



U.S. Equal Employment Opportunity Commission

Press Release

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EEOC Sues New York Beer Project for Discriminating Against Employees Because of Their Medical Conditions

Federal Agency Charges Restaurant Refused to Schedule and Ultimately Fired Two Employees Who Were Fully Able to Work

ROCHESTER, N.Y. - New York Beer Project, LLC, which operates a restaurant, brewery, and beer hall in Victor, New York, violated federal law by firing one bartender who had cancer and another who had a nocturnal seizure even though both had been cleared to work, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit filed today.

According to the EEOC's lawsuit, after a bartender told New York Beer Project that he was diagnosed with cancer, the employer stopped scheduling him and ultimately fired him. Around the same time, a second bartender disclosed that he had a nocturnal seizure. After a period of leave, he was able to return to work without any restrictions. New York Beer Project ignored his doctor's notes and refused to put him back on the schedule because it wrongly feared he would have a seizure at work. Ultimately, this bartender's employment was also terminated, the EEOC said.

Such alleged conduct violates the Americans with Disabilities Act (ADA), which

prohibits employers from discriminating against employees based on their disability, including when the employer regards them as disabled. The EEOC filed suit in U.S. District Court for the Western District of New York (EEOC v. New York Beer Project, LLC, Civil Action No. 1:24-cv-00377) after first attempting to reach a pre-litigation settlement through its conciliation process. The EEOC seeks back pay, compensatory damages and punitive damages for the affected employees, and injunctive relief to remedy and prevent future discrimination based on disability. The case will be litigated by trial attorney Caitlin O’Neil and assistant regional attorney Nora Curtin.

“An employer cannot substitute their own judgment when an employee is capable of working,” said Jeffrey Burstein, regional attorney for the EEOC’s New York District Office. “The ADA protects workers from such baseless fears and stereotypes.”

Yaw Gyebi, Jr., director of the EEOC’s New York District Office., said, “Employees should not live in fear that a new medical diagnosis or disability will subject them to termination of their employment. The EEOC is committed to enforcing the ADA to protect the rights of all workers.”

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

The EEOC’s New York District Office is responsible for processing discrimination charges, administrative enforcement, and the conduct of agency litigation in Connecticut, Maine, Massachusetts, New Hampshire, New York, northern New Jersey, Rhode Island, and Vermont. The case was investigated by the Buffalo Local Office.

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>).

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Jury Awards \$1.675 Million in EEOC Disability Discrimination Case Against McLane Northeast
(<https://www.eeoc.gov/newsroom/jury-awards-1675-million-eeoc-disability-discrimination-case-against-mclane-northeast>)

Library Hotel to Pay \$42,000 to Settle EEOC Disability Discrimination Lawsuit
(<https://www.eeoc.gov/newsroom/library-hotel-pay-42000-settle-eeoc-disability-discrimination-lawsuit>)

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