

McLawsuit

By Reg P. Wydeven
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In 2001, Russell Rich, a former corporate manager of McDonald's, sued the fast food chain for discrimination and was awarded \$5 million. Rich, an Akron, Ohio, native, always dreamed of working for the famous restaurant with the golden arches. In fact, Rich's family tradition was that every Friday night his dad would take the kids to McDonald's.

Rich first began working at McDonald's at age 13 behind the cash register. After 21 years with the company, he rose the corporate ladder until he was promoted to his managerial position. In 1997, however, Rich claims he was pressured to resign because his employer discovered he had AIDS.

Suddenly without health insurance, Rich could not afford the medications he needed to help fight the disease, and as a result he has suffered from four life-threatening illnesses. At one point in 1999, he reached such a low point that he attempted suicide by sitting in his garage with the car running. He couldn't go through with it, however, because he felt he could not let McDonald's win.

Rich's doctor alerted him to a clinical trial for the drug Fuzeon, which Rich was able to participate in and he later credited with saving his life. The cost of his remaining AIDS medications, which amounts to tens of thousands of dollars each year, are covered by the Ohio AIDS Drug Assistance Program.

Not wanting to place the burden of these expenses on Ohio's taxpayers, Rich decided to file suit against McDonald's. Rich's landmark verdict was overturned shortly after his victory when an appeals court ruled that McDonald's did not receive a fair trial. A new trial to decide the issue began last week.

McDonald's is confident they will prevail this time around, citing their company-wide zero-tolerance policy prohibiting any form of discrimination. While McDonald's is sympathetic to Rich's situation, spokesmen for the burger chain proclaim that Rich's allegations are not supported by the facts. With this new trial, McDonald's believes it now has the opportunity to show that Rich's case is without merit.

Although McDonald's may be one of the biggest corporations in the world, many smaller companies are beginning to implement their own policies to address situations involving employees afflicted with AIDS or other life-threatening illnesses, such as cancer or heart disease.

These life-threatening illness policies are designed to clearly outline the employer's expectations of management, the afflicted employee, and his or her coworkers after an employee discloses he or she has a life-threatening illness. Such expectations include standards for employee behavior, confidentiality issues, the prevention of discrimination, and procedures for obtaining assistance.

To be effective, a life-threatening illness policy must be drafted in a manner that is both understandable and acceptable to employees, and it is essential to communicate the policy throughout the organization. Companies should be sure their policy is specifically tailored to meet the style, philosophy, and needs of their particular business.

For more information about life-threatening illnesses, contact the Centers for Disease Control and Prevention, a division of the U.S. Department of Health and Human Services.

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