

Union Pacific workers file class action ADA complaint against railroad

On February 19, 2016, six current and former employees of Union Pacific Railroad Company filed a class action lawsuit in the Western District of Washington at Seattle (Case No. CV15-1865JCC), asserting that Union Pacific engaged in a pattern and practice of discrimination in violation of the Americans with Disabilities Act (ADA), 42 U.S.C 12101 et seq.

The action was filed by attorneys at Nichols Kaster, PLLP and Hildebrand McLeod & Nelson LLP, SMART Transportation Division Designated Legal Counsel.

The case alleges that Union Pacific has forced numerous, long-time employees out of work due to their actual or perceived disabilities, even though they could effectively perform their jobs. The suit explains that Union Pacific requires certain employees to disclose particular health events or conditions. Once an employee makes such a disclosure, Union Pacific removes the employee from service and conducts a so-called “Fitness-for-Duty” procedure.

The employees allege that this ‘evaluation’ does not assess whether or not an employee can perform the essential functions of their job—the employee is not even given a physical evaluation, and Union Pacific routinely disregards the opinions of treating doctors who do evaluate the employee. Instead, Union Pacific collects extensive medical information from the employee and conducts a “file review” of the information.

Plaintiffs also allege that Union Pacific mines the medical information and then disqualifies the employees from service—either by deeming them “medically disqualified” or by issuing permanent, unnecessary work restrictions that Union Pacific never implements.

If you have any concerns or questions regarding this matter, please call designated legal counsel: Hildebrand McLeod & Nelson LLP at 1-800-447-7500