

*The U.S. Equal Employment Opportunity Commission*

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## TARGET CORP. TO PAY \$95,000, IMPLEMENT TRAINING FOR FAILURE TO ACCOMMODATE DISABLED WORKER

MINNEAPOLIS - The U.S. Equal Employment Opportunity Commission (EEOC) today announced the settlement of a disability discrimination lawsuit filed under Title I of the Americans with Disabilities Act of 1990 (ADA) against Target Corporation for \$95,000 to be paid to Susan Stombaugh, an employee who formerly worked in a Target store in Bemidji, Minn.

The EEOC's lawsuit said that Target failed to provide a reasonable accommodation to Ms. Stombaugh, a qualified employee with multiple sclerosis, when it refused to transfer her to a vacant position after her disability interfered with her ability to perform her current job. Additionally, the EEOC contended that a Target supervisor had disclosed information regarding her disability to another prospective employer. Target denied liability.

In addition to the monetary payment to the employee, Target agreed in the Consent Decree to abide by the terms of the ADA, provide training to its management personnel, maintain records as required by federal law, and continue to maintain its anti-harassment policy. The Consent Decree has been filed in the litigation of *EEOC v. Target Stores, Civ. No. 01-1646 DWF/AJB*, in the United States District Court for the District of Minnesota. The EEOC filed suit after exhausting its conciliation efforts to reach a voluntary pre-litigation settlement.

"The ADA requires that an employer make reasonable accommodations for the disabilities of its qualified employees, and that it keep medical information about its employees confidential," said Chester V. Bailey, the EEOC's District Director in Milwaukee. "All the parties to this Consent Decree had a common goal - to make sure that the law was followed and that the situation giving rise to this suit would not recur. We encourage other companies to be proactive in promoting an environment where persons are judged on their merits, and not upon myths and stereotypes about their disabilities."

Ms. Stombaugh said she was pleased to resolve the matter and to continue working at Target:

"I really enjoy my job at Target. I have not experienced any problems since leaving my former store, and my supervisors and coworkers have worked hard to assist and accommodate me in my current position," she said.

Laurie A. Vasichek, Senior Trial Attorney in the Minneapolis EEOC office, stated: "Many employers are not aware that the ADA prohibits them from discussing their employees' medical condition with people checking references. In this settlement, Target takes steps to prevent such disclosures, and other employers should follow its lead."

Vasichek also noted that ADA charges filed nationwide with the EEOC comprise about 20% of the agency's annual caseload. Nearly 16,000 disability discrimination charges under the ADA were filed with the EEOC in Fiscal Year 2002 (which ended on September 30, 2002).

The EEOC enforces Title VII of the Civil Rights Act of 1964, as amended, which prohibits employment discrimination based on race, color, religion, sex or national origin; the Age Discrimination in Employment Act; the Equal Pay Act; Title I of the Americans with Disabilities Act which prohibits disability discrimination against employees in the private sector and state and local governments; certain prohibitions in the Rehabilitation Act against discrimination affecting individuals with disabilities in the federal sector; and certain sections of the Civil Rights Act of 1991. Further information about the EEOC is available on the agency's Web site at [www.eeoc.gov](http://www.eeoc.gov).

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