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**THE COMMONWEALTH OF MASSACHUSETTS
COMMISSION AGAINST DISCRIMINATION
ONE ASHBURTON PLACE, BOSTON, MA 02108-1518**



Malcolm S. Medley, Chairman

Sunila Thomas-George
Commissioner

FOR IMMEDIATE RELEASE

**MCAD FINDS THAT UPS FAILED TO ACCOMMODATE
DISABILITY OF LONG-TERM EMPLOYEE**

DAMAGE AWARD EXCEEDS \$800,000 AND INCLUDES FRONT PAY

Boston, MA - The Massachusetts Commission Against Discrimination (MCAD) has determined that United Parcel Service (UPS) engaged in discrimination against a long-term employee based on his disability when it refused to grant him the reasonable accommodation of transferring him to available jobs on a different shift, in accordance with his doctor's recommendations.

The employee, a twenty-one year veteran of UPS, was diagnosed with bipolar depression and anxiety disorder in 2005. After being granted medical leaves and receiving treatment for his disorder, the employee requested that he be allowed to relinquish his night-time managerial position and be reassigned to a less stressful supervisory position on the day shift. The employee's request was supported by medical evidence, his doctor's recommendation that he be allowed to work as a supervisor during the day, and by evidence that the company frequently reassigns employees from one position to another.

The MCAD hearing officer did not accept the position of UPS that it declined to transfer the employee to a daytime job because his doctor had not filled out required paperwork, and discredited UPS' assertion that there were no positions he could perform. The hearing officer concluded that the employee was constructively discharged as a result of the company's failure to participate in a reasonable dialogue with him regarding his job-related limitations and its refusal to grant him a reasonable accommodation.

As compensation for the employer's discrimination, the Hearing Officer awarded the employee back pay in the amount of \$143,970.00, front pay in the amount of \$603,520.00, and damages for emotional distress in the amount of \$125,000.00.

Disability discrimination violates chapter 151B of the Massachusetts General Laws. MCAD, the Commonwealth's civil rights law enforcement agency, enforces anti-discrimination laws in the areas of employment, housing, lending, and public accommodation. MCAD maintains offices in Boston, New Bedford, Springfield, and Worcester. Further information about the agency is available at www.mass.gov/mcad.

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