

Target Sued by EEOC For Disability Discrimination

Article By:

U.S. Equal Employment Opportunity Commission

Antioch Store Illegally Refused to Interview Candidate Because He Is Deaf, Federal Agency Charges

SAN FRANCISCO - National retailer Target Corporation violated federal law when it failed to interview a qualified job applicant because he is deaf, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit filed recently.

According to the EEOC's investigation, John Hayes applied online for an entry-level front clerk position at Target's Antioch, Calif., store in September 2014, and his qualifications led Target to contact him. However, when Target's HR representatives called Hayes's number, they reached a Video Relay Service (VRS), which enables him to communicate with hearing people using a sign language interpreter. His phone records show that Target called twice and hung up both times without leaving a message, a deviation from their usual practices. Each time Hayes returned the call, he spoke to an HR representative who informed him that Target would call back to schedule an interview. However, Target never scheduled the interview but instead hired seven non-disabled applicants to fill vacancies in its Antioch store between Oct.23 and Oct. 31.

Rejecting a qualified applicant because of disability violates the Americans with Disabilities Act (ADA). The EEOC filed suit (CIV#3:18-cv-05802-DMR) in U.S. District Court for the Northern District of California after first attempting to reach a pre-litigation settlement through its conciliation process. The EEOC's lawsuit seeks lost wages, front pay, compensatory and punitive damages and injunctive relief designed to prevent such discrimination in the future.

"Mr. Hayes had a successful 17-year career with a major medical provider before he retired," said William Tamayo, the EEOC's San Francisco District Office director. "He was stunned to discover that Target wouldn't even interview him for an entry-level clerk position after learning he was deaf. Congress enacted the ADA to prevent just this sort of thing -- employers refusing to consider qualified individuals because of their disability."

EEOC Regional Attorney Roberta Steele noted, "Target had already determined that Mr. Hayes was qualified and available to start a new job when it learned from a VRS operator he was deaf. Target's deviation from its standard operating procedures is strong evidence of discrimination."

EEOC Trial Attorney Debra Smith added, "This is the [second lawsuit we've filed this month on behalf](#)

[of a qualified deaf applicant denied the opportunity to interview](#), and we just announced a [settlement](#) obtaining \$88,000 and a job position for another qualified deaf job seeker. These are candidates with valuable skills and experience, and it is wrong to shut them out of the workplace based on fears and stereotypes about being deaf."

According to company information, Target Corporation operates 1,839 stores and 39 distribution centers in the United States, with headquarters in Minneapolis, and employs 350,000 workers worldwide. The Antioch Slatten Ranch Store, Target Store No. 1819, employs approximately 300 workers in the Antioch area.

Read this post on the EEOC's website [here](#).

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