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EEOC'S SUIT AGAINST FLORIDA-BASED TRANSPORTATION AND LOGISTICS COMPANY MAY INTEREST EMPLOYERS NATIONALLY

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The Equal Employment Opportunity Commission ("EEOC") recently sued CRST International and CRST Expedited (a major trucking and logistics company based in Florida, "CRST"), alleging that it violated the Americans with Disabilities Act ("ADA") by refusing to retain a truck driver trainee, denying the trainee's request for permission to be accompanied by a service dog while driving a company truck, and refusing to engage in the ADA interactive process.

The EEOC's Complaint alleged that the driver's psychiatrist diagnosed him as having post-traumatic stress disorder and mood disorder, and prescribed, "an emotional support/service animal to assist [the driver] in coping with his disabilities and to maintain appropriate social interaction and workplace functions." The EEOC's Complaint alleges that the driver is a qualified person with a disability. CRST's response is not yet due.

The case, *EEOC vs. CRST International and CRST Expedited,* in the U.S. District Court for the Middle District of Florida, may interest employers nationally for several reasons.

The descriptions in the EEOC's Complaint of the driver's Charge of Discrimination, the EEOC's finding of reasonable cause to believe that an ADA violation occurred, and failure of conciliation between the parties have together set the stage for CRST to decide whether to defend its "no pets" policy and deny that it unlawfully refused to retain the driver trainee. Subsequent case filings will reveal whether CRST contends that the driver is not a qualified person with a disability because, for instance, he cannot safely operate a truck and simultaneously interact with a dog to the extent his psychiatrist deems necessary.

The website of defendant CRST describes the company as having annual revenues exceeding $1 billion, 4,500 drivers and operates as, "one of the nation's largest transportation companies, providing total transportation solutions and comprehensive logistics services to customers all over North America." If CRST decides to keep its "no pets" policy in place, preserve its employee selection prerogatives, and deny that it violated the ADA, then the litigation may become informative on broader policy issues.

Those issues potentially include the scope of employer obligations to allow service animals in certain job settings, the extent to which the EEOC enforcement frontiers will substantially encompass the rarely litigated service animal sphere, and whether budget or other factors will effectively reorder EEOC enforcement priorities.

For more information on this topic, please contact Frank Scruggs on the firm's Dispute Resolution Team.

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