

e-Alert

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EEOC Files First Accommodation Lawsuit under COVID-19

Background

The Equal Employment Opportunity Commission (EEOC) has filed its first [COVID-19-based lawsuit](#) in the Atlanta Division of the Northern District Court of Georgia. The EEOC concluded that granting remote work for an employee is a reasonable accommodation under the Americans with Disabilities Act (ADA).

Summary

During the initial outbreak of the pandemic, ISS Facility Services, Inc (ISS), a provider of office maintenance and management services, allowed employees such as Ronisha Moncrief to work remotely. In June of 2020, as employees started to return to the workplace, Moncrief approached ISS management requesting she be allowed to continue working remotely due to an existing medical condition which put her at higher risk to contract COVID-19. ISS denied Moncrief's request, even though the company continued to allow other employees working in the same position as Moncrief to work remotely. Shortly thereafter, Moncrief was terminated from her position with ISS.

ISS was found to be in violation of the ADA. The EEOC ruled that working remotely was a

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reasonable accommodation for Moncrief and her request should have been granted. ISS is now faced with back-pay requests, compensatory damages, punitive damages for Moncrief, and a sanction to prevent any future discrimination within the organization.

Employer Next Steps

- Engage in the [Interactive Process](#) to determine what your employee needs and identify reasonable accommodations when handling ADA accommodation requests.
- Be sure to thoroughly document all ADA-related requests within your organization.
- Review HRK's [Remote Workforce Planner](#) to ensure your workforce is set up for success when working remotely.
- If you are a Full-Service or Virtual HR client and would like our assistance with updating your remote work policy, please [email us](#).

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