



U.S. Equal Employment Opportunity Commission

Press Release

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The Modern Group and Dragon Rig Sales to Pay \$35,000 in EEOC Disability Discrimination Lawsuit

Settles Federal Charges That Industrial Manufacturing and Service Company and Its Subsidiary Subjected Applicant to Discrimination Because of His Disabilities

BEAUMONT, Texas – The Modern Group, Ltd. (TMG), headquartered in Beaumont, Texas, and one of its subsidiaries, Dragon Rig Sales and Service, LLC, a manufacturing and service company which builds oilfield service equipment for energy and industrial companies, will pay \$35,000 and furnish other relief to settle a U.S. Equal Employment Opportunity Commission (EEOC) disability discrimination lawsuit, the federal agency announced today.

According to the lawsuit, Dragon Rig and TMG denied employment to an applicant with anxiety and Opioid Use Disorder (OUD) because of the prescription medications he used to treat those disabilities. The defendants made a job offer to the applicant after he applied at Dragon Rig in February 2019. The applicant completed and passed Defendants' required drug screen because he had prescriptions for the medications.

Yet, the EEOC said, Dragon Rig and TMG jointly withdrew the offer of employment

without contacting or engaging with the applicant to determine if he could perform the essential job functions with or without a reasonable accommodation. The companies based their decision on conclusory statements about the medications made by a medical review officer.

Such alleged conduct violated the Americans with Disabilities Act, as amended (ADA), which prohibits discrimination in hiring, firing, and other employment actions based on mental and physical disabilities. The ADA may provide protection, as it did in this case, to employees or applicants who are using opioids, are addicted to opioids, or were addicted to opioids in the past, if they are not currently using drugs illegally.

The EEOC filed suit (EEOC v. Dragon Rig Sales and Service, LLC and The Modern Group, Ltd., Case No. 1:21-CV-451) in U.S. District Court for the Eastern District of Texas, after first attempting to reach a pre-litigation settlement through its administrative conciliation process. The consent decree settling the suit provides for settlement funds of \$35,000 to be paid to the applicant, as well as management training, policy revisions, and other targeted relief to be implemented by the defendants.

Prior to entering the consent decree on March 25, the court denied the defendants' motion for summary judgment and entered partial judgment for the EEOC, finding that Dragon Rig and TMG operated as an integrated enterprise throughout the relevant time period. The court also granted summary judgment to the EEOC on several of the companies' affirmative defenses, and limited testimony the defendants sought to introduce through their expert witness.

"If your opioid use is legal and not prohibited by another federal law, an employer cannot automatically disqualify you on that basis, or because of the medications used to treat OUD, without considering whether there is a way for you to do your job safely and effectively," said Rudy Sustaita, the EEOC's regional attorney in Houston.

Connie Gatlin, the lead trial attorney for the case said, "If you are taking an opioid medication as directed in a medically assisted therapy (MAT) program, then you have a valid prescription. You cannot be denied employment or fired from a job because you are in a MAT program unless you cannot do the job safely and effectively or you are disqualified under another federal law."

The EEOC maintains guidance documents and fact sheets pertaining to the ADA,

which can be found at <https://www.eeoc.gov/eeoc-disability-related-resources/eeoc-disability-related-publications> (<https://www.eeoc.gov/eeoc-disability-related-resources/eeoc-disability-related-publications>).

For more information about reasonable accommodation and other protections for employees and applicants with OUD, you may consult <https://www.eeoc.gov/laws/guidance/use-codeine-oxycodone-and-other-opioids-information-employees> (<https://www.eeoc.gov/laws/guidance/use-codeine-oxycodone-and-other-opioids-information-employees>).

Information for health care providers to assist their patients with opioid use disorder to become and remain employed and in treatment may be found at <https://www.eeoc.gov/laws/guidance/how-health-care-providers-can-help-current-and-former-patients-who-have-used-opioids> (<https://www.eeoc.gov/laws/guidance/how-health-care-providers-can-help-current-and-former-patients-who-have-used-opioids>).

The EEOC's Houston District Office has jurisdiction over southeast Texas, as well as all of Louisiana.

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 Houston District Office

[Cash Depot Pays \\$55,000 to Settle EEOC Disability Discrimination Lawsuit](https://www.eeoc.gov/newsroom/cash-depot-pays-55000-settle-eeoc-disability-discrimination-lawsuit) (<https://www.eeoc.gov/newsroom/cash-depot-pays-55000-settle-eeoc-disability-discrimination-lawsuit>)

[EEOC Sues Houston Independent School District for Pay Discrimination](https://www.eeoc.gov/newsroom/eeoc-sues-houston-independent-school-district-pay-discrimination) (<https://www.eeoc.gov/newsroom/eeoc-sues-houston-independent-school-district-pay-discrimination>)

[EEOC Sues Ecoserv, Charging a Pattern or Practice of Not Hiring Black, Female](#)

[and Older Applicants \(https://www.eeoc.gov/newsroom/eeoc-sues-ecoserv-charging-pattern-or-practice-not-hiring-black-female-and-older\)](https://www.eeoc.gov/newsroom/eeoc-sues-ecoserv-charging-pattern-or-practice-not-hiring-black-female-and-older)

Recent Press Releases on the Subject of Disability

[EEOC Sues All Day Medical Care Clinic for Discriminating Against Employee for Not Disclosing Disability During Job Interview \(https://www.eeoc.gov/newsroom/eeoc-sues-all-day-medical-care-clinic-discriminating-against-employee-not-disclosing\)](https://www.eeoc.gov/newsroom/eeoc-sues-all-day-medical-care-clinic-discriminating-against-employee-not-disclosing)

[Tractor Supply Company to Pay \\$75,000 to Settle EEOC Disability Discrimination and Retaliation Lawsuit \(https://www.eeoc.gov/newsroom/tractor-supply-company-pay-75000-settle-eeoc-disability-discrimination-and-retaliation\)](https://www.eeoc.gov/newsroom/tractor-supply-company-pay-75000-settle-eeoc-disability-discrimination-and-retaliation)

[Maximum Security to Pay \\$22,500 to Settle EEOC Age and Disability Discrimination Lawsuit \(https://www.eeoc.gov/newsroom/maximum-security-pay-22500-settle-eeoc-age-and-disability-discrimination-lawsuit\)](https://www.eeoc.gov/newsroom/maximum-security-pay-22500-settle-eeoc-age-and-disability-discrimination-lawsuit)