



U.S. Equal Employment Opportunity Commission

Press Release

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EEOC Sues Appliance Factory for Disability Discrimination

Appliance Store Refused to Provide Reasonable Accommodation to Sales Associate with Long COVID, Federal Agency Charges

DENVER – A&A Appliance, Inc., doing business as Appliance Factory, a corporation operating appliance stores in four states, violated federal law when it refused to provide an accommodation to an employee with long COVID at its Thornton, Colorado location, leading to her discharge, the Equal Employment Opportunity Commission (EEOC) alleged in a lawsuit filed yesterday.

According to the EEOC's lawsuit, a sales associate who had ongoing symptoms related to a COVID-19 infection requested additional leave of approximately one to two weeks. Appliance Factory refused to grant the accommodation and failed to communicate with employee about the precise nature of her condition or what alternative accommodation could be made to meet her needs. When the sales associate's leave expired, Appliance Factory terminated her.

Such alleged conduct violates the American with Disabilities Act (ADA), which prohibits discrimination based on disability. The EEOC filed suit (EEOC v. A&A Appliance Inc. d/b/a Appliance Factory Outlet, Inc., Civil Action No. 1:23-cv-02456-MEH) in U.S. District Court for the District of Colorado after first attempting to reach a pre-litigation settlement through its conciliation process.

“When long COVID meets the definition of a disability under the ADA, employers are required to provide reasonable accommodations to those employees with long COVID unless doing so would cause an undue hardship to the employer, said EEOC Regional Attorney Mary Jo O’Neill.

Amy Burkholder, field director of the EEOC’s Denver Field Office said, “Employers, absent an undue hardship, must provide reasonable accommodations to allow workers with disabilities to participate in the workforce. When employers fail to do so, the EEOC will not hesitate to hold them accountable.”

For more information on disability discrimination, please visit

<https://www.eeoc.gov/disability-discrimination> (<https://www.eeoc.gov/disability-discrimination>). For more information about long COVID and equal opportunity laws, please visit **<https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws> (<https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>)**.

The EEOC’s Denver Field Office is one of three offices in the EEOC Phoenix District Office, which has jurisdiction over Arizona, Colorado, New Mexico, Utah and Wyoming.

The EEOC advances opportunity in the workplace by enforcing federal laws prohibiting employment discrimination. More information is available at **www.eeoc.gov (<http://www.eeoc.gov>)**. Stay connected with the latest EEOC news by subscribing to our **[email updates](https://public.govdelivery.com/accounts/USEEOC/subscriber/new) (<https://public.govdelivery.com/accounts/USEEOC/subscriber/new>)**.