Something Suspect In The Air

July 1, 2000 By Denny Lee

After weathering charges of anti-PWA bias in the early 1990s, American Airlines is once again facing a storm of discrimination charges by HIVers—this time for refusing to hire flight attendants who have the virus. The nation's second-largest airline—which had elevated its image enough to be named one of POZ's 25 most PWA-friendly companies ("Take This Job and Love It!" January 2000)—is now the subject of several suits by HIVers claiming that American withdrew job offers after learning their status. In January, Ed Poulin, a 36-year-old resident of Bensenville, Illinois, was hired as a flight attendant contingent on his passing a medical evaluation, a urine drug test and a blood screen. Among the 40-odd questions asked was whether he had any "other" conditions not listed. "I don't see how it's relevant," said Poulin, who had left the space blank.

Less than a week later, Poulin received a letter from the airline indicating his blood showed high levels of red blood cells, or "mean corpuscular volume." Although employees cannot be tested for HIV without their consent, elevated MCVs—detectable using standard blood counts—often indicate the use of AZT and other anti-HIV drugs.

Poulin's doctor faxed a reply that—without disclosing his status—assured that the "condition poses no significant health risk or threat to performance." The company wanted more, so his doctor sent another fax revealing Poulin was HIV positive. Then they asked for a date of diagnosis—1995. In mid-March, the company wrote back, saying it was "withdrawing our conditional offer" because Poulin had "failed to be candid" with his nonanswer. "It's damned if you do, damned if you don't," Poulin said.

This scenario has repeated itself like an in-flight movie. Vincent Fusco, a 44-year-old ticket agent from San Francisco, was offered a flight-attendant position with American, only to have the job rescinded for failing to volunteer his HIV status. He also sued, charging discrimination and illegal HIV testing.
Poulin joined two HIVers and 23 people with asthma, depression and other disabilities in a separate suit brought by the Equal Employment Opportunity Commission (EEOC) charging the airline with violating the Americans with Disabilities Act (ADA). "American excludes people who they don't think are perfect or people they are afraid of," said Suzanne Anderson, an EEOC lawyer in Dallas. "That is part of what the ADA was intended to end."

Tim Kincaid, an airline spokesperson and founding member of its gay group, defended the policy and said there were HIV positive employees working for the company. "HIV is not a disqualifier, but omitting required medical information is," he said. "We rely on our employees to be truthful."

He said that tests of MCVs and other conditions are performed to check for anemia: “If we suddenly lose cabin pressure, someone who is anemic is prone to fainting.”

Applicant trap or emergency prep aside, advocates wonder if American hasn’t gone overboard with its medical detectors. “Applicants should not be required to turn over all health information for a job,” said Michael Adams, associate director of the American Civil Liberties Union’s AIDS Project. Justin Hayford, a case manager with the AIDS Legal Council of Chicago, added that because employers can’t ask about HIV status during the interview, HIVers are most vulnerable after a job is offered—usually hinging upon a medical exam—but before they start, when employment is formalized. “It’s a major hole in the way the ADA protects people,” Hayford said.

American Airlines is no stranger to AIDSphobia. In a notorious 1993 incident, flight attendants asked for immediate change of linen on a flight packed with travelers en route to the gay rights March on Washington. Just months later, a PWA was forced off a plane after hanging an IV bag above his seat. Although the airline was the first to implement a nondiscrimination policy for gays and now donates to many AIDS orgs, its recent pattern casts serious doubts about its in-house repair.

But in an industry that once ejected female flight attendants when they reached 32, got fat or married, American may not even be the worst offender. Said David Borer, general counsel for the international labor union Association of Flight Attendants, “The entire industry can do a better job of dealing with HIV.”

© 2026 Smart + Strong All Rights Reserved.
http://beta.docker.poz.com/article/Something-Suspect-In-The-Air-10275-2063