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Employee Alcohol Testing: When Does It Amount To Discrimination?

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Requiring a self-disclosed alcoholic employee to submit to random breathalyzer tests and firing that employee for a positive test may result in discrimination lawsuits for New Jersey employers. On October 26, 2012, the New Jersey Appellate Division ruled in *A.D.P. v. ExxonMobil Research and Engineering Company* that Defendant ExxonMobil Research and Engineering Company ("Defendant") was not entitled to summary judgment dismissing a suit alleging discrimination based on a disability under the New Jersey Law Against Discrimination ("LAD"). *A.D.P. v. ExxonMobil Research & Eng'g Co.*, 2012 N.J. Super. LEXIS 171 (App. Div. Oct. 26, 2012).