

Walgreens Sued By EEOC For Disability Discrimination

Article By:

U.S. Equal Employment Opportunity Commission

Store Fired Worker with Diabetes for Eating Chips to Stop Hypoglycemia Attack, Federal Agency Charges

SAN FRANCISCO — Drugstore giant Walgreens violated federal law by firing a worker with diabetes instead of accommodating her, the U.S. Equal Employment Opportunity Commission charged in a lawsuit filed today under the Americans With Disabilities Act (ADA).

According to the EEOC, Josefina Hernandez, a cashier at Walgreens' South San Francisco store, was on duty when she opened a \$1.39 bag of chips because she was suffering from an attack of hypoglycemia (low blood sugar). Hernandez had worked for Walgreens for almost 18 years with no disciplinary record, and Walgreens knew of her diabetes. Nevertheless, Walgreens fired her after being informed that Hernandez had eaten the chips because her blood sugar was low, even though she paid for the chips when she came off cashier duty.

"I almost always carry a piece of candy in my pocket for situations when I feel my blood sugar getting low, but I didn't have anything on me this time," said Hernandez. "I knew I needed to do something quickly, so I reached for a bag of chips and paid for them as soon as I could. I worked for Walgreens with no problems almost two decades, so I am very upset to lose my job over this."

The ADA prohibits disability discrimination and requires employers to make reasonable accommodations to employees with disabilities. The EEOC filed the lawsuit (EEOC v. Walgreen Co., Case No. CV11-4470-JSC) in U.S. District Court for the Northern District of California, after first attempting to reach a voluntary settlement. The suit seeks monetary damages, including back pay, compensation for emotional distress and punitive damages, as well as measures to prevent future discrimination by the employer.

EEOC San Francisco Regional Attorney William R. Tamayo said, "Employers clearly have an affirmative duty to accommodate employees with disabilities. Ms. Hernandez took action to raise her blood sugar in what could have turned into an emergency situation. Accommodating disability does not have to be expensive, but it may require an employer to be flexible and open-minded. One wonders whether a long-term, experienced employee is worth less than a bag of chips to Walgreens."

EEOC San Francisco District Director Michael Baldonado noted, "This year the American Diabetes

Association reports that 25.8 million children and adults in the United States – or 8.3 percent of the population – have diabetes. Among Mexican-Americans like Ms. Hernandez, 13.3 percent of adults have diabetes. Under the newly amended disability law, savvy employers should focus on training their staff to understand how and when to accommodate employees with disabilities.”

Walgreens (NYSE:WAG) is based outside Chicago in Deerfield, Ill., and has more than 8,000 stores in the United States and its territories. According to its June 21, 2011 financial report, Walgreens’ net earnings for the nine months ending May 31, 2011 totaled \$1,922,000,000.

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