



U.S. Equal Employment Opportunity Commission

Press Release

02-14-2024

Hospital Housekeeping Systems to Pay \$520,000 in EEOC Disability Discrimination Suit

Settles Federal Agency Charges That Company Fired Employees Who Failed Functions Test, Despite Their Ability to Perform Their Jobs

FORT SMITH, Ark. - Hospital Housekeeping Systems, LLC (HHS), a provider of housekeeping, food and facilities support to numerous industries, based in Dripping Springs, Texas, will pay \$520,000 as part of the settlement of a disability discrimination lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC), the agency announced today.

The EEOC charged in its suit that HHS violated the Americans with Disabilities Act (ADA) when the company began requiring employees to take the Essential Functions Test (EFT) at hire, annually, and upon the return from a medical leave of absence, even when portions of the test were not job-related. When the employees failed any portion of the EFT, HHS fired them despite the employees successfully performing the essential functions of their jobs. The company also did not offer any reasonable accommodations during the EFT.

This alleged conduct violates the ADA, which requires that employers provide

reasonable accommodations to persons with disabilities unless doing so would cause an undue hardship. The EEOC filed suit (EEOC v. Hospital Housekeeping Systems, LLC, Civil Action No. 2:21-cv-02134 PKH) in U.S. District Court for the Western District of Arkansas, Fort Smith Division, after first attempting to reach a pre-litigation settlement through its administrative conciliation process.

Along with the monetary relief, the three-year consent decree settling the suit, entered by Senior U.S. District Judge P.K. Holmes II, requires HHS to provide a reasonable accommodation to individuals with disabilities during the administration of the EFT in the future, enjoins HHS from taking adverse action against any employee who complains about the EFT, and prohibits HHS from terminating an employee solely based on a failed EFT. HHS will conduct semiannual training regarding EFT testing and retaliation under the ADA.

“Terminating employees with disabilities despite their ability to perform their jobs violates the ADA, which requires employers to provide accommodations for their qualified employees with disabilities,” said Faye Williams, regional attorney for the EEOC’s Memphis District Office. “The EEOC remains committed to ensuring that employers understand their obligations under federal employment anti-discrimination laws.”

Edmond Sims, Jr., acting district director of the Memphis District Office, said, “Thirty-four years after the passage of the ADA, we still have to remind employers of the importance of training in the workplace on the ADA for managers and supervisors.”

For more information on disability discrimination, please visit [**https://www.eeoc.gov/eeoc-disability-related-resources**](https://www.eeoc.gov/eeoc-disability-related-resources) (<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.eeoc.gov%2F%2Feeoc-disability-related-resources&data=05%7C02%7CERICK.GUTIERREZ%40EEOC.GOV%7C040c8aba2b5d4e4824f508dc2d9d8961%7C3ba5b9434e564a2f9b91b1f1c37d645b%7C0%7C0%7C638435402192156711%7CUnknown%7CTWFpbGZsb3d8eyJWljojoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ik1haWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&sdata=mWMAyeN%2BQOcIGQgGgrKeB%2FMczENfki2a%2BVpdMW2E6OU%3D&reserved=0>).

The EEOC’s Memphis District Office has jurisdiction over Arkansas, Tennessee, and 17 counties in Northern Mississippi.

The EEOC prevents and remedies unlawful employment discrimination and advances equal opportunity for all. More information is available at www.eeoc.gov ([https://gcc02.safelinks.protection.outlook.com/?](https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.eeoc.gov%2F&data=05%7C02%7CERICK.GUTIERREZ%40EEOC.GOV%7C040c8aba2b5d4e4824f508dc2d9d8961%7C3ba5b9434e564a2f9b91b1f1c37d645b%7C0%7C0%7C638435402192166836%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikk1haWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&sdata=r18r7O2d4AZzaKRq1k0BvW%2BaF8B%2FYq7WpuKGW%2F7Szi0%3D&reserved=0)

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EEOC news by subscribing to our [email updates \(https://](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fpublic.govdelivery.com%2Faccounts%2FUSEEOC%2Fsubscriber%2Fnew&data=05%7C02%7CERICK.GUTIERREZ%40EEOC.GOV%7C040c8aba2b5d4e4824f508dc2d9d8961%7C3ba5b9434e564a2f9b91b1f1c37d645b%7C0%7C0%7C638435402192174240%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikk1haWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&sdata=nTbY6ObYHbhe260Tipqk4v7T0PbfAYx0UkJqSpxmDC0%3D&reserved=0)

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Recent Press Releases from the Memphis District Office

[EEOC Sues Amerigo Restaurant for Sexual Orientation Discrimination and Retaliation \(https://www.eeoc.gov/newsroom/eeoc-sues-amerigo-restaurant-sexual-orientation-discrimination-and-retaliation\)](https://www.eeoc.gov/newsroom/eeoc-sues-amerigo-restaurant-sexual-orientation-discrimination-and-retaliation)

[EEOC Sues Aaron Thomas Company and Supreme Staffing for Race Discrimination \(https://www.eeoc.gov/newsroom/eeoc-sues-aaron-thomas-company-and-supreme-staffing-race-discrimination\)](https://www.eeoc.gov/newsroom/eeoc-sues-aaron-thomas-company-and-supreme-staffing-race-discrimination)

[EEOC Sues Prestigious Placement & Spinnaker Management Group for Sexual Harassment and Retaliation \(https://www.eeoc.gov/newsroom/eeoc-sues-prestigious-placement-spinnaker-management-group-sexual-harassment-and-retaliation\)](https://www.eeoc.gov/newsroom/eeoc-sues-prestigious-placement-spinnaker-management-group-sexual-harassment-and-retaliation)

Recent Press Releases on the Subject of Disability

Tech Mahindra to Pay \$255,000 to Settle EEOC Disability Discrimination Lawsuit
(<https://www.eeoc.gov/newsroom/tech-mahindra-pay-255000-settle-eeoc-disability-discrimination-lawsuit>)

Jury Awards \$1.675 Million in EEOC Disability Discrimination Case Against
McLane Northeast (<https://www.eeoc.gov/newsroom/jury-awards-1675-million-eeoc-disability-discrimination-case-against-mclane-northeast>)

Library Hotel to Pay \$42,000 to Settle EEOC Disability Discrimination Lawsuit
(<https://www.eeoc.gov/newsroom/library-hotel-pay-42000-settle-eeoc-disability-discrimination-lawsuit>)