

PRESS RELEASE

9-13-16

EEOC Sues MedStar Harbor Hospital For Disability Discrimination *Hospital Refused to Provide a Reasonable Accommodation and Fired Respiratory Therapist,, Federal Agency Charges*

BALTIMORE - Harbor Hospital, Inc., doing business as MedStar Harbor Hospital, violated federal law when it refused to provide a reasonable accommodation to and instead fired a respiratory therapist because of his disability, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit it announced today.

According to EEOC's suit, nine years before starting working as a respiratory therapist at MedStar, Jerome Alston received a kidney transplant due to renal failure. As a result, he is required to take medication which compromises his immune system and increases his risk of infection. Due to his weakened immune system, MedStar gave Alston a "work-around" which excused him from working in negative pressure rooms, which are isolation rooms with a mechanical ventilation system designed to trap infectious airborne materials. MedStar also gave pregnant employees similar work-arounds. In November 2013, however, when Alston requested such a work-around, MedStar refused and abruptly terminated him because of his disability, EEOC charged.

Such alleged conduct violates the Americans with Disabilities Act (ADA), which prohibits discrimination based on disability or a record of a disability. EEOC filed suit (*EEOC v. Harbor Hospital Inc., t/a MedStar Harbor Hospital*, Civil Action No. 1:16-cv-03138-GLR) in U.S. District Court for the District of Maryland, Baltimore Division, after first attempting to reach a pre-litigation settlement through its conciliation process.

"It is disturbing and ironic when a hospital, which is dedicated to caring for the health of its patients, ignores the medical concerns of an employee, refuses to even discuss providing a needed workplace modification, and instead fires him because of his disability," said Spencer H. Lewis, Jr., district director of EEOC's Philadelphia District Office.

EEOC Regional Attorney Debra M. Lawrence added, "The law is clear - an employer must provide a reasonable accommodation for an employee's disability unless the employer can show that doing so would be an undue hardship. In this case, MedStar could have modified Mr. Alston's job assignment, as it had done in the past for him and other employees, so he would not have to work in a setting that would have compromised his health. Instead, it chose to terminate him because of his disability, and that's why we filed this lawsuit."

EEOC's Philadelphia District Office has jurisdiction over Pennsylvania, Maryland, Delaware, West Virginia and parts of New Jersey and Ohio. Attorneys in EEOC Philadelphia District Office also prosecute discrimination cases in Washington, D.C. and parts of Virginia. EEOC enforces federal laws prohibiting employment discrimination. Further information about the agency is available at its website, www.eeoc.gov.