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EEOC'S Failure to Accommodate Win is a Warning to Employers

Following a six-year legal battle, a Wisconsin federal court jury recently awarded $125 million in punitive damages to a former national retailer employee with Down syndrome. The lawsuit was filed by the U.S. Equal Employment Opportunity Commission ("EEOC") on Plaintiff's behalf citing violations of the Americans with Disabilities Act, as amended ("ADA").

When the retail giant instituted a computerized scheduling system, it also created a revised work schedule for the Plaintiff. This new schedule caused Plaintiff significant adjustment issues, as her disability often thrives on rigid daily routines. Plaintiff, a then 16-year employee of a national retailer, was denied her request to revert to her previous schedule and was ultimately terminated from her employment. The national retailer also rejected Plaintiff's subsequent request to be rehired. As an EEOC attorney remarked on the case "The jury here recognized, and apparently was quite offended, that Ms. Spaeth lost her job because of needless—and unlawful—inflexibility on the part of the national retailer."

Though federal statutes cap punitive damages in employment discrimination suits at $300,000, the jury was clearly affected and intended to send a message to businesses regarding their responsibility to accommodate their disabled employees. The EEOC added, "Employers, no matter how large, have an obligation under the law to evaluate the individual circumstances of employees with disabilities when considering requests for reasonable accommodations."

KD IS HERE TO HELP

In the event that you have questions regarding the applicability of the ADA or other relevant state or local laws to your business, please contact Philip Voluck, Katherine Catlos or any of our experienced attorneys in KD's Labor and Employment Law Practice Group.

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