Office Politics

Can the State Department discriminate?

April 1, 2006 By Rebecca Minnich

This April, the workplace rights of people with HIV are going on trial as a result of a discrimination suit filed by a DC resident against the State Department. In 2002, Lorenzo Taylor, now 49, was poised to live his dream of becoming a foreign service officer. He had earned a degree from Georgetown University and aced the foreign service exam. After he took a blood test for the required medical exam, department representatives handed him a document saying applicants with HIV are ineligible. “I was stunned,” says Taylor. “Secretary of State Colin Powell had been making statements against HIV discrimination. I wrote him a letter, but nothing happened.” So Taylor filed a lawsuit with Lambda Legal. His contention: The State Department has an official policy against hiring HIV positive foreign service officers, which violates the Federal Rehabilitation Act’s ban on disability discrimination. Amanda Rogers-Harper, a State Department spokeswoman, says: “There is no policy that differentiates HIV from any other medical condition.” She adds, however, that those with conditions requiring care not available worldwide are unlikely to receive clearance. But Lambda Legal attorney Jon Givner uncovered a general press release issued by the State Department in 2001, that reads, “Those testing positive [for HIV] are not offered employment in the foreign service.” Givner plans to change that. “We hope the ruling will raise important questions about employers’ obligations. When the federal government discriminates, everyone suffers,” he says.

If you suspect discrimination on the job, Rose Saxe, attorney with the American Civil Liberties Union, recommends studying up on the Americans With Disabilities and Federal Rehabilitation acts. Contact the Department of Justice for info. Then file with the Equal Employment Opportunity Commission. Complaints must be filed within 180 days of discrimination—45 for federal employees. Keep detailed records of relevant interactions, and hire a lawyer as soon as possible. Lambda or the ACLU can help you locate one in your area—and get compensated. What does Taylor want? “I just hope they hire me,” he says.

LEGAL RESOURCES:

ACLU AIDS Project
212.549.2500
www.aclu.org/hivaids

Equal Employment Opportunity Commission
800.669.4000
www.eeoc.gov

HIV Project at Lambda Legal
212.809.8585
www.lambdalegal.org

U.S. Department of Justice
202.514.2000
www.usdoj.gov/crt/ada/cguide.htm

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