

USA Parking Services to Pay \$150,000 to Settle EEOC Disability Discrimination Lawsuit

Article By:

U.S. Equal Employment Opportunity Commission

MIAMI - USA Parking Services, Inc., a hospitality industry-focused valet and parking company, will pay \$150,000 to settle the disability discrimination lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC), the federal agency announced today.

According to the EEOC's lawsuit, USA Parking Services, Inc. violated the law by refusing to hire a deaf applicant for a valet attendant position based on the assumption that a deaf person could not perform the essential functions of the job rather than conduct an individualized assessment of his abilities.

In addition to monetary relief, the consent decree requires USA Parking Services, Inc. to affirmatively recruit applicants who are deaf and hearing-impaired and to add TTY capability to its discrimination hotline for the use of deaf and hearing-impaired applicants and employees. USA Parking Services, Inc. has also agreed to change the essential qualifications of the valet attendant position to make clear that the job can be performed by anyone who can communicate effectively with customers, whether that communication is verbal or written. To prevent similar discrimination against future deaf or hearing-impaired applicants, USA Parking Services, Inc. will educate its workforce on disability discrimination through annual management and employee training across all of its locations in Miami-Dade and Broward Counties. For the duration of the consent decree, USA Parking Services, Inc. will report to the EEOC about any complaints of disability discrimination made by employees or job applicants.

Failure to hire on the basis of stereotypes and assumptions about a disability and the failure to conduct an individualized assessment as to whether a particular disabled applicant can perform the job violates the Americans with Disabilities Act (ADA), as amended.

"The EEOC will continue to fight for deaf job applicants' rights under the ADA to be provided an interpreter when they are interviewed for employment. Deaf individuals too often face discrimination at the interview stage which denies them even the opportunity to be considered for employment" said Robert E. Weisberg, regional attorney for the EEOC Miami District Office.

Michael Farrell, director of the EEOC Miami District Office, added, "Disabled individuals are entitled to a fair opportunity to work under the ADA, and that includes a fair hiring process. Individuals with

disabilities must be evaluated on whether they can perform the essential functions of the job, not on stereotypes or assumptions."

The EEOC Miami District Office has investigators who are fluent in multiple languages including American Sign Language ("ASL"), English, French, Spanish and Haitian Creole, among others, who process discrimination charges in Florida, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands.

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