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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
v.)
)
GANNETT COMPANY, INC.,)
d/b/a GREEN BAY PRESS-GAZETTE,)
)
Defendant.)
_____)

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FROM 00 - C - 0283
Civil Action No.

COMPLAINT

(Jury Trial Demand)

Nature Of The Action

This is an action under Title I of the Americans with Disabilities Act of 1990 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of disability and to provide appropriate relief to Janet T. Gilliland, who was adversely affected by such practices.

As alleged with greater particularity in Paragraph 11 below, the Equal Employment Opportunity Commission alleges that the defendant -- Gannett Company, Inc., d/b/a the *Green Bay Press-Gazette* -- violated the Americans with Disabilities Act of 1990 ("ADA") by refusing to reasonably accommodate Janet T. Gilliland, after learning on or about October 28, 1996, that she has mental disabilities that required a short leave of absence, and then by terminating her employment on or about November 1, 1996, on the basis of those disabilities.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to Section 107(a) of the ADA, 42 U.S.C. §12117(a), which incorporates by reference Sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. § 2000e-5(f)(1) and (3), and pursuant to Section 102 of

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the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were and are now being committed within the jurisdiction of the United States District Court for the Eastern District of Wisconsin.

PARTIES

3. The plaintiff, the Equal Employment Opportunity Commission (the “EEOC”), is the agency of the United States of America charged with the administration, interpretation, and enforcement of Title I of the ADA and is expressly authorized to bring this action by Section 107(a) of the ADA, 42 U.S.C. § 12117(a), which incorporates by reference Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, the defendant, Gannett Company, Inc., d/b/a *Green Bay Press-Gazette* (hereinafter “Gannett”), has continuously been a Delaware corporation doing business in the State of Wisconsin and the City of Green Bay, and has continuously had at least 15 employees. On information and belief, the *Green Bay Press-Gazette* is a wholly-owned subsidiary of Gannett.

5. At all relevant times, Gannett has continuously been an employer engaged in an industry affecting commerce under Section 101(5) of the ADA, 42 U.S.C. §12111(5), and Section 101(7) of the ADA, 42 U.S.C. §12111(7), which incorporates by reference Sections 701(g) and (h) of Title VII, 42 U.S.C. §§ 2000e(g) and (h).

8. At all relevant times, Gannett has been a covered entity under Section 101(2) of the ADA, 42 U.S.C. § 12111(2).

STATEMENT OF CLAIMS

9. More than 30 days prior to the institution of this lawsuit, Janet T. Gilliland (“Gilliland”) filed a charge with the EEOC alleging violations of Title I of the ADA by Gannett. All conditions precedent to the institution of this lawsuit have been fulfilled.

10. Gilliland is a qualified individual with a disability within the meaning of Sections 3(2) and 101(8) of the ADA, 42 U.S.C. §§ 12102(2) and 12111(8).

11. Since at least on or about October 28, 1996, Gannett has engaged in unlawful employment practices at its Green Bay, Wisconsin, facility in violation of Section 102(b) and (d) of the ADA, 42 U.S.C. § 12112(b) and (d), as follows:

(a) On or about October 28, 1996, Gannett violated the ADA after learning that Gilliland has mental disabilities, by failing to make any attempt to accommodate those disabilities, including a failure to conduct an adequate individualized assessment of her ability to perform the essential functions of her position with or without reasonable accommodation, a failure to engage in the interactive process required by the ADA to determine whether any such accommodation is required, and a failure to provide her with a reasonable period of leave from her position and/or other reasonable accommodations.

(b) On or about November 1, 1996, Gannett also violated the ADA when it terminated Gilliland's employment because of her mental disabilities.

12. The effect of the practices complained of in Paragraph 11 above has been to deprive Gilliland of equal employment opportunities because of her disabilities.

13. The unlawful employment practices complained of in Paragraph 11 above were and are intentional.

14. The unlawful employment practices complained of in Paragraph 11 above were and are done with malice or with reckless indifference to Gilliland's federally-protected rights.

PRAYER FOR RELIEF

Wherefore, the EEOC respectfully requests that this Court:

A. Grant a permanent injunction enjoining Gannett and its officers, successors, and

assigns, and all persons in active concert or participation with them, from:

1. Failing and refusing to employ individuals such as Gilliland in positions which do not reasonably require those individuals to be free of mental disabilities;

2. Failing and refusing to make reasonable accommodations by, among other things, failing to perform individualized assessments of the qualifications and abilities of employees and applicants for employment who have disabilities, and/or to engage in the interactive process required by the ADA to determine whether any such accommodation is required.

B. Order Gannett to institute and carry out policies, practices, and programs that provide equal employment opportunities for qualified individuals with disabilities, and that eradicate the effects of its past and present unlawful employment practices.

C. Order Gannett to make Gilliland whole by providing appropriate backpay with pre-judgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including (but not limited to) reinstatement of Gilliland.

D. Order Gannett to make Gilliland whole by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in Paragraph 11 above, including (but not limited to) job search expenses and medical expenses.

E. Order Gannett to make Gilliland whole by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in Paragraph 11 above, including emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation.

F. Order Gannett to pay Gilliland punitive damages for its malicious and reckless conduct, as described in Paragraph 11 above, in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper in the public interest.

H. Award the EEOC its costs of this action.

JURY TRIAL DEMAND

The EEOC requests a jury trial on all questions of fact raised by its complaint.

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