Detroit Man Alleges HIV Discrimination By Lysol-Spraying Dental Clinic Coworkers

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Local attorneys in Detroit are preparing to sue the national, privately-owned Great Expressions Dental Centers for what they say is the worst case of alleged HIV-related job discrimination they have ever handled.

And while the company denied any wrong doing, the Detroit office of the Equal Employment Opportunity Commission (EEOC) agreed with James White and his attorneys that there was reasonable cause to believe the dental company with clinics in Michigan, Ohio, Florida, Georgia, Connecticut, Virginia and Massachusetts had unlawfully discriminated against White.

In a letter from the Commission, White was informed:

“Based upon the above and the record as a whole, there is reasonable cause to believe that the Charging Party was disciplined, denied reasonable accommodation, and discharged due to his disability, in violation of Title I of the Americans with Disabilities Act of 1990, as amended.”

James White, 26, had been working for Great Expressions for about six months as an office employee when he tested positive. As result of the diagnosis, White moved quickly into care, arranging appointments to make sure he was healthy.

He requested time off for the appointments, and the time was approved. But his office manager inquired as to why he had all the medical appointments.

“I told her I had tested positive for HIV; I thought it would be easier for me in the long run,” White says. “I asked her not to say anything to anyone.”

Days later, the company’s regional director called White into his office.

“He said, ‘I hear you have AIDS,’” White says the doctor said to him. White says he explained that he was HIV positive, to which the doctor replied that there was no difference between HIV and

AIDS. “He then said it was OK because I did not work in back with the patients.”

And thus began what White says was a seven month decline into hell that “degraded me as a person.”

He says he was prohibited from touching doorknobs in the office. Staff members followed him around with Lysol, spraying and wiping down the surfaces he touched. He was subjected to unexpected changes in his schedule—called and told to come in later than scheduled, or to leave earlier than expected. When he complied with the scheduling offers, he was written up for unexcused absences.

After months of this, he said he was overwhelmed.

His health took a turn for the worse, and he was hospitalized for a week. During that time, the clinic decided to fire him. They called him the day before he was to return to work and informed him that he was fired for excessive unexcused absences.

“I felt like my character was destroyed,” he says. “I went from wanting to be an activist—someone who spoke to groups about HIV—to someone who didn’t want to leave my room for six months.”

His lawyer Nicole Thompson says that “it’s very clear [White] has been traumatized by this.”

Thompson notes he has been diagnosed with post-traumatic stress disorder, and White himself says he continues to see mental health professionals weekly to address his concerns. He still has trouble going into public places. For example, White says he “blacks out” when he goes to the grocery store and doesn’t remember being there. Right before the blackouts, White says, he feels like people are following him around and sanitizing everything he touches or that people are talking about him.

Thompson says that while Great Expressions declined an agreement settlement offered by the EEOC, neither she nor White is undeterred. The settlement agreement included a large cash settlement, including more than $140,000 in compensatory damages and $45,000 in punitive damages. In addition, the company would have been required to post notice of the agreement as well as train staff on HIV and the Americans with Disabilities Act.

Great Expressions Dental Centers spokesman Michael Galperin said the company does not discuss current or former employees and declined further comment on the case.

“We have the right to sue letter from the EEOC, and we expect to file something in the federal court by the holidays,” Thompson says. “We’re in it for the long haul. If we have to take it all the way to trial, we will take it all the way to trial.”

White’s case is already drawing national attention.

“There’s simply no excuse for discrimination. It promotes HIV stigma, which keeps many people who know they are HIV positive from seeking treatment because they are afraid their health care details will be leaked to their employers, and it makes others afraid even to get tested and know their status,” said Peter Kronenberg, vice president for communications for the National Association of People with AIDS. “In a nutshell, stigma kills. HIV is not spread by casual contact or touching surfaces other people may touch. We’re glad that the former employee is standing up for his rights. [If the allegations prove to be true], he sends a message to other employers and HIV-positive employees everywhere that workplace discrimination is unacceptable.”

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