



U.S. Equal Employment Opportunity Commission

Press Release

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Res-Care / Equus to Pay \$125,000 in EEOC High-Risk Pregnancy and Disability Discrimination Case

Settles Federal Charges Workforce Services Provider in Southern New Mexico Failed to Grant Medical Leave and Fired Employee

SOCORRO, N.M. – Res-Care and Equus Workforce Solutions (jointly referred to as Res-Care/Equus), nationwide job assistance companies doing business in New Mexico, will pay \$125,000 and furnish other relief to settle a disability and pregnancy discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC), the federal agency announced today.

The EEOC charged Res-Care/Equus at its facility in Socorro, New Mexico with violating federal law when they discriminated against an employee with a high-risk pregnancy due to her underlying disabilities, and then retaliated against her by firing her for requesting a reasonable accommodation.

According to the EEOC lawsuit, Res-Care knew about Cheyenne Benavidez’s high-risk pregnancy and associated disabilities, failed to provide disability accommodations, and later fired her for attending a pregnancy and disability-related appointment with a medical specialist. Instead of engaging in an interactive

process to determine whether it could accommodate Benavidez with additional medical leave, Res-Care used a rigid planned-time-off attendance practice that violated the law by prohibiting employees from requesting leave from work as a reasonable accommodation for a disability or a pregnancy-related condition.

Such alleged conduct violated Title VII of the Civil Rights Act of 1964, which prohibits discrimination based on sex, pregnancy, childbirth or related medical conditions, and the Americans with Disabilities Act (ADA), which protects workers who require a reasonable accommodation for their disability in order to participate in the workforce.

The EEOC filed suit (*Res-Care, Inc., d.b.a. BrightSpring Health Services, and Arbor E&T, LLC, d.b.a. Equus Workforce Solutions*, Civil Action No. 1:23-cv-00856-WJ-GJF) in U.S. District Court of New Mexico after first attempting to reach a settlement through its pre-litigation conciliation process. The consent decree settling the suit provides for \$125,000 in back pay and compensatory damages to be paid to Benavidez, as well as appropriate injunctive relief such as training directed at recognizing employees' needs for accommodations for their pregnancies and disabilities and preventing discriminatory and retaliatory practices in the future.

“A company’s strict enforcement of its leave policies may violate federal legal protections for pregnant workers and workers with disabilities,” said Regional Attorney Mary Jo O’Neill of the EEOC’s Phoenix District Office. “Employers have a legal obligation to provide reasonable accommodations, such as additional leave or modification to existing company leave policies, to make it possible for workers with high-risk pregnancies to continue to work. While this case was brought under Title VII, which has been protecting pregnant workers for decades, it highlights the need for more education of employers as to the broader protections now afforded under the new Pregnant Workers Fairness Act.”

April Klug, director of the EEOC’s Albuquerque Area Office, said, “It is unlawful for employers to discipline or discharge workers with disabilities, including high-risk pregnancies and related medical conditions, especially without determining whether a reasonable accommodation could have allowed the employee to continue to perform her job.”

EEOC Assistant Regional Attorney Christina Vigil Frazier added, “Pregnancy and disability discrimination laws often intersect, especially when an employee is pregnant and has underlying medical impairments, or pregnancy-related medical

impairments. Coming out of the COVID pandemic, employers have a duty to provide leave for pregnant employees the same as they would provide leave under company policies for employees suffering from COVID. Training human resource and supervisory personnel on recognizing pregnancy and disability-related issues is even more necessary now with the advent of the Pregnant Workers Fairness Act.”

For more information on disability discrimination, please visit <https://www.eeoc.gov/disability-discrimination> (<https://www.eeoc.gov/disability-discrimination>). For more information on pregnancy discrimination, please visit <https://www.eeoc.gov/pregnancy-discrimination> (<https://www.eeoc.gov/pregnancy-discrimination>). For more information about the Pregnant Workers Fairness Act visit <https://www.eeoc.gov/statutes/pregnant-workers-fairness-act> (<https://www.eeoc.gov/statutes/pregnant-workers-fairness-act>).

The EEOC’s Phoenix District Office is charged with enforcing federal employment discrimination laws in Arizona, Colorado, Utah, Wyoming and New Mexico. 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>).

Recent Press Releases from the Phoenix District Office

[Factor One Source Pharmacy to Pay \\$515,000 to Settle EEOC Disability and Genetic Information Discrimination Suit](https://www.eeoc.gov/newsroom/factor-one-source-pharmacy-pay-515000-settle-eeoc-disability-and-genetic-information) (<https://www.eeoc.gov/newsroom/factor-one-source-pharmacy-pay-515000-settle-eeoc-disability-and-genetic-information>)

[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, Genetic Information

[Factor One Source Pharmacy to Pay \\$515,000 to Settle EEOC Disability and Genetic Information Discrimination Suit \(https://www.eeoc.gov/newsroom/factor-one-source-pharmacy-pay-515000-settle-eeoc-disability-and-genetic-information\)](https://www.eeoc.gov/newsroom/factor-one-source-pharmacy-pay-515000-settle-eeoc-disability-and-genetic-information)

[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 \(https://www.eeoc.gov/newsroom/keystone-rv-company-pay-nearly-100000-eeoc-disability-discrimination-suit\)](https://www.eeoc.gov/newsroom/keystone-rv-company-pay-nearly-100000-eeoc-disability-discrimination-suit)