



U.S. Equal Employment Opportunity Commission

Press Release

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Broadleaf and Conduent to Pay \$120,000 to Settle EEOC Disability Discrimination Lawsuit

Business Services Provider and Staffing Agency Failed to Accommodate Customer Care Representative and Fired Her Based on Hearing Condition, Federal Agency Charged

NEW YORK – Conduent State and Local Solutions, Inc., a business services provider that operates the New York E-ZPass toll collection system, and Broadleaf Results, Inc., an employment agency, will collectively pay \$120,000 and furnish other relief to settle a disability discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC), the agency announced today.

According to the EEOC's lawsuit, an employee was placed by Broadleaf to work as a customer service representative at Conduent's E-ZPass Customer Service Center in Staten Island, N.Y. The employee notified both Broadleaf and Conduent supervisors that she was having difficulties hearing customer calls and requested an accommodation for her hearing-related condition, ultimately requesting a meeting with management to discuss the status of her accommodation request. However, the employee was told by a Broadleaf manager, "If you cannot hear, then you can't do the job," and was fired immediately. Following the employee's termination,

Conduent failed to take corrective action within its control to remedy Broadleaf's termination decision, which Conduent knew or should have known was discriminatory, the EEOC said.

Such alleged conduct violates the Americans with Disabilities Act (ADA), which requires that employers engage with applicants and employees to provide reasonable accommodations for disabilities and prohibits employers from taking adverse actions against qualified employees based on their disability. The EEOC filed suit in U.S. District Court for the Eastern District of New York (EEOC v. Broadleaf Results, Inc. and Conduent State and Local Solutions, Inc, Civil Action No. 1:22-cv-4557-PKC-LB) after first attempting to reach pre-litigation settlements through its conciliation process. This case was litigated by EEOC Trial Attorneys Edumin Corrales and Anastasia Doherty and supervised by EEOC Assistant Regional Attorney Kimberly A. Cruz.

The two consent decrees settling the suit provide a total of \$120,000 in lost wages and other damages, along with significant non-monetary relief designed to prevent further discrimination by both Broadleaf and Conduent in the future. These provisions include injunctions prohibiting both Broadleaf and Conduent from discriminating against employees and contingent workers providing services on behalf of client-employers based on disability; updates to each company's internal policies; and mandatory training for management employees about federal anti-disability discrimination law.

"In an economy where more companies are turning to staffing agencies to procure workers to perform essential business functions, both client employers and staffing agencies should have processes in place to ensure that workers with disabilities can request accommodations to allow them to perform the job's essential functions," said EEOC Regional Attorney Jeffrey Burstein. "Client employers cannot hide behind staffing agencies as the employer-of-record to evade their obligations under the ADA, including their obligation to provide a reasonable accommodation to workers with disabilities."

Timothy Riera, acting director of the New York District Office, added, "Our office will remain vigilant in investigating allegations brought by contingent workers against staffing agencies and their client employers, so that contingent workers are not deprived of their statutory right to be free from discrimination in the workplace."

EEOC Trial Attorneys Anastasia Doherty and Edumin Corrales said, "In 2023, there is

a vast array of adaptive and assistive technologies that employers and employees can explore to identify reasonable accommodations for employees with hearing-related disabilities. Employers should bring a creativity and interest to the interactive process, rather than resist it.”

More information about disability discrimination against individuals with hearing disabilities is available at **Hearing Disabilities in the Workplace and the Americans with Disabilities Act | U.S. Equal Employment Opportunity Commission (eeoc.gov)** (<https://www.eeoc.gov/laws/guidance/hearing-disabilities-workplace-and-americans-disabilities-act>). For general information on disability discrimination, please visit <https://www.eeoc.gov/disability-discrimination> (<https://www.eeoc.gov/disability-discrimination>). For more information about job accommodations generally, visit **JAN - Job Accommodation Network (askjan.org)** (<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Faskjan.org%2F&data=05%7C01%7CJAMES.RYAN%40EEOC.GOV%7C3426cf271181422b971e08db5000aee3%7C3ba5b9434e564a2f9b91b1f1c37d645b%7C0%7C0%7C638191736078174915%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikk1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=6ATREUXNdPhiEdT%2BOn56GDINilhXorunV4QQVVO09w%3D&reserved=0>).

The EEOC’s New York District Office is responsible for processing discrimination charges, administrative enforcement and the conduct of agency litigation in Connecticut, Maine, Massachusetts, New Hampshire, New York, northern New Jersey, Rhode Island and Vermont.

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