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Phoenix EEOC Files Discrimination Lawsuit Against Corizon Health

The Phoenix Equal Employment Opportunity Commission has filed a lawsuit in federal court against Arizona's prison health care contractor, Corizon Health, alleging discrimination against individuals with disabilities. The federal agency monitors civil rights violations in the workplace. The Phoenix District EEOC office filed the lawsuit against Corizon on Sept. 18 in the U. S. District Court of Arizona on behalf of five named plaintiffs "and other similarly situated qualified aggrieved individuals who were adversely affected by Corizon's unlawful actions." "Employers must work with qualified individuals with disabilities to find available and effective reasonable accommodations so that employees can keep their jobs," Mary Jo O'Neill, the agency's regional attorney in Phoenix, said in a statement. "Employers who ignore the duty to accommodate their employees with disabilities violate the law — and they lose valuable contributors in their workplaces." The lawsuit alleges Corizon discriminated against the five former employees, who were all fired, by "failing to provide them with reasonable accommodations." The plaintiffs also allege Corizon "discriminated against qualified persons with disabilities nationwide ... subjected some employees to a hostile work environment based on disability, failed to promote qualified individuals because of their disabilities, and retaliated against some of the charging parties." Plaintiffs attorneys are seeking a jury trial to "correct Corizon's nationwide unlawful employment policies and practices that discriminate on the basis of disability." The EEOC is seeking relief for the plaintiffs based allegations dating back to April 1, 2012, that Corizon violated the Americans with Disabilities Act. The lawsuit takes issue with the way Corizon handles employees on medical leave. "As a matter of policy or practice, Corizon would not approve modified job duties, allow more than twelve weeks of leave permitted by the FMLA, allow extended leave past an unpaid 30-day medical leave, or allow employees to return to work without being fully healed" the attorneys wrote. Elizabeth McCrehin worked as a nurse for the Arizona Department of Corrections, when prison health care was run by the state, as well as Wexford and finally Corizon as the contract moved through two different private companies. Working as a nurse supervisor for Corizon in 2013, McCrehin suffered a foot surgery that kept her out longer than the 30-day medical leave provided by Corizon's policy. The lawsuit alleges McCrehin was fired despite a doctor's orders that she was unable to return to work. The lawsuit alleges that Nicole Moore, a registered nurse working at the Perryville prison, was passed over for a promotion and ultimately fired for having a medical condition. Moore alleges her superior told her she was in strong contention for the supervisor position "but he had to take her medical condition into consideration when making his decision and he believed a supervisory position would be very stressful." Moore alleges she called Corizon's corporate office to complain, only have her boss order her escorted out of the building. In the complaint, attorneys say Moore was allowed back into the prison property but face retaliation from her colleagues and supervisors. "Mr. Coleman and Ms. Miller would not speak to her and ignored her even when she was in the same group as other employees with whom they spoke. . . Ms. Moore was always worried that she would be called into another meeting related to her attendance, she felt like she was walking on eggshells, and she was constantly worried that she would be fired," the lawsuit alleges. The EEOC is seeking several orders from the District Court to compel Corizon to cease what it calls "unlawful employment practices. In the complaint, the commission also calls for a more flexible leave policy and for Corizon to discontinue what it calls a "100 percent healed or no medical restrictions policy." The EEOC says this policy "has the effect of discriminating on the basis of disability by denying qualified individuals with disabilities reasonable accommodations, and instead terminating their employment." The lawsuit also seeks back pay and lost benefits for the plaintiffs and the reinstatement of the terminated employees. In at statement, Corizon Health denied the EEOC's allegations regarding its treatment of employees with disabilities. "Corizon Health policies prohibit illegal discrimination and mandate compliance with all state and federal laws, including the Americans with Disabilities Act," said Corizon spokesperson Martha Harbin. "We value the contribution of every employee and we are committed to protecting their safety while properly providing for the needs and safety of our patients. We strongly believe our policies and actions pertaining to our employees are in full compliance with the law

and will vigorously defend against this unmerited lawsuit."