

- **EEOC v. Park Nicollet Health System f/k/a Health System Minnesota d/b/a Park Nicollet Clinic**

No. 04-1711 ADM/AJB (D. Minn. May 18, 2005)

In its ADA complaint, the Milwaukee District Office alleged that defendant, one of the largest health care systems in Minnesota, refused to provide reasonable accommodations for a doctor with viral encephalitis and terminated her employment based on disability. Charging party, a board-certified family practitioner, worked for defendant from 1991 until 1999, when defendant terminated her. In 1995, she contracted viral encephalitis, which caused brain damage leaving her cognitively impaired and subject to seizures. Following treatment, she returned to her practice with some restrictions, which defendant accommodated by modifying her duties and reducing her schedule. After 4 years of successful practice with these accommodations, she took a medical leave of absence to evaluate her condition, which now included frequent migraine headaches, nausea, and vomiting. After an 8-month leave, during which she completed her medical evaluation and 3 months of vocational rehabilitation, charging party's doctors recommended that she return to work with restrictions similar to those she had been working under since contracting viral encephalitis. Defendant refused to permit charging party to return to work even after she was successfully evaluated, at defendant's request, by an independent review program which evaluates doctors with health problems.

Under the 3-year consent decree resolving this case, charging party will receive \$155,000 in monetary relief. Defendant will provide charging party a positive letter of reference agreed to by the parties, and in response to oral requests for references will provide employment information consistent with the reference letter. Defendant is enjoined from discriminating against any employee on the basis of disability. Defendant will post a notice regarding the consent decree in a conspicuous place at its offices throughout Minnesota for the term of the decree.