

*The U.S. Equal Employment Opportunity Commission*

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## Deaf Job Applicant to Receive \$75,000 for Disability Bias in EEOC Settlement with Holiday Inn - Northglenn

### *Company to Also Conduct Comprehensive Training as Part of Consent Decree*

DENVER The U.S. Equal Employment Opportunity Commission (EEOC) today announced the settlement of an employment discrimination lawsuit under the Americans with Disabilities Act of 1990 (ADA) against John Q. Hammons Hotels which operates as Holiday Inn - Northglenn. Under the terms of the Consent Decree approved by Federal District Court Judge Wiley Y. Daniel, Holiday Inn will pay a qualified deaf job applicant \$75,000 and provide annual training to employees to prevent employment discrimination and retaliation.

The EEOC's lawsuit, EEOC and Katrina Cue v. John Q. Hammons Hotels, Case No. 01-D-0800, alleged that Holiday Inn officials refused to hire the teenage female applicant, Katrina Cue, because of her disability deafness even though she was qualified for the jobs she sought, bussing tables in the restaurant, serving banquets, or delivering room service. Ms. Cue communicates by signing, reading lips, writing notes, and speaking, and has won awards for her exceptional communication skill. According to Cue's private attorney, David Fine of the law firm of Kelly Haglund Garnsey & Kahn, LLC, after being denied a job at Holiday Inn, Cue went on to graduate from Thornton High School, third in a class of more than 300, and is now a sophomore at the University of Colorado.

"Employers who respond to persons with disabilities based on myths, fears and stereotypes, rather than considering individual abilities, put themselves at risk," said Joseph H. Mitchell, Regional Attorney for the EEOC's Denver District Office. Mitchell added: "The Americans with Disabilities Act protects workers with disabilities from discriminatory treatment with respect to any term, condition, or privilege of employment including, but not limited to, hiring and firing."

According to the suit, Hotel Manager Jason Tunabi told Ms. Cue at her interview that she was not qualified for the room service position because of her hearing loss. However, Cue was offered a job bussing tables and was referred to Cheryl Gaines, the Human Resources Manager, to complete paperwork and arrange for an orientation. The suit says that Gaines indicated she would have to check with "corporate" to see if the hotel had a policy against hiring deaf people. Gaines said she would be in touch with Cue, but then never called her. When Cue's mother contacted Gaines to find out the status, she was told that Cue was too young to work at the hotel, but that when she turned 17, she should apply for a position in the laundry department where they would not have to worry about her. Although Holiday Inn claims to have a policy against hiring employees under age 17, records showed that numerous employees under 17 were hired, and two non-disabled individuals under 17, who applied after Cue applied, were hired to work as bussers at the same time Cue was rejected.

Francisco J. Flores, Jr., Director of the EEOC's Denver office, said the company's unlawful conduct clearly constitutes disability discrimination. "The EEOC wants to ensure that discrimination does not interfere with a person's chance to make a living. Qualified individuals with disabilities deserve the same opportunities to work as anyone else," he said. "Disability does not mean inability."

Regional Attorney Mitchell added: "Employers are understandably concerned about costs and profits. They are, after all, in business to make money. But rejection of qualified applicants based on stereotypes costs society as well, particularly in terms of the lost talent that these individuals can contribute. For that reason, the ADA requires employers to look carefully at the abilities of each individual, instead of making assumptions about what he or she can and cannot do. This particular candidate was extremely competent and deserved a chance to work."

"It is important," continued Mitchell, "that Holiday Inn agreed to implement policies prohibiting discrimination, and

to institute training to prevent employment discrimination and retaliation. Ideally, we like to see companies develop good employment practices so that we can avoid litigation."

The EEOC filed the suit after exhausting its conciliation efforts to reach a voluntary pre-litigation settlement.

Title I of the ADA prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, discharge, advancement, compensation, job training, and other terms and conditions of employment. The EEOC also enforces Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based on sex, race, color, religion, or national origin; the Equal Pay Act; the Age Discrimination in Employment Act; and the employment provisions of the Americans with Disabilities Act. Further information about the EEOC is available on its Web site at [www.eeoc.gov](http://www.eeoc.gov).

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