

*The U.S. Equal Employment Opportunity Commission*

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## EEOC FILES CLASS SUIT AGAINST NORTHWEST AIRLINES FOR DISABILITY DISCRIMINATION

MINNEAPOLIS - The U.S. Equal Employment Opportunity Commission (EEOC) today announced the filing of a nationwide class lawsuit against Northwest Airlines, Inc. (NWA), based in Eagan, Minnesota, under Title I of the Americans with Disabilities Act of 1990. The suit charges NWA with disability discrimination through its adoption of a company-wide policy barring the hiring of persons for certain laborer positions if they have seizure disorders or other disabilities that may pose the risk of a loss of consciousness, regardless of how remote the risk may be.

According to the suit, NWA's so-called "zero acceptability" policy prohibits hiring people with insulin-dependent diabetes or epilepsy requiring anti-seizure medication for jobs as airplane cleaners and baggage handlers. The suit also alleges that NWA violated the ADA by failing and refusing to individually assess applicants' ability to perform essential job functions, as well as by failing and refusing to individually assess whether the applicants posed a direct threat that could be reduced with reasonable accommodations.

"This lawsuit should remind employers that disability does not necessarily equate with inability," said Jean P. Kamp, regional attorney of EEOC's Milwaukee District Office, which has enforcement jurisdiction for Minnesota. "Employers are required to make individualized assessments and provide reasonable accommodations, as appropriate, to allow persons with disabilities to perform the essential functions of the job at hand. In this case, Northwest Airlines is accused of violating the ADA on both counts."

EEOC's suit, filed in U.S. District Court for the District of Minnesota, alleges that NWA discriminated against a class of applicants by refusing to hire them as baggage handlers or aircraft cleaners. The class of aggrieved individuals includes Larry Lewis and Timothy Rued, applicants at NWA's Minneapolis facility at the Minneapolis-St. Paul International Airport; Serita Nellum, an applicant at the Detroit facility; and similarly situated persons.

According to the suit, the three named charging parties, each of whom has a disability that requires medication, and other similarly situated persons, were qualified to perform the duties of the aforementioned positions which consisted primarily of handling baggage and cleaning airplanes between flights. As part of the suit, EEOC seeks relief for the affected applicants, which includes compensatory and punitive damages of up to \$300,000 per claimant, and an end to any discriminatory employment practices by NWA.

Laurie Vasichek, EEOC's lead trial attorney in the case, said: "This litigation is an example of the Commission's ongoing efforts to challenge discriminatory hiring policies and practices under the Americans with Disabilities Act. The refusal to hire in this case was based on myths, fears, and stereotypes associated with particular disability-related conditions, rather than on the applicants' actual ability to do the job."

Since July 1992, when Title I of the ADA became effective, EEOC has obtained approximately \$325 million under the ADA on behalf of more than 20,000 individuals through its enforcement efforts including settlements, conciliations, mediation, and litigation. In addition, EEOC has obtained non-monetary benefits for over 10,000 individuals, including reasonable accommodation, policy changes, training and education, job referrals, union membership, and the posting of EEO notices at job sites.

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.

In addition to enforcing Title I of the ADA, EEOC enforces Title VII of the Civil Rights Act of 1964, which

prohibits employment discrimination based on race, color, religion, sex, and national origin; the Age Discrimination in Employment Act, which prohibits discrimination against individuals 40 years of age or older; sections of the Civil Rights Act of 1991; the Equal Pay Act; and the Rehabilitation Act's prohibitions against disability discrimination in the federal government. Further information about the Commission is available on the agency's Web site at [www.eeoc.gov](http://www.eeoc.gov).

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