



**PRESS RELEASE**

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## BMO Harris Bank to Pay \$400,000 to Resolve EEOC Disability Lawsuit

### ***Federal Agency Says Bank's Medical Leave Policy Violated the Americans with Disabilities Act***

CHICAGO - BMO Harris Bank will pay \$400,000 to a group of 14 former employees under a consent decree entered on May 2, 2013, to resolve a disability discrimination case brought by the U.S. Equal Employment Opportunity Commission (EEOC).

The EEOC had alleged that BMO Harris Bank unlawfully terminated disabled employees at the end of their medical leave of absence rather than offering accommodations which would have allowed them to return to work. EEOC also alleged that the bank failed to provide reasonable accommodations to its disabled employees.

Such alleged conduct violates the Americans with Disabilities Act (ADA) which prohibits discrimination on the basis of disability and also requires employers to provide reasonable accommodations-including additional leave and transfers to a different job where appropriate-unless to do so would cause undue hardship.

U.S. District Court Judge Harry Leinenweber of the Northern District of Illinois entered the decree ending the suit, which provides \$400,000 in monetary relief to the victims. In addition, the decree includes an injunction against disability discrimination and retaliation, and imposes record keeping and reporting responsibilities on the bank for the term of the decree. The bank will also change its workplace accommodation policy to allow job transfers as accommodations if employees are unable to return to work at their jobs because of a disability.

"Now that the U.S. Court of Appeals for the Seventh Circuit has made clear that arranging for a job transfer may be an appropriate reasonable accommodations under the ADA, all employers are well-advised to adjust their policies to reflect this development in the law," said John Hendrickson, the EEOC's regional attorney in Chicago. "We at the EEOC are encouraged that the decree just entered reflects that development. More generally, this decree reflects what employers and the EEOC can accomplish with respect to ADA compliance when there is a willingness to sit down and talk. There are no losers here, and the public interest has been well served."

The EEOC filed suit (*EEOC v. Harris Bank*, Civil Action No. 12-cv-7793, filed Sept. 28, 2012, in U.S. District Court for the Northern District of Illinois) after first attempting to reach a pre-litigation settlement through its conciliation process. In addition to Hendrickson, EEOC trial attorney Aaron DeCamp and supervisory trial attorney Diane Smason litigated the case on behalf of the government.

EEOC's Chicago District Office is responsible for processing charges of discrimination, administrative enforcement, and the conduct of agency litigation in Illinois, Wisconsin, Minnesota, Iowa, and North and South Dakota, with Area Offices in Milwaukee and Minneapolis.

The EEOC is responsible for enforcing federal laws against employment discrimination. Further information is available at [www.eeoc.gov](http://www.eeoc.gov).