

Verity Property Management to Pay \$22,500 to Settle EEOC Discrimination Lawsuit

Article By:

U.S. Equal Employment Opportunity Commission

Federal Agency Charged Newly Hired Employee Was Fired Over Prescribed Medication

BOISE, Idaho - Boise-based Verity Property Management, Inc., will pay \$22,500 and make substantial changes to settle a disability discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC), the federal agency announced today.

According to the EEOC's investigation, Verity found an applicant so well-qualified that it offered her a job as a leasing agent, rather than the administrative assistant position for which she originally applied. On her first day at work, after drug screening results showed that she took medications prescribed to her to treat a medical condition, Verity officials expressed concern that the common side effects associated with the medications would impact her ability to perform her job duties and questioned why she had not disclosed her usage. On her second day, Verity terminated her without further inquiry or discussion, even though she did not experience such side effects from her medication and was well able to perform her job duties.

Such alleged conduct violates the Americans With Disabilities Act (ADA), which prohibits employers from discriminating based on disability or perceived disability. The EEOC filed suit August 30, 2019 in U.S. District Court for the District of Idaho [Case No. 1:19-cv-00335-REB] after first attempting to reach a pre-litigation settlement through its voluntary conciliation process.

The consent decree settling the lawsuit provides \$22,500 to the applicant in lost wages and compensatory damages. Verity has also agreed to implement preventative policies and procedures, to explain to employees their rights and responsibilities under EEO law, to provide annual training to all employees, and to report and monitor requirements during the decree's five-year term.

"The ADA does not prohibit screening to prevent illegal drug abuse. However, a 'drug-free' workplace policy should not lead to denying employment opportunity to a worker lawfully using prescription medication to treat a medical condition," said EEOC Senior Trial Attorney May Che.

EEOC Seattle Field Director Nancy Sienko added, "Under this settlement, Verity improves its hiring and employment practices and trains its employees to understand their rights and responsibilities under the ADA, including what is permissible and impermissible when it comes to pre-job offer

medical inquiries and examinations. We commend Verity, which was recently acquired by new ownership, for demonstrating its commitment to discrimination prevention under its new leadership."

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