



U.S. Equal Employment Opportunity Commission

Press Release

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Red Barchetta LLC Settles EEOC Disability Discrimination Lawsuit

Hotel Franchisee Fired Housekeeper Because of her Disability, Federal Agency Charged

ELKINS, W.Va. – Red Barchetta LLC, a Holiday Inn Express & Suites-brand franchisee in Elkins, West Virginia, will pay \$40,000 to settle a disability discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC) on behalf of a former employee, the federal agency announced today.

According to EEOC’s lawsuit, Red Barchetta employed a housekeeper with chronic obstructive pulmonary disease (COPD) and asthma for over seven years at its Elkins, West Virginia hotel. After a visit to an emergency room and brief medical absence related to her disabilities, the employee received medical clearance to work from her physician and informed hotel management on multiple occasions that she was ready to return to work, but the hotel’s management refused to schedule her for work and eventually fired her because of her disabilities, the EEOC alleged.

After first attempting to reach a pre-litigation settlement through the conciliation process, the EEOC filed suit May 22, 2023 in U.S. District Court for the Northern District of West Virginia (U.S. EEOC v. Red Barchetta LLC, Civil Action No. 2:23-cv-8 TSK).

The EEOC and Red Barchetta agreed to settle the lawsuit by consent decree before any adjudication or findings in the case. In addition to paying \$40,000 in monetary relief to the former employee, the consent decree enjoins Red Barchetta from discriminating against employees or applicants based on their disabilities.

The company also must institute and enforce comprehensive policies against disability discrimination, including the implementation of an effective process for individualized, objective evaluation of a worker's ability to safely and proficiently perform essential job functions, and for determining any related reasonable accommodations.

Red Barchetta will also provide anti-discrimination training to management personnel with ADA-related decision-making authority. The decree also requires that the company report to the EEOC information concerning any employee or job applicant who was discharged, laid off, not hired for employment, or otherwise excluded or disqualified from a job, because of a medical condition.

“The EEOC commends Red Barchetta for working cooperatively with the agency to fashion a mutually acceptable settlement of this case that provides fair compensation to the disabled worker involved and that will benefit the company, its employees, and job applicants in the future,” said EEOC regional attorney Debra Lawrence.

EEOC Philadelphia District Director Jamie Williamson added, “The EEOC is strongly committed to enforcing the ADA to ensure that employers make careful, individualized, objective assessments of disabled workers' abilities to perform their jobs rather than relying on myths, fears or stereotypes.”

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

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

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