

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

ECF CASE

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EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

CIVIL ACTION NO.

Plaintiff,

05 2769

v.

COMPLAINT

NORTH SHORE - LONG ISLAND  
JEWISH HEALTH SYSTEM, INC.

JURY TRIAL DEMAND

GARAUFIS, J.

Defendant

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ JUN 09 2005

GO, M.J.

NATURE OF THE ACTION

BROOKLYN OFFICE

This is an action under Title I of the Americans with Disabilities Act of 1990 ("ADA"), and Title I of the Civil Rights Act of 1991, to correct unlawful employment practices on the basis of disability and to provide appropriate relief to the Charging Party ("John Doe"), a qualified individual with a disability (depression and anxiety) who was adversely affected by such practices. As alleged with greater particularity below, the Equal Employment Opportunity Commission ("the Commission") alleges that Defendant, North Shore - Long Island Jewish Health System, Inc. ("North Shore - LIJHS"), subjected John Doe to discrimination on the basis of his disability by disclosing to his co-workers that he was receiving psychiatric treatment.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 107(a) of the ADA, 42 U.S.C. §12117(a), which incorporates by reference Section 706(f)(1) and (3) of Title VII of

the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. §2000e-5(f)(1) and (3), and pursuant to Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Eastern District of New York in the State of New York and City of New York (Glen Oaks, County of Queens).

### PARTIES

3. Plaintiff, the Commission, is the agency of the United States of America charged with the administration, interpretation and enforcement of Title I of the ADA and is expressly authorized to bring this action by Section 107(a) of the ADA, 42 U.S.C. §12117(a), which incorporates by reference Section 706(f)(1) and (3) of Title VII, 42 U.S.C. §2000e-5(f)(1) and (3).

4. At all relevant times, Defendant North Shore - LIJHS has continuously been a corporation headquartered in Great Neck, New York and doing business in the State of New York and City of New York (Glen Oaks, County of Queens) and has continuously had at least 15 employees.

5. At all relevant times, Defendant North Shore- LIJHS has continuously been an employer engaged in an industry affecting commerce under Section 101(5) of the ADA, 42 U.S.C. §12111(5), and Section 101(7) of the ADA, 42 U.S.C. §12111(7), which incorporates by reference Sections 701(g) and (h) of Title VII, 42 U.S.C. §§ 2000e(g) and (h).

6. At all relevant times, Defendant North Shore - LIJHS has been a covered entity under Section 101(2) of the ADA, 42 U.S.C. §12111(2).

### STATEMENT OF CLAIMS

7. More than thirty days prior to the institution of this lawsuit, John Doe filed a charge with the Commission alleging violations of Title I of the ADA by Defendant North Shore - LIJHS. All conditions precedent to the institution of this lawsuit have been fulfilled.

8. John Doe has Bipolar Disorder and Generalized Anxiety Disorder with Panic, which substantially limits major life activities, including his ability to work. As such, he is a qualified individual with a disability pursuant to Title I of the ADA.

9. John Doe was hired by North Shore - LIJHS in March 2000 as a Security Officer at Schneider Children's Hospital in Glen Oaks, New York in the City of New York, County of Queens. Schneider Children's Hospital is one of approximately eighteen (18) hospitals in the North Shore - LIJHS.

10. In January 2003, John Doe was evaluated and diagnosed with Bipolar Disorder and Generalized Anxiety Disorder with Panic. Shortly thereafter, John Doe requested a reasonable accommodation from North Shore - LIJHS. The accommodation requested was an extended medical leave of absence for several months while he received treatment for his condition.

11. On or about February 10, 2003 John Doe provided medical documentation about his illness in connection with his request for a reasonable accommodation. North Shore - LIJHS granted Doc's request for a reasonable accommodation.

12. On or about May 6, 1993, John Doe provided additional medical documentation recommending that his disability leave be extended by another month. North Shore - LIJHS granted Doe's request for an extension of his disability leave.

13. Shortly after receiving John Doe's May 6, 1993 request for additional disability leave, Defendant North Shore- LIJHS engaged in an unlawful employment practice at its facility in Glen Oaks, New York, in violation of Section 102 of Title I of the ADA, 42 U.S.C. §12112 (d) *et seq.* This practice included but is not limited to the unauthorized disclosure of information required to be kept confidential by the ADA. Specifically, Defendant North Shore - LIJHS discussed confidential information about John Doe's medical condition in the presence of Doe's co-workers.

14. The effect of the practices complained of in paragraph 13 above has been to deprive John Doe of equal employment opportunities and otherwise adversely affect his status as an employee, because of his disability, and to inflict emotional pain, suffering and inconvenience upon John Doe.

15. The unlawful employment practices complained of in paragraph 13 above were intentional.

16. The unlawful employment practices complained of in paragraph 13 above were done with malice or with reckless indifference to the federally protected rights of John Doe.

**PRAYER FOR RELIEF**

Wherefore, the Commission respectfully requests that this Court:

- A. Grant a permanent injunction enjoining Defendant North Shore - LJHS, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in any employment practice which discriminates on the basis of disability.
- B. Order Defendant North Shore - LJHS to institute and carry out policies, practices, and programs which provide equal employment opportunities for qualified individuals with disabilities, and which provide affirmative relief necessary to eradicate the effects of its unlawful employment practices.
- C. Order Defendant North Shore - LJHS to make John Doe whole, by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial.
- D. Order Defendant North Shore - LJHS to make John Doe whole by providing compensation for past and future nonpecuniary losses resulting from the unlawful employment practices described in paragraph 13 above, including but not limited to emotional pain, suffering and inconvenience, in amounts to be determined at trial.
- E. Order Defendant North Shore - LJHS to pay John Doe punitive damages for its malicious and reckless conduct described in paragraph 13 above, in amounts to be determined at trial.
- F. Grant such further relief as the Court deems necessary and proper in the public interest.
- G. Award the Commission its costs of this action.

#### **JURY TRIAL DEMAND**

The Commission requests a jury trial on all questions of fact raised by its complaint.

Dated: June 9, 2005  
New York, NY


Respectfully submitted,


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