

# EEOC sues Blood Bank of Hawaii for disability discrimination

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HONOLULU, Hawaii – Blood Bank of Hawaii violated federal law when it refused to provide reasonable accommodations for and then fired employees who required additional leave time for their disabilities, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit filed Sept. 7.



**Blood Bank  
of Hawaii**

The EEOC contends that Blood Bank of Hawaii maintained a rigid maximum leave policy whereby employees with disabilities were not granted a leave of absence as a reasonable accommodation beyond the required 12 weeks under the Family and Medical Leave Act, and were required to return to work without limitations at the end of that leave. The EEOC further contends that as a result of its leave policy and requirement to return to work without limitations, Blood Bank of Hawaii terminated employees who exhausted leave or failed to return to work without restrictions.

Such alleged conduct violates the Americans with Disabilities Act (ADA). The EEOC filed its suit in U.S. District Court for the District of Hawaii (EEOC v. Blood Bank of Hawaii, Case No. 1:17-cv-00444) after first attempting to reach a pre-litigation settlement through its conciliation process. The EEOC's suit seeks back pay and benefits, along with compensatory and punitive damages for the employee and a class of aggrieved individuals, as well as injunctive relief intended to prevent any future discrimination in the

workplace.

“Employers have a duty to engage in the interactive process and provide reasonable accommodations to employees with disabilities,” said Anna Park, regional attorney for the EEOC’s Los Angeles District, which includes Hawaii in its jurisdiction. “Employees should never be terminated or forced to resign simply because they need additional leave for their disabilities.”

Glory Gervacio Saure, director of the EEOC’s Honolulu Local Office, added, “We hope this case sends a clear message to employers that they have different obligations under the Family Medical Leave Act and the Americans with Disabilities Act. Employees cannot be denied their protections under the ADA.”

Addressing disability discrimination in the form of inflexible leave policies that discriminate against individuals with disabilities is one of six national priorities identified by the EEOC’s Strategic Enforcement Plan (SEP).

The EEOC advances opportunity in the workplace by enforcing federal laws prohibiting employment discrimination.

For more information on the EEOC, [click here](#).

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