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CYGNUS HOME SERVICE D/B/A SCHWAN'S HOME DELIVERY OR YELLOH AGREES TO RESOLVE EEOC DISABILITY DISCRIMINATION CHARGE

Frozen Food Delivery Service Did Not Hire Applicant Because He Has a Disability, Federal Agency Found

MILWAUKEE – Cygnus Home Service d/b/a Schwan's Home Delivery Service or Yelloh ("Schwan's"), a frozen food delivery service with locations in Wisconsin, has agreed to compensate a job applicant and provide additional equal employment opportunity (EEO) training, to include American with Disabilities Act (ADA) training, to resolve a finding of disability discrimination by the U.S. Equal Employment Opportunity Commission (EEOC), the agency announced today.

An investigation by the EEOC's Milwaukee Area Office concluded that Schwan's did not hire a job applicant for a route sales representative position, because he is an individual with a disability. When a hiring official learned of the applicant's disability, he directed the applicant to take the required U.S. Department of Transportation's medical examination, which he passed. Despite passing the medical examination, Schwan's had already considered hiring non-disabled candidates and failed to consider a qualified applicant with a disability for employment.

Such conduct violates Title I of the Americans with Disabilities Act of 1990 which prohibits disability discrimination. The ADA does not permit discriminatory employment decisions based on a disability.

Under the conciliation agreement, in addition to compensating the applicant, Schwan's will train its employees about their rights under the ADA. Schwan's will also retain an outside consultant to train its managers and recruiters at the Greenville, Wisconsin location, regarding the intersection of the ADA and federal Department of Transportation laws/regulations. In addition, Schwan's agreed to revise its hiring processes, post an EEO notice at its facilities and on its internal website, and provide compliance-related reporting to the EEOC. The EEOC will monitor compliance with these obligations for the next three years.

"The EEOC is tirelessly working to eliminate barriers for individuals with disabilities who are seeking employment or are currently employed," said Wendy Martin, area director of the EEOC's Milwaukee Area Office.

EEOC Chicago District Director Julianne Bowman reminded companies, "The ADA requires employers to engage in an interactive process with individuals with disabilities, including when making hiring decisions. Employer assessments should be made without regard to the individual's disability and should consider the individual's ability to perform the essential functions of the job with or without reasonable accommodations."

The 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 advances opportunity in the workplace by enforcing federal laws prohibiting employment discrimination. More information is available on its website at www.eeoc.gov. Stay connected with the latest EEOC news by subscribing to our email updates.



U.S. Equal Employment Opportunity Commission

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