

Hooters settles local suit

■ Former Henrietta bar accused of disability discrimination.

MARY CHAO
STAFF WRITER

A waitress at the former Hooters bar and restaurant in Henrietta will receive \$75,000 as a settlement for a disability discrimination lawsuit brought against the company by the federal Equal Employment Opportunity Commission.

The EEOC said the restaurant violated the Americans with Disabilities Act by failing to provide rea-

sonable accommodation to Melissa Vicari-Broccolo, a longtime employee who had multiple sclerosis.

The EEOC claimed that Hooters refused to schedule her for shifts she could work, despite medical clearance.

Vicari-Broccolo, 32, of Penfield started working at Hooters in 1998. She was diagnosed in 2003 with MS, a degenerative disease of the central nervous system.



Melissa Vicari-Broccolo will get a \$75,000 settlement from Hooters.

MS symptoms include fatigue and inability to walk.

"Ms. Vicari worked for Hooters for a number of years," said Elizabeth Grossman, regional attorney for EEOC in New York City. "She suffered from multiple sclerosis, which affected her ability to stand

and walk."

Hooters officials at the company's Atlanta headquarters were not available for comment.

In a statement released last year in response to the lawsuit, the restaurant chain said "it made every reasonable accommodation available for the employee."

Vicari-Broccolo has been out of work since she quit in 2004. She said she believes the settlement is beneficial to both parties.

"I look forward to knowing no one will have to go

through this again," she said.

Vicari-Broccolo is currently looking for part-time work in other fields.

Hooters in Henrietta closed after New Year's Eve this past year and was the only site in the Rochester region. There are more than 435 Hooters in 46 states and 20 countries.

The EEOC receives far more requests to take on lawsuits than the agency can handle and are not able to litigate every case, Grossman said, noting the agency selects cases that

have an impact. In this disability bias case, Hooters agreed to train managers on the requirements of the Americans with Disabilities Act and revise its policy manuals.

"Our goal is to eradicate employment discrimination," Grossman said.

Typically, the EEOC goes after bigger cases with multiple employees or cases with significant societal impact, said Patrick Solomon, an employment lawyer at Dolin Thomas & Solomon in Rochester. □

MCHAO@DemocratandChronicle.com