

- **EEOC v. The Home Depot USA, Inc.**

No. 03-4860 (E.D.N.Y. Oct. 17, 2005)

The New York District Office alleged that defendant, a national retailer of building materials and home improvement products, violated the ADA by failing to provide charging party (a sales associate at the South Setauket, New York store) with a reasonable accommodation and by discharging her because of her disability (mild mental retardation that substantially limited her in learning). Charging party began her job at Home Depot in May 1999 and was assigned a job coach through a program sponsored by New York's Office of Vocational and Educational Services for Individuals with Disabilities (VESID). The job coach was to assist her in learning to perform her job and advise her with any issues that arose during her employment. Defendant discharged the charging party 5 months later for failing to report to work as scheduled on 3 consecutive weekends. According to charging party and her father, unidentified persons instructed charging party over the phone not to show up on those weekends. Defendant discharged charging party even though it knew of her claim that she was instructed not to come to work, and it failed to communicate with charging party's job coach about the attendance problems before discharging her.

The 2-year consent decree resolving this case provides that Home Depot will pay charging party \$75,000 under the terms of a separate agreement between charging party and Home Depot. Defendant is required to comply with the ADA's prohibition against disability discrimination and is prohibited from retaliating against any individual for asserting his/her rights under the ADA. The decree requires defendant to maintain nondiscrimination policies prohibiting disability discrimination, including one entitled "Reasonable Accommodation" and another entitled "Working With a Job Coach" (which explains the roles of the job coach and Home Depot Management in working with disabled employees). Home Depot must: (1) post the "Job Coach" policy on its computer portal and implement it for all employees nationwide; (2) provide copies of the "Job Coach" and "Reasonable Accommodation" policies to all of its managers and employees in stores located in Bay Shore, Commack, Copaigue, Deer Park, Farmingdale, and South Setauket, New York; and (3) include training on the "Job Coach" policy as a part of its antidiscrimination training at those New York stores.