

EEOC Sues Colorado Excavating for Disability Discrimination

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U.S. Equal Employment Opportunity Commission

Company Fired Employee After Seizure, Federal Agency Charges

DENVER - Gollnick Construction, Inc., which does business as Colorado Excavating, violated federal law when it fired an employee because she had a seizure, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit filed yesterday.

According to the EEOC's suit, Colorado Excavating fired office assistant Dora Marquez just four days after she suffered a seizure at work. Marquez felt the oncoming seizure and informed the company's office manager before its onset. Despite Marquez leaving the hospital that same day without restrictions, Colorado Excavating fired her four days later because of her disability, the EEOC said.

In addition to firing Marquez, Colorado Excavating failed to accommodate Marquez and to engage in the required interactive process with her to discuss potential accommodations. The EEOC also charged the company engaged in recordkeeping and confidentiality violations by not keeping medical information in separate medical files and by shredding employment applications.

Such conduct violates the Americans with Disabilities Act (ADA). The EEOC sued in U.S. District Court for the District of Colorado (EEOC v. Gollnick Constr. d/b/a Colo. Excavating, Civil Action No. 1:19-cv-02581) after first trying to settle through its conciliation process. The lawsuit seeks monetary damages for Marquez as well as injunctive relief prohibiting Colorado Excavating from discriminating based on disability in the future.

"Far too often, people with seizure disorders are denied employment opportunities because of myths and fears about their condition," said Regional Attorney Mary Jo O'Neill of the EEOC's Phoenix District Office. "These individuals are or can be highly productive members of the workforce, and the ADA mandates they should have an equal opportunity to achieve success."

EEOC Denver Field Director Amy Burkholder added, "Employers lose trained and loyal employees when they get rid of workers because of their disabilities. Such conduct not only violates the ADA, but it is bad for business."

The EEOC advances opportunity in the workplace by enforcing federal laws prohibiting employment discrimination. More information is available at www.eeoc.gov. Stay connected with the latest EEOC news by subscribing to our [email updates](#).

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