



U.S. Equal Employment Opportunity Commission

Press Release

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Dollar General to Pay \$1 Million to Settle EEOC Disability and GINA Lawsuit

Retail Chain Violated the Americans with Disabilities Act and the Genetic Information Non-Discrimination Act in Hiring Process

BIRMINGHAM, Ala. –Variety store retailer Dolgencorp, LLC, doing business as Dollar General, has agreed to pay \$1 million and provide other relief to settle a lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC) alleging that its hiring process violated the Americans with Disabilities Act (ADA) and the Genetic Information Non-Discrimination Act (GINA) , the federal agency announced today.

According to the lawsuit, after making job offers to work at its Bessemer, Alabama Distribution Center, Dollar General required applicants to pass a pre-employment medical exam during which they were required to divulge past and present medical conditions of family members such as cancer, diabetes, and heart disease. The EEOC also alleged that Dollar General used qualification criteria that screened out qualified individuals with disabilities. For example, Dollar General rescinded job offers to applicants whose blood pressure exceeded 160/100 or who had less than 20/50 vision in one eye, even when those impairments did not prevent the applicants from safely performing the job.

The EEOC filed suit (EEOC v. Dolgencorp, LLC., Case No. 2:17-cv-01649-MHH) in U.S.

District Court for the Northern District of Alabama after its Birmingham District Office completed an investigation and first attempted to reach a pre-litigation settlement through its voluntary conciliation process. The EEOC sued on behalf of a class of 498 applicants who were required to divulge family medical history during the hiring process and on behalf of another class of qualified applicants whose job offers were rescinded based on their impairments. Dollar General discontinued its practice of requiring pre-employment medical exams for these warehouse jobs after the lawsuit was filed.

Under the 27-month consent decree settling the suit, in addition to monetary relief, Dollar General must review and revise its ADA and GINA policies and distribute them to all individuals involved in the hiring process should they resume requiring medical exams. In addition, Dollar General must require their medical examiners not to request family medical history; must consider the medical opinion of an applicant's personal physician; and must inform applicants how to request a reasonable accommodation if needed. The decree also requires Dollar General to provide annual training to all individuals involved in the hiring process on the ADA and GINA and to post a notice to employees on their rights under these statutes and how to file a charge of discrimination with the EEOC.

“Requiring individuals during the hiring process to answer invasive questions about medical conditions of their grandparents, parents or children violates GINA,” said EEOC Birmingham District Director Bradley Anderson. “An employer is prohibited from soliciting this information, regardless of whether the information is used to deny employment.”

Regional Attorney for the EEOC's Birmingham District Marsha Rucker said, “The ADA protects job applicants from being denied employment because of a disability as long as they can perform the job with or without an accommodation. Employers cannot deny employment solely based on stereotypes about the abilities of individuals with certain impairments.”

For more information on disability discrimination, please visit

<https://www.eeoc.gov/disability-discrimination> (**<https://www.eeoc.gov/disability-discrimination>**). For more information on GINA, please visit

<https://www.eeoc.gov/gina-genetic-information-nondiscrimination> (**<https://www.eeoc.gov/gina-genetic-information-nondiscrimination>**).

The EEOC's Birmingham District consists of Alabama, Mississippi (except 17

northern counties) and the Florida Panhandle.

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>).