

**Press Release**

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EEOC Sues Union Pacific Railroad for Disability Discrimination

Railroad Terminated Qualified Conductors and Locomotive Engineers It Regarded as Color Vision Deficient, Federal Agency Charges

MINNEAPOLIS – Union Pacific Railroad, a freight-hauling railroad headquartered in Omaha, Nebraska that operates rail lines in 23 states, covering most of the western two-thirds of the United States, violated federal law when it terminated conductors and locomotive engineers on the basis of perceived disability, used unlawful qualification standards to screen out individuals with disabilities, and subjected the employees to unlawful medical examinations and inquiries, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit filed today.

According to the EEOC's lawsuit, Union Pacific regularly required its conductors and locomotive engineers to take vision tests, including tests of color vision, pursuant to Federal Railroad Administration (FRA) certification requirements. They also required employees to pass a test Union Pacific created called the light cannon test. The test does not replicate real world conditions or accurately assess whether someone can identify the color of railway signals.

The employees all passed an initial color vision screening test prior to being required to take the light cannon test or provided medical documents confirming

they did not have a color vision deficiency that would have prevented them from doing their jobs. However, when they failed the light cannon test, Union Pacific removed them from their positions, put them on indefinite leave and effectively fired them, despite having successfully performed as conductors or locomotive engineers for Union Pacific for years. Union Pacific also required some to undergo inappropriate medical examinations and questioning.

Such alleged conduct violates the Americans with Disabilities Act (ADA) which makes it unlawful to discriminate against qualified individuals with disabilities. The EEOC filed suit in U.S. District Court for the District of Minnesota (Equal Employment Opportunity Commission v. Union Pacific Railroad, Civil Action No. 23-cv-03030) after first attempting to reach a pre-litigation settlement through its conciliation process. The EEOC seeks reinstatement, back pay, compensatory and punitive damages as well as changes to Union Pacific policies and practices.

“It is illegal under the ADA to terminate an employee on the basis of a perceived disability,” said Diane Smason, acting district director of the EEOC’s Chicago District. “Discrimination against disabled workers is a problem the EEOC will continue to vigorously address.”

“Everyone wants railroads to be safe,” said Gregory Gochanour, regional attorney for the EEOC’s Chicago District. “However, firing qualified, experienced employees for failing an invalid test of color vision does nothing to promote safety, and violates the ADA.”

For more information on disability discrimination, please visit

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

The EEOC’s legal team in its Minneapolis Area Office is part of the EEOC’s Chicago District, which is responsible for processing charges of discrimination, administrative enforcement and litigation in Minnesota, North Dakota, South Dakota, Wisconsin, Illinois and Iowa.

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>)**.

