CTSI
Serving Colorado's Counties

Technical Update

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EEOC wins $8 million jury verdict for blind worker

On May 6, 2005 a federal jury in Denver returned an $8 million verdict in a lawsuit that alleged EchoStar Communications Corp. (EchoStar) violated the Americans with Disabilities Act of 1990 (ADA). The U.S. Equal Employment Opportunity Commission (EEOC) sued EchoStar for violating the ADA when the company refused to provide a reasonable accomodation to Dale Alton, who is blind.

The Case

The EEOC alleged that EchoStar failed to accommodate Alton in the application process; failed to accommodate Alton in the job by never trying to install adaptive software; that the company denied Alton an employment opportunity because of his disability or because of the need to provide him an accommodation; and violated a section of the ADA when EchoStar failed to use a proper testing device to determine the applicant's skills.

In 1999, Alton applied for a customer service representative job at EchoStar. He had completed training at the Colorado Center for the Blind for that type of position before applying. Blind individuals can perform the job by using text to speech software.

First, EchoStar told him it wouldn't do him any good to apply because they weren't set up to employ blind people. After receiving a copy of a discrimination charge Alton filed, EchoStar invited him back for an interview. They said he was too slow at a Braille proficiency test, which was longer and more difficult than the test given to people with sight. EchoStar also said that the company's computers aren't designed for text to speech software.

Alton will get no more than $300,000, plus $7,000 in lost wages, due to a cap on civil rights damages. Joseph Mitchell, Regional Attorney of the EEOC's Denver District Office, said, "This verdict should remind employers that refusing to abide by the law in accommodating individuals with disabilities can be costly."

What This Means to Counties

This ruling is important to counties because it emphasizes that employers are responsible for accommodating all individuals with disabilities. All counties should have adopted policies and procedures to be in compliance with the ADA.

For more information, visit the EEOC's website at www.eeoc.gov, or contact CTSI at 303-861-0507.

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