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Insights

CITGO Petroleum Will Pay Applicant $162,500 to Settle EEOC ADA Discrimination Suit

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On September 19, 2019, the Chicago District Office of the Equal Employment Opportunity Commission (EEOC) announced a settlement agreement with CITGO Petroleum Corporation's Lemont, Ill., refinery, to resolve allegations that CITGO violated the Americans with Disabilities Act (ADA).[1] As a part of the settlement, CITGO will pay $162,500 to a job applicant.

The ADA prohibits an employer from "discriminat[ing] against a qualified individual on the basis of disability in regard to job application procedures [and] the hiring, … of employees[.]"[2] CITGO allegedly violated the ADA by rescinding an applicant's offer of employment after receiving the results of a post-offer medical exam finding that the applicant had monocular vision, the permanent loss of vision in one eye.

Although the applicant had years of experience as a contract scaffolder in the refinery, CITGO unilaterally determined that the applicant would pose a safety risk to himself and others. CITGO failed to consult with the applicant to determine the limits of his ability to fulfill the duties of the position and CITGO never provided the applicant with an opportunity to demonstrate that he was able to perform the duties of the role. Because of this, the EEOC alleged that CITGO discriminated against the applicant because of his actual or perceived disability.

After pre-litigation attempts to reconcile the matter failed, the EEOC filed its case against CITGO in the Eastern Division of the U.S. District Court of the Northern District of Illinois. Through its settlement with the EEOC, CITGO agreed to pay damages and adhere to a two-year consent decree, which prohibits CITGO from engaging in disability discrimination in the hiring process and requires CITGO to submit reports every six months to the EEOC to detail any requests for accommodation, terminations, and revoked offers, along with other actions to prevent further discrimination.

Takeaway: Employers must not decide whether an individual with a potential disability is qualified based solely on the employer's perception of the condition. Rather, the ADA requires employers to conduct individualized assessments to determine the limits of a person's condition.

[1] https://www.eeoc.gov/eeoc/newsroom/release/9-19-19c.cfm

[2] 42 U.S.C. § 12112(a).