UNITED AIRLINES TO PAY $850,000 FOR DISABILITY DISCRIMINATION

United’s Policy Denied Employees With Disabilities Opportunity to Work Overtime, EEOC Charged

SAN FRANCISCO — United Airlines has agreed to settle a federal lawsuit alleging that the Chicago-based company’s overtime policy violated the Americans With Disabilities Act (ADA), the U.S. Equal Employment Opportunity Commission (EEOC) announced today. According to the EEOC’s suit and settlement (CV 09 0784 EMC) filed in U.S. District Court for the District of Northern California, United will pay $850,000 to a class of employees with disabilities and has agreed not to enforce such a policy in the future.

The suit arose from a charge filed by Samuel Chetcuti, a storekeeper working for United at the San Francisco International Airport. The EEOC’s suit asserted that United’s policy of denying the opportunity to work overtime to anyone placed on light or limited duty had greater repercussions for employees with disabilities, since these workers were more likely to be assigned to light duty. For example, Chetcuti, who has epilepsy, was under medical restrictions that prevented him from operating heavy machinery and working at heights, but did not restrict the number of hours a week he could work. Chetcuti was given light duty for his regular work schedule, and as a result, United had barred him from an overtime schedule despite the fact that he was medically cleared to work overtime.

EEOC San Francisco Regional Attorney William R. Tamayo said, “This blanket policy barring employees working with restrictions from overtime work had a disproportionate impact on workers with disabilities. It runs counter to the ADA’s goal that each employee be evaluated individually on whether they can get the job done, with or without an accommodation. We appreciate that United Airlines has agreed to settle this case and rescind this policy.”

The settlement also requires United to notify all current and former employees at the San Francisco Airport who were subject to the rescinded policy and invite them to submit claims to share in the $850,000. Claims may also be submitted to EEOC attorney David Offen-Brown at 350 The Embarcadero, Suite 500, San Francisco, CA 94105 or david.offen-brown@eeoc.gov.

Chetcuti said, “This is good for all United workers. If your doctor has cleared you to work overtime, then you should be able to work those hours whether or not you’re on light duty. I appreciate the EEOC’s efforts in making this happen.”

EEOC San Francisco District Director Michael Baldonado added, “Disability does not mean inability. The ADA encourages us all to focus on opening doors to all a worker can do and discourages the closing of doors through restrictive stereotypes about disabilities, such as what you may think that person cannot do.”

According to www.united.com, United Airlines (NASDAQ: UAUA) is one of the largest international carriers based in the United States, with 52,000 employees worldwide and operating nearly 3,000 flights a day to more than 200 U.S. domestic and international destinations from its hubs in Los Angeles, San Francisco, Denver, Chicago and Washington, D.C.

The EEOC enforces federal laws prohibiting employment discrimination. Further information about the EEOC is available on its web site at www.eeoc.gov.