

TOO CLOSE FOR COMFORT: The EEOC Resolves a Suit for Claustrophobia Accommodation

AUTHOR: COURTNEY COX

Regis Corporation, dba SmartStyle, has agreed to pay \$60,000 in damages and back pay to a former employee to settle a lawsuit that was brought by the EEOC in the Western District of Texas. Regis' employee worked as a hair stylist. Due to her claustrophobia, she could not work at a salon station if it was in a confined space located between others. The EEOC claimed in the lawsuit that Regis violated the ADA when it refused to accommodate the stylist's claustrophobia and then fired her.

According to the EEOC, the stylist was first assigned to a more open station at the salon. Later Regis moved her to work between other stylists. The stylist made repeated requests to continue working in her original spot, but Regis refused to move her back to a station that would permit her to avoid feeling claustrophobic. This move caused increased potential for episodic anxiety attacks. As a result, the stylist had a physical reaction that caused her to visit to the hospital emergency room for treatment for her claustrophobia. Also, when the stylist requested two months off work to undergo medical treatment, Regis failed to follow through to assist her with the necessary paperwork for medical leave and then fired her.

In addition to the monetary relief, the parties entered into a two-year consent decree. The decree requires Regis to conduct annual ADA training for the district leader, all salon managers, and hair stylists at its salons in Midland, Odessa, and Big Spring, Texas. Regis must also post a notice regarding disability discrimination and describe the reporting procedure for employees who believe they have been discriminated against on the job.