 6/12/2013](#)
- [Supervalu / Jewel Food Held in Contempt for Breaching Consent Decree Settling Earlier EEOC Disability Discrimination Suit - 3/21/2013](#)
- [Judge Reverses Prior Rulings Dismissing Case and Allows EEOC Disability Suit Against UPS to Proceed - 1/15/2013](#)

- [Seventh Circuit Revives EEOC Disability Discrimination Lawsuit - 9/13/2012](#)
- [EEOC Commissioners to Explain Disability Discrimination Law in Coast-To-Coast Tour - 8/28/2012](#)
- [EEOC Commissioners Launch Disability Discrimination Series in Seattle - 8/28/2012](#)
- [EEOC Issues Revised Publications on Employment of Veterans with Disabilities - 2/28/2012](#)
- [Veterans with Disabilities Need Multi-Prong Approach for Employment, EEOC Told at Meeting - 11/16/2011](#)
- [Experts Give EEOC Range of Views on Leave as a Reasonable Accommodation - 6/8/2011](#)
- [EEOC to Examine Use of Leave As Reasonable Accommodation - 6/3/2011](#)
- [EEOC Announces Final Bipartisan Regulations for the ADA Amendments Act - 3/24/2011](#)
- [Commission to Meet Tuesday on Employment of People with Mental Disabilities - 3/10/2011](#)