

FOR IMMEDIATE RELEASE

December 27, 2017
Minneapolis, Minnesota

On December 22, 2017, the law firm of Teske, Katz, Kitzer & Rochel, PLLP, finalized a mutual Settlement Agreement and Release in an employment discrimination class action lawsuit against the City of Minneapolis. The lawsuit, *Laurence Stewart, et al. v. City of Minneapolis*, was filed in the United States District Court for the District of Minnesota.

According to the complaint, the City of Minneapolis maintained a return-to-work policy that failed to reasonably accommodate City workers who are disabled, in violation of state and federal law. In particular, the City's "job bank" for injured employees essentially resulted in automatic termination after 120 days. According to the complaint, the City program failed to provide any individualized assessment about an employee's disability, including whether there are possible accommodations for the disability, in violation of the Minnesota Human Rights Act (MHRA) and the Americans with Disabilities Act (ADA).

The settlement agreement reached between Mr. Stewart and the City results in several significant changes to the City's policy, which are major victories for City employees. Most importantly, the City has agreed to modify its practices to now evaluate all employees who are qualified for the Return to Work Job Bank for potential reasonable accommodation at two separate points throughout the process. An employee must be evaluated for potential accommodation prior to enrollment in the Job Bank, and then again prior to being terminated from the Job Bank.

This substantial change should benefit City employees who become disabled and are subject to the Return to Work Job Bank. This change in policy ensures that the City complies with its obligations under federal, state and local laws protecting the rights of people with disabilities. The settlement agreement also provides for several other policy changes, including:

- Assigning a specific City employee to serve as an ADA coordinator to assist employees in seeking reasonable accommodations;
- Assigning a specific City employee to serve as an ADA coordinator to assist employees in navigating the Job Bank;
- Ensuring the ADA Coordinator and Job Bank Coordinator maintain the most current EEOC enforcement guidance for evaluating and providing reasonable accommodation;
- Commitments to provide specific deadlines to communicate with employees who are enrolled in the Job Bank;
- The potential to toll the Job Bank's 120-day period if the duties of Job Bank Coordinator are shifted from one person to another, ensuring that employees are not penalized by losing that protected time while the City does not have a Job Bank Coordinator;

"Mr. Stewart is very happy with the changes that he helped bring about," said Brian Rochel, partner at Teske, Katz, Kitzer & Rochel, and lead counsel on the case. "This settlement will

protect the rights of City employees if they become disabled at work. We are pleased the City takes these rights seriously and that it ultimately agreed to do the right thing.”

Teske, Katz, Kitzer & Rochel represents employees in individual and class action matters in Minnesota and throughout the country.

For more information, please contact Brian Rochel of Teske, Katz, Kitzer & Rochel, at (612) 746-1558, or visit www.tkkrlaw.com.