

- **EEOC v. Northwest Airlines, Inc.**

No. 01-705 MJD/JGL (D. Minn. January 12, 2005)

The Milwaukee District Office filed this nationwide ADA action alleging that Northwest Airlines excluded applicants with insulin dependent diabetes and with seizure disorders requiring antiseizure medication from equipment service employee (ESE) and aircraft cleaner positions because of their disabilities. EEOC alleged that Northwest applied an unwritten "zero tolerance" policy to such applicants because it believed they were at risk of a sudden loss of consciousness and thus posed a safety hazard because the positions sometimes require driving vehicles on airport ramps and working at unprotected heights.

The case was resolved through a 2-year agreed order that prohibits Northwest from applying a zero tolerance policy to applicants for ESE and aircraft cleaner positions who have a diagnoses of diabetes requiring insulin or an epilepsy/seizure disorder requiring antiseizure medication. The order further requires Northwest to examine work restrictions (e.g., regarding working at heights, driving, working alone) recommended for such applicants by contract physicians and prohibits Northwest from giving conclusive weight to such recommendations; requires that Northwest individually assess recommended restrictions, applying the ADA and other applicable law, and disqualify only applicants who cannot perform the essential functions of the positions with or without a reasonable accommodation or who pose a direct threat to the health or safety of themselves or others; requires Northwest in conducting individual assessments to consider input offered by applicants, including an applicant's experience in prior comparable positions; and requires that before disqualifying an applicant, Northwest will inform the applicant of the essential job function(s) that Northwest believes the applicant cannot safely or adequately perform and give the applicant 15 days to provide additional information regarding his or her ability to safely and adequately perform the essential job functions, with or without an accommodation, including information from treating physicians. Northwest will pay a total of \$510,000 to 28 claimants denied ESE or aircraft cleaner positions since January 1, 1996, in individual amounts to be determined by EEOC.