



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Minneapolis Area Office

330 South Second Avenue, Suite 720
Minneapolis, MN 55401-2224
(612) 335-4040
TTY (612) 335-4045
FAX (612) 335-4044

Charge No. 444-2015-00791

Brittany Tovar

Vs.

Innovis Health, LLC, dba Essentia
502 East Second St.
Duluth, MN 55805

DETERMINATION

Under the authority vested in me by the Commission's Procedural Regulation, I issue the following determination as to the merits of the subject charge filed under Title VII of the Civil Rights Act of 1964("Title VII"), as amended.

Respondent is an employer within the meaning of Title VII, and all requirements for coverage have been met.

Charging Party alleged that she was discriminated based on sex in violation of Title VII when she inquired and was denied medical-related services for her child, as a beneficiary, under her Respondent's sponsored Health Insurance Plan, based on the child's gender identity.

I have determined that the Respondent discriminated against the charging party because of sex in violation of Title VII. I have also determined that the evidence obtained during the course of the investigation establishes reasonable cause to believe that Respondent's Health Insurance Plans exclude coverage of services for gender reassignment, including surgery or prescription medications; and as such, they discriminate against individuals, as a class, based on sex in violation of Title VII.

This determination is final. When the Commission finds that violations have occurred, it attempts to eliminate unlawful practices by informal methods of conciliation. Therefore, I invite the parties to join with the Commission in reaching a just resolution of this matter. Disclosure of information, obtained by the Commission during the conciliation process, will be made only in accordance with the Commission's Procedural Regulations (29 CFR Part 1601.26).

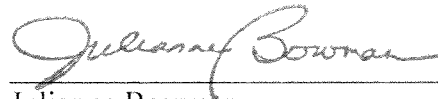
If the Respondent wishes to accept this invitation to participate in conciliation efforts, it may do so at this time, by proposing terms for a conciliation agreement; that proposal should be provided to the Commission representative within 14 days of the date of this determination. The remedies for violations of the statutes we enforce are designed to make the identified victims whole and to provide corrective and preventive relief. These remedies may include, as appropriate, an agreement by the Respondent not to engage in unlawful employment practices, placement of identified victims in positions they would have held but for discriminatory actions, back pay,

restoration of lost benefits, injunctive relief, compensatory and/or punitive damages, and notice to employees of the violation and the resolution of the claim.

Should the Respondent have further questions regarding the conciliation process or the conciliation terms it would like to propose, we encourage the Respondent to contact the assigned Commission representative, Petrona Melgarejo, by email at Petrona.Melgarejo@eoc.gov or by telephone at (612)334-4003. Should there be no response from the Respondent in fourteen (14) days, we may conclude that further conciliation efforts would be futile or nonproductive.

On behalf of the Commission,

1-13-16
Date



Julianne Bowman
District Director

Cc:

Christy L. Hall, Esq.
GENDER JUSTICE
550 Rice Street
Saint Paul, MN 55103

Shawn L. Pearson
Assistant General Counsel
Essentia Health
407 E. Fourth Street
Duluth, MN 55805