

EEOC sues Illinois Action for Children for disability discrimination

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CHICAGO – Illinois Action for Children fired an employee who was on leave receiving treatment for breast cancer rather than granting her request for



additional leave for more treatment, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit it filed Aug. 28.

Such alleged conduct violates under the Americans with Disabilities Act (ADA), which prohibits disability discrimination in employment. The EEOC brought the suit (EEOC v. Illinois Action for Children, Civil Action No. 17-cv-6224) in U.S. District Court for the Northern District of Illinois, Eastern Division on Aug. 28, after first attempting to reach a pre-litigation settlement through its conciliation process. The case has been assigned to U.S. District Judge Rebecca R. Pallmeyer.

EEOC Chicago District Director Julianne Bowman said, "Our investigation revealed that Illinois Action for Children fired Myrnie Brown while she was receiving treatments for breast cancer rather than granting her request from her doctor for a short period of additional leave to receive additional treatment. Ms. Brown had been employed with Illinois Action for Children for almost two and half years at the time of her termination. Although Illinois Action for Children eventually rehired Ms. Brown, because of her termination over breast cancer leave, she was denied the opportunity to work at her

job for over six months.”

EEOC Chicago District Regional Attorney Greg Gochanour pointed out that employers have a duty to provide reasonable accommodations to people with disabilities that enable them to perform the essential functions of their job. Courts have repeatedly found that in certain circumstances, a leave of absence may constitute a reasonable accommodation under the ADA. EEOC guidance states that an employer may have to accommodate an employee who is unable to work while she is undergoing chemotherapy or other treatments, Gochanour added.

Gochanour said, “Anyone suffering from breast cancer has enough to face and overcome without her employer violating federal law and denying her adequate leave to combat her illness. When such a situation sadly occurs, the EEOC is ready to step in and fight for people who are fighting discrimination as well as cancer.”

The EEOC is seeking full make-whole relief, including back pay, compensatory and punitive damages, and non-monetary measures to correct Illinois Action for Children’s practices going forward.

The EEOC’s Chicago District Office is responsible for processing charges of employment discrimination, administrative enforcement, and the conduct of agency litigation in Illinois, Wisconsin, Minnesota, Iowa and North and South Dakota, with Area Offices in Milwaukee and Minneapolis.

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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