



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**New Orleans Field Office**

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[REDACTED]

Charge Number

[REDACTED]

Charging Party

[REDACTED]

Respondents

[REDACTED]

**DETERMINATION**

Under the authority vested in me by the Commission's Procedural Regulation, I issue on behalf of the Commission the following determination as to the merits of the subject charge filed under Title VII of the Civil Rights Act of 1964, as amended, and the Americans with Disabilities Act of 1990, as amended ("the ADA").

Respondents, [REDACTED], are employers within the meaning of Title VII and the ADA, and timeliness and all other requirements for coverage have been met. At all relevant times, Respondents operated as a single/joint employer.

Charging Party alleges that Respondents violated Title VII and the ADA when they subjected her to unequal terms and conditions of employment, denied her reasonable accommodations, retaliated against her, and constructively discharged her because of her race (Black) and disability after disclosing health issues and requiring medical leave for surgery. Specifically, Charging Party alleges that she started experiencing health issues in August 2021 and that she needed accommodations in the form of intermittent breaks. Afterwards, Charging Party alleges that she was forced to take an early unpaid leave of absence and was treated differently. While on leave, Charging Party alleges she was told that she needed to function at 100% to return to work (without restrictions). Upon Charging Party's return to work, Charging Party alleges she was told that accommodations would no longer be available, that her return would be on a trial basis, that she

was denied training on new software (unlike a new White counterpart), that her work equipment and job duties were taken away, and that she was constructively discharged on January 26, 2022.

Respondents deny that Charging Party was discriminated against under Title VII or the ADA. Respondents contend that they have a racially diverse workforce, and that Charging Party was not disabled under the ADA. Respondents contend that they accommodated Charging Party, but that she was having performance issues. Respondents allowed Charging Party to return from medical leave “on a trial basis” provided she could perform her job duties. Respondents maintain that Charging Party was not properly fulfilling some functions of her job when she returned and, as a result, they reassigned some of her job duties. Respondents contend that Charging Party voluntarily left her job on January 26, 2022.

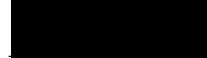
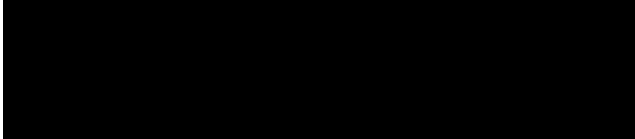
The evidence shows that Respondents discriminated against Charging Party because of her race and disability and subjected her to retaliation. Charging Party was a qualified individual with a disability. Respondents revoked Charging Party’s reasonable accommodations after she requested a medical leave of absence, and Respondents placed her on unpaid leave earlier than she requested. As a condition of returning from medical leave and to maintain her employment, Charging Party was placed on probationary status, required to function at 100%, and required to work without reasonable accommodations. Evidence shows that, upon Charging Party’s return, Respondents reassigned some of her job duties to a White employee and provided training to a White employee that they did not provide to Charging Party. Evidence shows that Charging Party still required accommodation after returning from leave. Evidence shows that the discriminatory conditions were intolerable to a reasonable employee such that Charging Party was constructively discharged. Respondent’s Chief Financial Officer informed the EEOC that Charging Party is ineligible for future employment because of the EEOC’s investigation. As a result, Charging Party was denied reasonable accommodation, subjected to an unlawful qualification standard, subjected to differential terms and conditions on the basis of her disability and race, constructively discharged, and retaliated against.

This determination does not conclude the processing of this charge. Upon finding that there is reason to believe that violations have occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, the Commission now invites the parties to join with it in reaching a just resolution of this matter. The confidentiality provisions of the ADA and Title VII and Commission Regulations apply to information obtained during conciliation.

**If you wish to participate in conciliation to reach a resolution of this matter, please email Investigator Tanya Darensburg at [REDACTED] within ten (10) days from the date of this letter.** If Respondents do not inform the EEOC within ten days that they wish to participate in the conciliation process, the EEOC will infer that Respondents are not interested in doing so.

You are reminded that Federal Law prohibits retaliation against persons who have exercised their right to inquire or complain about matters they believe may violate the law. Discrimination against persons who have cooperated in Commission investigations is also prohibited. These protections apply regardless of the Commission's determination on the merits of the charge.

On Behalf of the Commission:



Date

For Michael Kirkland  
New Orleans Field Director

cc:



Norris Guillot, Jr., Charging Party's Representative