



U.S. Equal Employment Opportunity Commission

Press Release

06-14-2024

Factor One Source Pharmacy to Pay \$515,000 to Settle EEOC Disability and Genetic Information Discrimination Suit

Federal Agency Charged Pharmacy Pressured Employees and Applicants to Fill Expensive Hemophilia Prescriptions with the Company

DENVER – Factor One Source Pharmacy, LLC, a pharmacy providing specialized pharmacy services to patients requiring complex medications, will pay \$515,000 and provide other equitable relief to settle a disability and genetic information discrimination lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC), the federal agency announced today.

According to the lawsuit, Factor One violated the Americans with Disabilities Act (ADA) and the Genetic Information Nondiscrimination Act (GINA) when it inquired about employee disabilities and genetic information and pressured employees to use its pharmacy services. Factor One unlawfully asked applicants about their hemophilia, their children's hemophilia, and the medications they or their children took so it could recruit individuals who had hemophilia or had family members with hemophilia. To increase its profits, Factor One would unlawfully pressure

employees to use its pharmacy services for the expensive medications needed to treat hemophilia, the EEOC alleged. Employees who refused were fired or laid off, while employees who used Factor One's pharmacy for hemophilia medications kept their jobs, even if they had worse performance reviews than employees who were let go.

Such alleged conduct violated the ADA and GINA, which prohibit discrimination based on disability and genetic information, as well as certain inquiries into disabilities and genetic information.

The alleged violations of the ADA and GINA described in the lawsuit occurred while Factor One was under prior ownership. The EEOC filed suit (EEOC v. Factor One Source Pharmacy, LLC, Case No. 1:24-cv-01572-RMR) in U.S. District Court for the District of Colorado after first attempting to reach a pre-litigation settlement through its administrative conciliation process. In addition to \$515,000 in monetary relief, the settlement agreed to by the new owners of Factor One requires the Company not to employ or contract with the company's prior CEO and owner, not to take adverse employment actions against employees based on their non-use of the company's pharmacy, to train employees on the ADA and GINA, and to survey employees on their treatment in the workplace.

"We appreciate the current owners of Factor One working with the EEOC to reach an early settlement of this litigation," said EEOC Phoenix District Office Regional Attorney Mary Jo O'Neill. "In addition to providing meaningful monetary relief for former Factor One employees, this settlement contains important equitable relief to help prevent unlawful discrimination in the specialty pharmacy industry."

Amy Burkholder, field director of the EEOC's Denver Field Office, said, "Employers need to know that federal laws can prohibit discrimination based on familial connections. For example, GINA broadly prohibits acquisition of family medical history, while the ADA prohibits discrimination based on an employee's relationship or association with an individual with a disability."

For more information on disability discrimination, please visit <https://www.eeoc.gov/disability-discrimination> (<https://www.eeoc.gov/disability-discrimination>). For more information on discrimination based on genetic information discrimination, please visit <https://www.eeoc.gov/genetic-information-discrimination> (<https://www.eeoc.gov/genetic-information-discrimination>).

The EEOC's Phoenix District Office has jurisdiction over Arizona, Colorado, Utah, Wyoming and part of New Mexico.

The EEOC prevents and remedies unlawful employment discrimination and advances equal opportunity for all. 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).

Recent Press Releases from the Phoenix District Office

[Res-Care / Equus to Pay \\$125,000 in EEOC High-Risk Pregnancy and Disability Discrimination Case \(https://www.eeoc.gov/newsroom/res-care-equus-pay-125000-eeoc-high-risk-pregnancy-and-disability-discrimination-case\)](https://www.eeoc.gov/newsroom/res-care-equus-pay-125000-eeoc-high-risk-pregnancy-and-disability-discrimination-case)

[Schuff Steel Company to Pay \\$500,000 to Settle EEOC Race and National Origin Lawsuit \(https://www.eeoc.gov/newsroom/schuff-steel-company-pay-500000-settle-eeoc-race-and-national-origin-lawsuit\)](https://www.eeoc.gov/newsroom/schuff-steel-company-pay-500000-settle-eeoc-race-and-national-origin-lawsuit)

[EEOC Sues Res-Care for Pregnancy and Disability Discrimination and Retaliation \(https://www.eeoc.gov/newsroom/eeoc-sues-res-care-pregnancy-and-disability-discrimination-and-retaliation\)](https://www.eeoc.gov/newsroom/eeoc-sues-res-care-pregnancy-and-disability-discrimination-and-retaliation)

Recent Press Releases on the Subject of Disability, Pregnancy

[Res-Care / Equus to Pay \\$125,000 in EEOC High-Risk Pregnancy and Disability Discrimination Case \(https://www.eeoc.gov/newsroom/res-care-equus-pay-125000-eeoc-high-risk-pregnancy-and-disability-discrimination-case\)](https://www.eeoc.gov/newsroom/res-care-equus-pay-125000-eeoc-high-risk-pregnancy-and-disability-discrimination-case)

[EEOC Sues PepsiCo for Failing to Accommodate and Firing a Blind Employee \(https://www.eeoc.gov/newsroom/eeoc-sues-pepsico-failing-accommodate-and-firing-blind-employee\)](https://www.eeoc.gov/newsroom/eeoc-sues-pepsico-failing-accommodate-and-firing-blind-employee)

[Keystone RV Company to Pay Nearly \\$100,000 in EEOC Disability Discrimination](#)

Suit (<https://www.eeoc.gov/newsroom/keystone-rv-company-pay-nearly-100000-eeoc-disability-discrimination-suit>)