

# Consolidated Edison Co. to pay \$800,000 to settle EEOC disability discrimination suit

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NEW YORK – Consolidated Edison Company of New York, Inc., the utility that provides electrical and gas service to New York City and Westchester County, will pay \$800,000 and furnish other relief to resolve a disability discrimination suit filed by the U.S. Equal Employment Opportunity Commission (EEOC), the federal agency announced today.

According to the EEOC's complaint, the company's doctors refused to medically approve qualified applicants to begin employment because of their disabilities, even though they

could perform the jobs for which they applied. The company also performed medical examinations of applicants without giving them a conditional job offer first. Finally, the company's doctors imposed improper medical restrictions on some existing employees with disabilities that reduced their earnings, and in one case led to termination, the EEOC said.



The Americans with Disabilities Act of 1990 (ADA) prohibits discrimination in hiring and terms and conditions of employment based on disability. This includes refusing to hire applicants because of their disabilities when they can perform the essential functions of the job with or without a reasonable accommodation. Additionally, an employer may not

ask applicants disability-related questions and may not conduct medical examinations until after it makes a conditional job offer to the applicant. The EEOC filed suit in U.S. District Court for the Southern District of New York (EEOC v. Consolidated Edison Company of New York, Inc., Civil Action No.17-cv-7390), after first attempting to reach a pre-litigation settlement through its conciliation process.

Under the consent decree settling the suit, the company will pay the job applicants and employees who were discriminated against \$800,000 in lost wages and damages. The decree also requires that Con Ed give a written job offer before it conducts any pre-hire medical examination. Under the decree, Con Ed must make an individualized assessment of each applicant's ability to perform the job and will raise the threshold for its doctors to place disability-related restrictions on applicants and employees.

"The EEOC appreciates Con Ed's willingness to resolve this case without protracted litigation," said Jeffrey Burstein, the EEOC's regional attorney for the New York District Office. "The agency remains committed to enforcing federal law to ensure that people with disabilities do not face discriminatory barriers to full and equal participation in the workforce."

EEOC New York District Director Kevin Berry said, "Congress passed the ADA to protect Americans with disabilities from adverse employment actions based on fears and myths about their conditions. We applaud Con Ed's willingness to change its hiring procedures to ensure that disabled applicants are given a fair and equal opportunity to work for them."

The EEOC's New York District Office is responsible for processing discrimination charges, administrative enforcement and the conduct of agency litigation in New York, northern New Jersey, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire and Maine.

The EEOC advances opportunity in the workplace by enforcing federal laws prohibiting employment discrimination. More information is available at [www.eeoc.gov](http://www.eeoc.gov). Stay connected with the latest EEOC news by subscribing to our email updates.

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