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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).

