

Radford University SHRM

RU Newsletter

EEOC sues Denny's over disability practices

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By Bill Leonard

Denny's restaurant chain is once again facing allegations of discrimination. The latest accusation involves the company's treatment of disabled workers, which led the U.S. Equal Employment Opportunity Commission (EEOC) on Sept. 28 to file a lawsuit in the U.S. District Court in Baltimore for alleged violations of the Americans with Disabilities Act (ADA). The EEOC claims that Denny's refused to offer Paula Hart, a restaurant manager in Fullerton, Md., a reasonable accommodation for her disability—a leg amputation. Denny's fired Hart, who asked to return to work after her medical leave ended. The company claims that the firing was justified, stating that Hart was "no longer able to perform the essential functions of her job, or another available position in our restaurants, even with a reasonable accommodation."

The EEOC lawsuit includes additional charges that Denny's violated the rights of disabled workers by maintaining a policy that set an arbitrary limit on the number of days employees were allowed for medical leave. According to the EEOC charges, the company's leave policy would deny employees additional medical-related leave automatically even if the extra leave could be construed as a reasonable accommodation under the ADA.

The EEOC has requested a court order that would force the restaurant chain to comply with the ADA by prohibiting the company from applying its maximum medical leave policy to disabled employees who are entitled to any extra leave. In addition, the lawsuit seeks lost wages

and benefits, compensatory and punitive damages, and other relief for victims nationwide.

Denny's Inc., which is based in Spartanburg, S.C., operates more than 550 corporate-owned restaurants throughout the United States and has nearly 1,100 franchises.

The company released a written statement claiming that the EEOC lawsuit was based on "unfounded accusations."

"With respect to the commission's request for nationwide relief, Denny's does not pursue policies or engage in practices that discriminate or deny employment opportunities to persons with disabilities," the statement read.

Denny's has faced accusations of discrimination before. In 1993, the restaurant chain received a black eye over charges that it discriminated against black customers. The case received national attention after six U.S. Secret Service agents claimed that they were denied service because of their race. The agents' claims launched a class-action lawsuit that was settled in 1994 and required Denny's to pay \$54 million in damages to approximately 300,000 customers who claimed that they were subjected to racially discriminatory behavior. As part of the settlement, the restaurant chain donated approximately \$1.5 million to civil rights groups and the United Negro College Fund. Following the lawsuit, Denny's launched a corporate diversity initiative and public relations campaign to improve its image.

Bill Leonard is senior writer for HR News.



What is SHRM, How to Join, and its Benefits

What is SHRM

The Society for Human Resource Management, a national society, enables members to gain access to an international network of business professionals who help facilitate the job search, access the latest HR news and developments, and enhance employment marketability.

How to Join

If you are taking six credit hours in a degree-seeking program and have interest in the HR field you are eligible to join. The RU chapter of SHRM membership fee is \$10. The yearly national membership fee is \$35. Please contact Dr. Mike Aamodt for more information at: maamodt@radford.edu.

Please try the online member registration feature at SHRM.org

Benefits

- Subscription to *HR Magazine*, *HR News*, and *Echoes* student newsletter
- Access to the online member directory
- Special rate for your first year of professional membership after graduation
- Possible scholarships worth up to \$5,000

Activities

The RU SHRM chapter participates in bi-annual company tours, professional SHRM breakfasts and luncheons with the New River Valley SHRM, social events with other area SHRM chapters, guest speakers, and much more!

SHRM Minutes/Notices

President- Beth Glotz
Vice President- Nicholas Haap
Recorder / Web Page Manager- Katherine East
Treasurer- Eric Carroll
Newsletter Editors- Claire Vincent and Michelle Zinda
Historian- Leanne Martin
Legal Experts- George Ferguson and J.J. Layman

The first year students would like to thank Chris, Jeff and Nick for the "welcome to the program get together." We are sure that many memorable times are to come. On behalf of all of the I/Oers thank you to Nora, Mike, Sean, and Tom for the I/O picnic!



To the left are some of the first year girls at the tiki party and below are the second year students!



Important Reminders

Officers held the first SHRM meeting in September. Plans for a high ropes course are in the making.

Also, our first guest speaker, Julie Patrick from West Virginia University, comes Friday, October 6, 2006.

If you haven't paid dues yet, you need to do so! It's \$10 for local members and \$35 for national members. We need 8 national members, so jump on board!