



# VCG NEWS BRIEF

## EEOC Files First COVID-19 ADA Accommodation Lawsuit

The Equal Employment Opportunity Commission (EEOC) recently [filed](#) a disability discrimination lawsuit in Georgia federal court. This case represents the first COVID-19 pandemic-related lawsuit the EEOC has filed about a remote work request for an American with Disabilities Act (ADA) accommodation.

According to the suit, a Denmark-based workplace experience and facility management company with a U.S. headquarters unlawfully denied its employee's reasonable request for an accommodation for her disability. After requiring employees to work remotely four days per week from March to June 2020, the facility reopened. At that time, the employee requested an accommodation to continue working remotely two days per week and take frequent breaks while working on-site due to a pulmonary condition that causes difficulty breathing. Although the company allowed other employees in similar positions to work from home, it denied her request and, shortly after, fired her, according to the EEOC.

### Employer Takeaway

Even pre-pandemic, the EEOC supported remote work as a reasonable accommodation under the ADA. It should come as no surprise that they are pushing to use employers' remote work policies during the pandemic as the grounds for an argument that remote work accommodations are not unreasonable.

It remains to be seen whether courts will agree that remote work should be considered a reasonable accommodation for disabilities. Employers should continue to monitor this lawsuit and others that follow in its wake and be prepared to update policies and procedures as appropriate.

We will keep you informed of any noteworthy updates.

Contact VCG Consultants today for more resources.

***“Denying a reasonable accommodation and terminating an employee because of her disability clearly violates the ADA at any time.”***

*- Marcus Keegan, regional attorney for the EEOC's Atlanta District Office*