



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Baltimore Field Office

City Crescent Building
10 South Howard St., 3rd Floor
Baltimore, MD 21201
National Contact Center: (800) 669-4000
National Contact Center TTY: (800) 669-6820
Baltimore Status Line: (866) 408-8075
Baltimore Direct Dial: (410) 209-2237
TTY (410) 962-6065
FAX (410) 962-4270

EEOC Charge No.: 531-2008-02026C

Ms. Jennifer Insalaco
3428 Marble Arch Drive
Pasadena, MD 21122

Charging Party

Anne Arundel County Public Schools
2644 Riva Road
Annapolis, MD 21401

Respondent

DETERMINATION

Under the authority vested in me by the Commission, I issue the following determination on the merits of this charge. Respondent is an employer within the meaning of the Americans with Disabilities Act of 1990 (ADA), and timeliness, deferral and all other requirements for coverage have been met.

Charging Party alleges that Respondent discriminated against her in violation of the Americans with Disabilities Act of 1990, with regard to denial of reasonable accommodation, harassment and discharge based on disability and in retaliation for having engaged in a protected activity under the statute. Charging Party alleges Respondent, despite being provided adequate medical clearance to return to work, prohibited her return to her assigned position. After initial denial of a reasonable accommodation and return to work, Charging Party filed EEOC Charge number 531-2008-00126C. As a result of her EEOC Charge, Charging Party further alleges she was subjected to harassment from her employer. The harassment took to form of continuous demands and inquisition regarding medical clearance, physician restrictions and a required fitness for duty examination. Charging Party alleges these actions began in January 2008, and continued through the end of the 2007-2008 School Year. Charging Party maintains she was prohibited return to her teaching position and placed on administrative leave pending examination. When Charging Party refused to provide Respondent with unrestricted access to her confidential medical records, she was informed that her contract for the upcoming school year would not be renewed.

Respondent denies the allegations set forth in the Charge of discrimination and asserts its treatment of Charging Party has been fair and equitable. Respondent acknowledges Charging Party alleged that she was being subjected to harassment, in the form of a hostile work environment; however, it contends an investigation was conducted into the allegations and, it determined that it uncovered no such evidence to support Charging Party's allegations. Respondent maintains Charging Party was placed on administrative leave upon learning of new

information regarding her medical condition and Charging Party remained on administrative leave due to her unwillingness to provide additional medical information regarding her physician's recommended accommodations. Respondent states Charging Party was released from employment as her contract was not renewed.

Examination of the evidence shows that Charging Party was subjected to harassment and denied a reasonable accommodation in violation of the Americans with Disabilities Act of 1990, on the basis of disability and retaliation for engaging in a protected activity. Charging Party was removed from her position in January 2008, and prohibited to return to her position the remainder of the school year. Despite Charging Party's physician providing medical clearance and adequate information to Respondent, it was Respondent's constant insistence for Charging Party to provide additional information pertaining to her disability. Respondent's conduct created and sustained a hostile work environment. Evidence shows Charging Party declined to provide Respondent with unrestricted access to confidential medical records; and, she was placed on permanent administrative leave and informed of non-renewal of her contract for the upcoming school year.

Based on an analysis of documentary and testimonial evidence obtained through the course of the investigation, I have determined there is reasonable cause to believe Charging Party was subjected to discrimination with respect to denial of a reasonable accommodation, harassment and discharge based on her disability and retaliation for having engaged in a protected activity under the ADA.

This Determination is final. When the Commission finds that violations have occurred, it attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, I invite the parties to join with the Commission in reaching a just resolution of this matter.


In this regard, conciliation of this matter has now begun. Please be advised that any reasonable offer to resolve this matter will be considered. The Commission is authorized to seek monetary remedies inclusive of full back pay with interest, liquidated damages, compensatory and punitive damages, attorneys fees, and reinstatement or front pay in lieu thereof for Charging Party and any and all other aggrieved persons. The Commission is also authorized to seek other, non-monetary remedies. A Commission representative will prepare a conciliation proposal and provide it to Respondent. Respondent will be requested to accept or submit a counteroffer to the conciliation proposal. The confidentiality provisions of the statute and the Commission regulations apply to information obtained during the conciliation.

If the Respondent declines to discuss settlement or when, for any other reason, a settlement acceptable to the office Director is not obtained, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission.

Determination Continued
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ON BEHALF OF THE COMMISSION:

JUN 23 2009
Date



Gerald S. Kiel
Director

cc: Morris E. Fischer, Esquire
Air Rights Center
4550 Montgomery Ave.
Suite 601N
Bethesda, MD 20814

Melisa D. Rawles, Esquire
Anne Arundel Co. Public Schools
Office of Legal Counsel
2644 Riva Road
Annapolis, MD 21401