

The U.S. Equal Employment Opportunity Commission

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DENNY'S SUED BY EEOC FOR DISABILITY BIAS AGAINST CLASS OF WORKERS NATIONWIDE

At Issue: Failure to Provide Reasonable Accommodation for Medical Leave

BALTIMORE -- The U.S. Equal Employment Opportunity Commission (EEOC) announced today that it filed a federal discrimination lawsuit under the Americans with Disabilities Act (ADA) against Denny's, Inc., which operates more than 500 corporate-owned restaurants in 30 states, on behalf of disabled employees nationwide who were not provided reasonable accommodation and were fired after being denied medical leave needed in connection with their disabilities.

In its suit, the EEOC charges that Denny's refused to provide one of its restaurant managers in Baltimore with legally-required reasonable accommodations for her disability, a leg amputation; prohibited her from working in its restaurants because of her disability, despite her desire to return to work; and fired the employee because of her disability. EEOC further charges that Denny's violated the rights of a class of workers with disabilities by maintaining a maximum medical leave policy that automatically denied additional medical leave beyond a pre-determined limit -- even when additional leave was required by the ADA as a reasonable accommodation for those workers -- resulting in their unlawful terminations.

"We have worked hard at the EEOC to make equal employment opportunities for people with disabilities a reality," EEOC Chair Naomi C. Earp said. "The Commission remains committed to vigorous ADA enforcement and outreach to ensure that all individuals with disabilities have the freedom to compete in the workplace on a fair and level playing field."

EEOC's lawsuit was filed in U.S. District Court for the District of Maryland (Civil Action No. 1:06-cv-02527-AMD) only after attempts to voluntarily settle the matter proved unsuccessful. EEOC seeks a court order requiring Denny's to comply with the ADA and barring Denny's from applying its maximum medical leave policy to disabled employees who are lawfully entitled to additional medical leave. In addition, EEOC seeks lost wages and benefits, compensatory and punitive damages, and other relief for victims and the public.

"This lawsuit reminds us that disability discrimination is still a persistent problem in today's workplace, more than 15 years after passage of the landmark Americans with Disabilities Act," said Jacqueline McNair, EEOC Regional Attorney for the Philadelphia District, which includes Baltimore. "Employers should remember that people with disabilities are an untapped pool of talent who are ready, willing and able to work -- often times, all they need is an equal opportunity."

Title I of the ADA prohibits employment discrimination against people with disabilities in the private sector and state and local governments. Since Title I of the ADA became effective in July 1992, the EEOC has obtained more than \$600 million in monetary relief, compensation and other benefits for victims of disability discrimination through the agency's enforcement and litigation process -- as well as injunctive relief.

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

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