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## Company Pays \$50K Settlement for Refusal to Hire Applicant in Methadone Treatment Program

Randstad, US, LP, a Baltimore-based temporary staffing firm reached a court settlement with the U.S. Equal Employment Opportunity Commission (EEOC), agreeing to pay \$50,000 to resolve claims that it refused to hire an applicant because of her participation in a methadone treatment program. The EEOC represented the applicant April Cox, alleging that the temporary agency's actions violated the Americans with Disabilities Act.

Cox was selected by Randstad as a qualified applicant for a production laborer job with one of its clients. As part of her pre-employment process, Cox was asked to provide a urine sample for a drug test, at which point she informed the temporary agency that she was participating in a methadone treatment program. The EEOC claimed that Randstad refused to hire Cox because she used methadone. The lawsuit culminated in Randstad's agreement to pay \$50,000. Randstad will also be updating its company policies, training its employees responsible for pre-employment drug screenings, and will file required reports with the EEOC.

"While employers may conduct pre-employment drug tests for illegal drug use, medically prescribed methadone is a well-known and effective treatment for individuals recovering from drug addiction," Spencer H. Lewis, Jr., an EEOC district director, said in a press release. "Thus, employers violate the ADA if they refuse to hire a qualified applicant based on

fears or stereotypes about an applicant's disability or medically supervised drug rehabilitation."

In 2008, the EEOC took similar action against Longview Fibre Paper and Packaging Inc., resulting in the company agreeing to pay \$175,000 to resolve the claims. The EEOC alleged that the company withdrew a job offer from an engineering aide after it learned that he used methadone to manage pain from a spinal cord injury. In 2010, Hussey Copper paid \$85,000 for refusing to hire an applicant after he completed a pre-employment physical exam which uncovered his participation in a methadone treatment program. In 2012, United Insurance Company of America paid \$37,500 to settle an EEOC suit alleging that it failed to hire an applicant who was a recovering drug addict after a drug test revealed that he was using methadone.

### What This Means for Counties

Refusing to hire applicants because they are using prescribed methadone (or participating in supervised methadone treatment programs) is considered a violation of the ADA. Violations have resulted in costly monetary court settlements.

For more information, contact CTSI at 303-861-0507.