

UPS settles ADA lawsuit with hearing-impaired workers

Last summer, the United Parcel Service (UPS) settled a class action lawsuit with nearly 1,000 deaf employees who claimed that UPS had violated the Americans with Disabilities Act (ADA). Although it denied any wrongdoing, UPS agreed to pay \$5.8 million to the deaf workers and to make accommodations for hearing-impaired employees.

Background

The ADA says that “no covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.”

A hearing impairment is considered a disability under the ADA.

The Lawsuit

The lawsuit was initially filed in 1999 by Disability Rights Advocates on behalf of 5 deaf employees. In 2001, the suit was amended to include nearly 1,000 hearing-impaired current and former employees nationwide.

The suit charged that UPS had failed to provide basic accommodations such as interpreters and TTY text-telephone systems. It also alleged that the employees were denied promotions and access to workplace information, and were exposed to unsafe working conditions.

During the trial, a deaf employee testified that he was denied an interpreter during a training session on anthrax after several U.S. postal employees were injured or died from exposure to an anthrax-contaminated letters.

The Settlement

UPS agreed to a settlement after six weeks of trial which was expected to last until the end of 2003. UPS, which is the fourth largest private employer in the U.S., agreed to pay \$5.8 million in damages and \$4.1 million in legal fees and to make changes to company policies and procedures to accommodate hearing-impaired employees and applicants. According to the settlement, UPS will:

- Assign a human resource professional in each facility to help hearing-impaired employees with accommodation requests or other issues.
- Provide interpreters and closed captioning at all meetings and training
- Make an interpreter available to deaf applicants at initial interviews.
- Install TTY text-telephone lines at company facilities so that hearing-impaired workers can make calls.
- Provide hearing-impaired employees with vibrating pagers to alert them in the event of an emergency.
- Distribute detailed information to hearing-impaired workers regarding promotion opportunities.

This case is a reminder that ADA lawsuits can be expensive for employers. CTSI believes it is best to avoid employment discrimination lawsuits altogether by training managers and supervisors to treat employees equally and to make accommodations for individuals with disabilities.

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