



PRESS RELEASE

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Oakland Children's Hospital Sued by EEOC for Disability Discrimination

Medical Center Fired Employee with Breast Cancer, Federal Agency Charged

OAKLAND, Calif. - An Oakland-based non-profit regional medical center violated federal law when it failed to accommodate and instead fired an office associate diagnosed with breast cancer, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit it filed today.

According to the EEOC's suit, Imelda Tamayo had worked as an office associate for Children's Hospital and Research Center for two years when she received her diagnosis of breast cancer in December 2011. The EEOC says Children's Hospital refused Tamayo's request for additional medical leave and unlawfully discharged her on July 10, 2012. The EEOC determined that accommodating Tamayo's request would not have posed an undue hardship for the medical center.

"It was devastating to lose my job due to my breast cancer," Tamayo said. "I lost not only my living but also my health insurance. I had hoped that an employer like Children's Hospital, whose aim is to heal children with serious diseases and conditions, would show understanding while I was undergoing treatment for my disability."

Treating a qualified employee unfavorably because of a disability violates the Americans with Disabilities Act (ADA). The law also requires an employer to provide reasonable accommodation to an employee or job applicant with a disability, unless doing so would cause significant difficulty or expense for the employer. After attempting to resolve the case through pre-litigation conciliation efforts, the EEOC filed the lawsuit (*EEOC v. Children's Hospital and Medical Center*, Case No. CV 13-5715) in the Oakland Division of U.S. District Court for the Northern District of California and seeks monetary damages, including back pay, compensation for emotional distress and punitive damages on behalf of Tamayo, as well as an injunction to prevent further discrimination.

EEOC San Francisco Regional Attorney William R. Tamayo (no relation to the discrimination victim) said, "Firing employees with disabilities just because they may need more medical leave than dictated by company policy violates federal law. The law requires employers to engage in an interactive process to determine what accommodations would be reasonable under the circumstances. The EEOC's investigation showed that Children's Hospital failed to do that; now it must face the consequences."

EEOC San Francisco District Office Director Michael Baldonado said that according to the U.S. Center for Disease Control, 211,731 women in the United States were diagnosed with breast cancer in 2009.

"That number encompasses a wide number of individuals and range of circumstances, and the ADA is there to ensure that capable and qualified people like Ms. Tamayo are not denied the opportunity to contribute their talents to the workforce," Baldonado said.

Children's Hospital and Research Center is a non-profit organization with 30 medical specialties, over 200 doctors, and 2,500 employees at multiple sites in Oakland and the surrounding area.

The EEOC enforces federal laws prohibiting employment discrimination. Further information about the EEOC is available on its web site at www.eeoc.gov.