



U.S. Equal Employment Opportunity Commission

PRESS RELEASE

6-19-12

Johns Hopkins Home Health Care to Pay \$160,000 to Settle Disability Discrimination Lawsuit

EEOC Charged Health Care Provider Failed to Accommodate Employee with Breast Cancer, then Fired Her

BALTIMORE -- Johns Hopkins Home Care Group, Inc. (JHHCG), a full-service home health care provider, will pay \$160,000 and provide other relief to settle an Americans with Disabilities Act (ADA) lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC). In its lawsuit, the EEOC alleged that JHHCG violated the ADA when it discriminated against an employee because of her disability, failed to provide her with a reasonable accommodation for her disability, and retaliated against her for bringing her claims to the EEOC.

According to the EEOC's suit (Case No. 11-cv-01911-WDQ), filed in U.S. District Court for the District of Maryland, Northern Division, JHHCG had employed Ray Ellen Fisher, a registered nurse, as a pediatric case manager since 2003. Fisher was diagnosed with breast cancer in September 2009, and her medical treatment required that she take leave shortly thereafter. Following Fisher's period of leave, when she was cleared to return to work, JHHCG failed to provide her with a reasonable accommodation that would have allowed her to return to work despite her limited restrictions – restrictions that were progressively phased out. After JHHCG failed to reasonably accommodate her, Fisher filed a discrimination charge with the EEOC and she was then subjected to retaliatory adverse employment actions and terminated.

The ADA prohibits an employer from discriminating against an employee because of her disability, and further requires an employer to provide reasonable accommodations that enable the employee perform the essential functions of her position. In addition to the protections against discrimination and the requirement to accommodate, the ADA also protects individuals from retaliation for exercising their rights to be free of disability discrimination. The lawsuit was filed after the EEOC first attempted to reach a pre-litigation settlement through its conciliation process.

"The Commission has devoted considerable effort to ensuring compliance with the ADA through the issuance of policy and public education," said EEOC General Counsel P. David Lopez. "As this case demonstrates, the EEOC will work to ensure that the employment of persons with disabilities such as cancer will not be compromised because of disability."

The three-year consent decree settling the lawsuit provides \$160,000 to Fisher in lost wages and compensatory damages. The decree also requires JHHCG to train its human resource personnel and managers on compliance with federal anti-discrimination laws, with an emphasis on the ADA and reasonable accommodations. JHHCG will also implement and disseminate a modified ADA reasonable accommodation policy to enhance the reasonable accommodation process and promote compliance with the ADA, and will post a notice for employees describing its obligations under the ADA and affirming its commitment providing a work environment free from illegal discrimination.

"Thanks to improvements in treatment and early detection, millions of women are surviving breast cancer today," said Debra M. Lawrence, regional attorney for the EEOC's Philadelphia District Office which includes Maryland. "Despite these gains in cancer survival rates and the passage of the ADA, people with cancer still experience barriers to equal job opportunities. An employer must provide a reasonable accommodation to an employee with cancer, whether it is needed because of limitations caused by the cancer itself or the side effects of medication and/or treatment for the cancer. I am pleased that JHHCG took the allegations in the EEOC's complaint seriously, cooperated in resolving this matter, and agreed to take steps to ensure that its employees are free from disability discrimination and receive the accommodations they are entitled to under the ADA."

According to the company's web site, Johns Hopkins Home Care Group, Inc., is owned and operated by Johns Hopkins Health System and Johns Hopkins University and has been serving Maryland since 1983.

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