What, Me Sue?

Make your health your boss' business

August 1, 2005 By Patrick Letellier

Greg Daniels, 35, thought working at the ProCare pharmacy, which caters to fellow HIVers in San Francisco's Castro district, was his best job ever—until fatigue and flulike symptoms hit in 2003. Daniels requested a schedule reduction, but says management withheld the necessary paperwork. "I couldn't work—I didn't know what to do." So he quit, then found a seminar at an AIDS service organization on HIV in the workplace—which helped him snag a pro bono lawyer through San Francisco's AIDS Legal Referral Panel. That December, he began the long lawsuit process against CVS, ProCare's parent company. On May 10, 2005, a jury awarded him $276,711 (a hefty amount for an HIV job-discrimination case). CVS may appeal, telling POZ: "[We do] not tolerate discrimination of any kind. We provided him with the form to work part-time." Says Daniels: "I hope other people know their rights so what happened to me won't happen to them."

What are those rights? The federal Americans With Disabilities Act (ADA) requires employers to "reasonably accommodate" HIVers' health-related work requests. But such flexibility shouldn't cause companies "undue hardship" or undue cost. Accommodation may require compromise from both sides. HIVers commonly request schedule changes, the option to work from home or a refrigerator for meds. Jon Givner, director of the HIV Project at Lambda Legal, advises talking to employers first, then submitting requests in writing, referencing ADA rights. A lawsuit is the last resort. But bringing home the bacon shouldn't fry your health.

LEGAL RESOURCES:

ACLU AIDS Project
212.549.2500
www.ACLU.org/HIVAIDS/

AIDS Legal Referral Panel
415.701.1100
www.ALRP.org

HIV Project at Lambda Legal
212.809.8585
www.lambdalegal.org

Gay and Lesbian Advocates and Defenders
617.426.1350
www.glad.org

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