



**U.S. Equal Employment Opportunity Commission**

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## **Press Release**

08-17-2023

# **EEOC Sues Gmri, Inc. for Disability Discrimination**

Federal Agency Charges That Restaurant Subjected Job Applicant With a Disability to Discriminatory Hiring Practices

PITTSBURGH – GMRI, Inc., doing business as Olive Garden, violated federal law by subjecting a job applicant for a busser position to discriminatory hiring practices because of his disability in its Tarentum, Pennsylvania location, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit it announced today.

According to the EEOC’s lawsuit, the general manager of one of GMRI, Inc.’s Olive Garden restaurants interviewed an applicant with a disability for a busser position, and during the interview he asked the applicant various illegal questions related to the applicant’s disability, including questions about his use of a cane to walk, what was “wrong with” the applicant, and how “bad” his disability was. The general manager then ended the interview, and the restaurant declined to hire the applicant because of his disability and because of the information it learned from the general manager’s illegal questions, the EEOC charged.

Such conduct violates Title I of the Americans with Disabilities Act (ADA), which prohibits discrimination on the basis of a disability or because an employer regards a worker to be disabled. The ADA also prohibits making pre-job offer inquiries of job applicants that are likely to reveal the existence of a disability or the nature and

extent of such disability. The EEOC filed suit (U.S. EEOC v. GMRI, Inc., Civil Action No. 2:23-cv-1448) in U.S. District Court for the Western District of Pennsylvania in Pittsburgh after first attempting to reach a pre-litigation settlement through the conciliation process.

“The ADA mandates that employers refrain from subjecting job applicants to any questions that are likely to reveal the existence, nature, or extent of a disability prior to giving those applicants genuine, conditional offers of employment,” said EEOC Philadelphia District Office Regional Attorney Debra Lawrence. “Employers who ask such illegal questions or refuse to hire applicants because of their responses to such questions are violating federal law and will be held accountable.”

EEOC Philadelphia District Office Director Jamie R. Williamson added, “The EEOC is committed to enforcing the ADA and ensuring that employers are held accountable when they refuse to hire job applicants because of their disabilities, such as discriminatory decisions based on myths, fears and stereotypes about applicants’ disabilities, or their use of assistive technologies, medical treatments, and other measures related to those disabilities.”

The lawsuit was commenced by the EEOC’s Pittsburgh Area Office, one of the four component offices of the agency’s Philadelphia District Office. The Philadelphia District Office has jurisdiction over Pennsylvania, New Jersey, Maryland, Delaware, West Virginia, and portions of Ohio and New Jersey. Attorneys in the Philadelphia District Office also prosecute discrimination cases in Washington, D.C. and portions of Virginia.

For more information on disability discrimination, please visit

**<https://www.eeoc.gov/disability-discrimination>** (**<https://www.eeoc.gov/disability-discrimination>**).

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)**.