

Guidewire Sued by EEOC for Disability Discrimination

Article By:

U.S. Equal Employment Opportunity Commission

Tech Firm Illegally Refused to Interview Candidate Due to Hearing Impairment Federal Agency Charges

Foster City-based technology company Guidewire Software, Inc., violated federal law when it failed to accommodate and interview a qualified job applicant due to her hearing impairment, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit filed recently.

According to the EEOC's investigation, the applicant applied for a contractor position as a user experience designer and, based on her resume, Guidewire's hiring manager emailed her to schedule an initial phone screening. The applicant responded immediately, requesting a face-to-face meeting as an accommodation since her cochlear implants limit the clarity of sound coming through telephones and computers.

Guidewire instead suggested using a technology known as "Relay Conference Captioning" and the use of sign language as a back-up. When the applicant looked into this alternative, however, she found that there was a waiting period to set up an account to use this technology. She immediately informed the hiring manager and asked about an alternative captioning service built into WebEx, the product Guidewire had already planned to use for part of the interview. She also noted that she does not use sign language.

Guidewire never responded to her email and instead conducted screening interviews with four candidates who did not request reasonable accommodation, and ultimately offered the position to one of those candidates, the EEOC said.

Rejecting a qualified applicant because of disability violates the Americans with Disabilities Act (ADA). The EEOC filed suit (CIV# 5:19-cv-06878) 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, compensatory and punitive damages and injunctive relief designed to prevent such discrimination in the future.

"Guidewire had already determined that this applicant was qualified," said EEOC Senior Trial Attorney Ami Sanghvi. "She simply requested a face-to-face meeting rather than a phone interview - something one Guidewire official deemed a 'reasonable solution' in their internal communications. By denying this reasonable request that would not have caused undue hardship, the company

preemptively foreclosed this candidate's shot to prove herself and earn a living."

William Tamayo, the EEOC's San Francisco District Office director, added, "Congress enacted the ADA to prevent just this sort of thing - employers refusing to consider qualified individuals because of their disability."

Tamayo noted that eliminating barriers in recruitment and hiring is one of six national priorities identified by the Commission's Strategic Enforcement Plan (SEP).

Read this post on the EEOC Website [here](#).

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