

**Press Release**

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# **PNM Reaches \$750,000 Settlement with EEOC in ADA Disability and Retaliation Case**

Settles Federal Charges PNM's Policies and Practices Discriminated Against Its Employees With Disabilities

ALBUQUERQUE, N.M. – Public Service Company of New Mexico and PNMR Services Co. will pay \$750,000 to settle an employment discrimination lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC), the federal agency announced today.

The lawsuit charged PNM implemented policies and practices which failed to accommodate qualified employees with disabilities and fired them because of their disabilities or in retaliation for opposing unlawful disability discrimination, including not allowing employees who were returning from medical leave to return to work unless they were released to “full duty” or “without medical restrictions”; placing employees who were unable to return to work without restrictions within 90 days on involuntary unpaid leave status and subsequently discharging them, without considering possible reasonable accommodations; and refusing to reassign or assist with reassigning qualified employees with disabilities to vacant positions as a reasonable accommodation.

PNM's alleged policies and conduct violated Title I and Title V of the Americans with Disabilities Act of 1990 (ADA) as amended by the ADA Amendments Act of 2008. The EEOC filed the lawsuit (*EEOC v. Public Service Company of New Mexico and PNMR Services Co.*, Civil Action No. 1:23-cv-00848-KG-LF) in U.S. District Court of New Mexico after first attempting to resolve the case informally through its conciliation process. Shortly after filing suit, the parties successfully resolved the case through a consent decree.

Under the terms of the two-year consent decree, ten aggrieved individuals will be paid a total of \$750,000 in back pay and compensatory damages. The decree also requires PNM to refrain from engaging in disability discrimination and retaliation and requires PNM to revise its discriminatory policies and practices to ensure that PNM provides reasonable accommodations to individuals with disabilities. PNM will also provide annual training to all employees throughout New Mexico and report to the EEOC on any complaints of disability discrimination during the decree's two-year term.

"We appreciate PNM's work toward reaching an agreement that will improve its training, policies and procedures," said Regional Attorney Mary Jo O'Neill of the EEOC's Phoenix District Office, which has jurisdiction over Arizona, Colorado, Wyoming, New Mexico, and Utah. "We remind employers that they have responsibility to provide accommodations for their qualified employees with disabilities and to prevent discriminatory practices by untrained managers from becoming the company's way of doing business."

EEOC Assistant Regional Attorney Christina Vigil Frazier added, "We are pleased that EEOC and PNM reached a resolution that includes providing monetary relief to the individuals with disabilities who worked at PNM and who, the EEOC alleges, were not accommodated. The EEOC is committed to ensuring that employers understand their obligations under the ADA and ensuring that their policies do not adversely impact individuals with disabilities who require reasonable accommodations."

Albuquerque Area Director April Klug said, "Over 50% of EEOC charges involve a retaliation complaint. Employees must be free to raise concerns about discrimination in the workplace without fear of reprisal."

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) (<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).