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PROGRAM EYEWITNESS NEWS

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BROADCAST EXCERPT

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S. Salis - for Rep of this
transcript
advance call to
I gave it to Donatone*

*last night before
this morning
5:35 P.M.*

ERNIE ANASTOS: Out on Long Island a woman is suing a store for firing her because she smokes cigarettes. The State of Human Rights Division says this is discrimination. Vince Lapari tells us more about the case.

VINCE LAPARI: Amy Lipsing of Balton, Long Island smokes about a pack of cigarettes a day. A state hearing was held today on her claim that she was refused the chance for a job because she's a smoker.

She had gone to Fortunoff's Department Store in Westbury seeking a job in the kitchen of the restaurant but was refused an application for employment because she's a smoker. Miss Lipsing says she had no intention of smoking on the job and state law prohibits smoking in restaurant pantry areas anyway.

AMY LIPSING: I had been out of work for a long time and it was very important to me. There was no, I was positive I would get the job because of my extensive experience and I was very hurt and angry and frustrated and I was out of work for a long time and I was having trouble paying my bills and I really needed the job.

LAPARI: The State Division of Human Rights which is representing her says that under the Human Rights Law, Miss Lipsing's smoking is a disability and so Fortunoff's is discriminating against the disabled.

MAN: By virtue of addiction to nicotine or tobacco smoke. There is no requirement that there be an inability to do something under the medical definition. In other words, the mere existence of a physical aberration is sufficient to create a disability.

LAPARI: Fortunoff's told us they don't hire any employees who smoke but would not tell us the reason for the policy. They said they did not view Miss Lipsing's smoking as a disability.

MAN: She claims she's addicted to nicotine. There are a lot of questions as to whether that's a disability.

LIPSING: I don't think it was right. I just didn't think it was fair.

LAPARI: Miss Lipsing is seeking damages from Fortunoff's. For more than one year she couldn't find a job. Finally found a job last October working for a chiropractor. Following today's hearing the judge will make a recommendation to the state's Human Rights Commissioner. If both sides don't agree with that ruling, well, the whole matter could wind up in court. In Westbury, Long Island, this is Vince Lapari, Channel 7 Eyewitness News.

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