

FROM THE COURTS

Amazon.com Allegedly Violated Genetic Information Privacy Act



JASON DOY

Plaintiffs contend that Amazon's hiring practices included requiring the disclosure of genetic information.

by Riley Brennan

A privacy class action against Amazon.com was recently moved to a federal court in Illinois, where plaintiffs contended that Amazon violated the Genetic Information Privacy Act through its hiring practices, including requiring the disclosure of genetic information.

This case was first surfaced by Law.com Radar.

Eric Mackie of Morgan, Lewis & Bockius removed the action against Amazon.com to the U.S. District Court for the Northern District of Illinois June 12. Sari M. Alamuddin has also been assigned to the case.

The complaint, filed by the plaintiffs' counsel at Wallace Miller and Siri & Glimstad, alleges that Amazon.com violated the GIPA by requiring applicants to disclose genetic information and family medical history as a condition to be considered for employment.

The plaintiffs, Heaven Thompson, Christina Post and Morgan Benoit, brought the suit on behalf of themselves and others similarly situated, after Amazon allegedly required them to disclose their families' medical history during the application and hiring process, which they believed was used as a condition of employment or as part of the hiring process.

The GIPA, 410 Illinois Compiled Statute, guarantees privacy rights, with the GIPA being enacted in 1998 "with the goal to protect Illinois residents from having their genetic information being used against them in employment settings."

According to the complaint, GIPA provides strong legal protections in order to ensure that Illinois residents "can take advantage of the knowledge that can be gained from obtaining personal genetic information, without fear that this same information could be used by employers to discriminate against them."

Further, GIPA prohibits employers from using genetic information in making employment decisions, including barring employers from asking about genetic information, and from obtaining that information from third parties.

However, the plaintiffs alleged that Amazon repeatedly disregarded the Illinois law, asking employees to provide genetic information to assist in making employment decisions.

In the complaint, plaintiffs sought an order requiring Amazon to cease the unlawful activities listed and awarding actual or statutory damages to the plaintiffs and the members of the proposed class.

Plaintiffs alleged that Amazon required them to submit preemployment physicals. During these physicals, it's alleged that Amazon "indirectly or directly solicited, requested, or required" the disclosure of family medical history.

According to the complaint, it was the plaintiffs' understanding that the requests for this information was "for the purpose of evaluating the risk that the individual may have inherited genetic conditions from family members, and then improperly uses that information when making its hiring decisions and staffing assignments" in an attempt to "avoid risk and/or liability for workplace injuries and/or deaths caused by genetic conditions, including but not limited to hypertension, cancer, heart conditions, diabetes and stroke."

Further, the complaint alleged that defendants were or should have been aware of its obligations under GIPA, and that the violation was willful because it knew, or reasonably should have known, that it was failing to comply with the requirements of GIPA.

The proposed class brought by plaintiffs consisted of individuals from the date of five years before the date of the filing of the action who applied for employment with Amazon or were employed by Amazon in Illinois, and from whom Amazon requested or obtained genetic information in connection with the person's application for employment or the person's employment with Amazon.

Amazon's officers and directors, plaintiffs' counsel, and any members of the judiciary presiding over the action were excluded from the class.

Plaintiffs brought the violation of 410 ICLS 513/25 count, the Solicit, Request and/or Require Genetic Information of a Person or a Family Member of a Person as a Condition of Employment or Preemployment Application.

As for relief, the plaintiffs requested an order finding that the action satisfied the prerequisites for maintenance as a class action set forth in Rule 23 of the Federal Rules of Civil Procedure and certifying the proposed class, designing and appointing plaintiffs as representatives of the proposed class and plaintiffs' counsel as class counsel, declaring that defendants' actions were intentional or reckless or declaring that defendants' actions were negligent, and declaring defendants actions violate GIPA.

Plaintiffs requested the order award statutory damages of \$15,000 or actual damages (whichever is greater) for each intentional or reckless violation of GIPA, or statutory damages of \$2,500 or actual damages (whichever is greater) for each negligent violation of GIPA, and for the order to award injunction and other equitable relief as necessary to protect the interests of plaintiffs and the proposed class, including an order prohibiting defendants from soliciting, requesting, or requiring genetic information as a condition of employment or in a pre-employment application pursuant to GIPA.

Riley Brennan reports for Law.com, an ALM affiliate of the Daily Business Review. Contact her at rbrennan@alm.com.



CITY OF DORAL NOTICE OF ZONING WORKSHOP

All residents, property owners and other interested parties are hereby notified of a **Zoning Workshop** on **Thursday, June 29, 2023 at 6:00 p.m.** The Meeting will take place at the City of Doral, Government Center, 1st Floor Multipurpose Room located at 8401 NW 53rd Terrace, Doral, Florida, 33166.

The following application will be presented:

HEARING NO.: 23-06-DOR-03

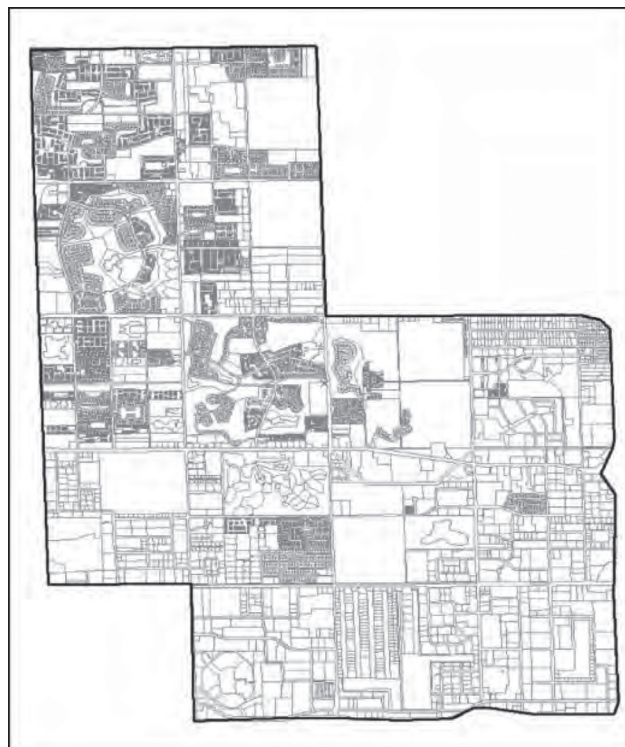
APPLICANT: Apollo at Oasis at Doral I, LLC (the "Applicant")

PROJECT NAME: LDC Text Amendment

PROPERTY OWNER: Apollo at Oasis at Doral I, LLC

REQUEST: The Applicant is requesting a text amendment to the City of Doral Land Development Code Sections 52-5, 53-128(b), and 68-304(b) to modify the Code's Definitions, Use Compatibility Table and permitted uses for Office-3 (O-3) zoning district to allow housing for older persons, assisted living facilities, and adult day care facilities.

Location Map



ZONING WORKSHOP PROCESS: The zoning workshop consists of two sessions:

1. **First Session.** The first session of a zoning workshop shall provide a forum for members of the public to learn about proposed developments within the city. Developments may be presented to the public simultaneously, in several locations within the meeting site. During this session, members of the public are encouraged to ask questions and to provide feedback to the applicant about the proposed development. The applicant shall provide visual depictions, such as renderings, drawings, pictures, and the location of the proposed development. In addition, representatives of the applicant shall be available to answer questions that members of the public may have about the proposed development. The members of the City Council shall not be present during the first session of the zoning workshop.

2. **Second Session.** The second session of a zoning workshop shall provide a forum for the City Council to learn about the proposed developments discussed at the first session of the zoning workshop. No quorum requirement shall apply. Developments shall be presented by the applicants sequentially, one at a time, for the City Council's review and comment. The applicant shall again present visual depictions of the proposed development. In addition, the applicant shall be available to answer any questions that members of the City Council may have about the proposed development.

No quorum requirement shall apply nor will any vote on any project be taken, but roll call will be taken, as it is a publicly noticed meeting.

Information relating to this request is on file and may be examined in the City of Doral, Planning and Zoning Department located at **8401 NW 53rd Terrace, Doral, FL 33166**. Maps and other data pertaining to these applications are available for public inspection during normal business hours in City Hall. Inquiries regarding the item may be directed to the Planning and Zoning Department at 305-59-DORAL.

In accordance with the Americans with Disabilities Act, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Planning and Zoning Department at 305-59-DORAL no later than three (3) business days prior to the proceeding.

NOTE: If you are not able to communicate, or are not comfortable expressing yourself, in the English language, it is your responsibility to bring with you an English-speaking interpreter when conducting business at the City of Doral during the zoning application process up to, and including, appearance at a hearing. This person may be a friend, relative or someone else. A minor cannot serve as a valid interpreter. The City of Doral DOES NOT provide translation services during the zoning application process or during any quasi-judicial proceeding.

NOTA: Si usted no está en capacidad de comunicarse, o no se siente cómodo al expresarse en inglés, es de su responsabilidad traer un intérprete del idioma inglés cuando trate asuntos públicos o de negocios con la Ciudad de Doral durante el proceso de solicitudes de zonificación, incluyendo su comparecencia a una audiencia. Esta persona puede ser un amigo, familiar o alguien que le haga la traducción durante su comparecencia a la audiencia. Un menor de edad no puede ser intérprete. La Ciudad de Doral NO suministra servicio de traducción durante ningún procedimiento o durante el proceso de solicitudes de zonificación.

Connie Diaz, MMC
City Clerk
City of Doral