

Jury: Montgomery Co. failed to reasonably accommodate to blind worker

Plaintiff will seek injunction ordering county to make software accessible to individuals with disabilities

BY LAUREN KIRKWOOD

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Montgomery County violated federal law by failing to provide a blind woman computer software that would have allowed her to continue to work as an information specialist in a county call center, a jury ruled Friday.

When the county decided to consolidate the Department of Health and Human Services call center, where Yasmin Reyazuddin worked, into the county's 311 call center, officials refused to integrate the screen access software Reyazuddin had been using, which allowed her to access computer programs that converted information on a computer screen into synthesized speech or Braille.

Instead, the county denied her a job in the 311 center and relegated her to a lower-level position where she lacked meaningful work, said Joe Espo, an attorney for Reyazuddin.

"The verdict demonstrates that simply saying, 'We got new software, and it's difficult to make it usable,' is not an adequate response to individuals with disabilities in the workforce," said Espo, a partner with Brown, Goldstein & Levy LLP in Baltimore. "Employers should think about accessibility when they're purchasing software and when

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JOE ESPO

ATTORNEY FOR REYAZUDDIN

they're configuring it for use."

Reyazuddin will seek injunctive relief ordering the county to make the software accessible to individuals with disabilities, Espo added.

Because Reyazuddin is still employed with the county at the same pay rate, economic damages for wage loss were not at stake in the case, Espo said. The jury declined to award damages for emotional suffering.

"We told them in opening statements that this is not a case that's principally about money — it's about opening up job opportunities for Ms. Reyazuddin and other blind individuals," Espo said.

Reyazuddin filed suit against the county in April 2011, with the assistance of the National Federation of the Blind. After a two-and-a-half-week trial in U.S. District Court in Greenbelt, including about four days of

deliberation, the jury found Friday that Montgomery County had failed to reasonably accommodate Reyazuddin's disability, in violation of the Rehabilitation Act of 1973.

The jury also found that the county's failure to transfer Reyazuddin to the 311 call center amounted to an adverse employment action, rejecting the county's argument that it would have been an undue hardship to make the center accessible to her.

"We're disappointed in the jury verdict, because Montgomery County does not discriminate and did not discriminate," said Patrick Lacefield, a spokesman for the county. "At this point, we're looking at all of our options."

The verdict was also significant, Espo said, because it established that a "reasonable accommodation" must consist of meaningful, equivalent work rather than a hodgepodge of menial tasks.

In Reyazuddin's case, she was at first given no work assignments once she was relegated to the lower-level position, according to her complaint. She requested additional tasks but still was not given more than four hours of work in each eight-hour day, her lawsuit claimed.

"Giving someone a paycheck is not a reasonable accommodation," Espo said. "It's not just a paycheck — it's the opportunity to do meaningful work and have the same advancement and promotional opportunities as others in similar positions do. It's very hard to demonstrate competence and achievement and to present yourself for advancement if what you're doing is a bunch of make-work and supervisors don't want you around. It's hard to excel at doing nothing."

The case is *Yasmin Reyazuddin v. Montgomery County*, 8:11-cv-00951-DKC.