

*The U.S. Equal Employment Opportunity Commission*

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## EEOC SETTLES ADA LAWSUIT FOR \$220,000 AGAINST MAJOR ARKANSAS AUTO DEALERSHIP

LITTLE ROCK, Ark. - The U.S. Equal Employment Opportunity Commission (EEOC) announced today that it has settled a lawsuit filed under the Americans with Disabilities Act (ADA) against Landers Auto Sales, Inc. (Landers), part of the United Auto Group, for discriminating against Steven Hart, a former sales manager who has quadriplegia due to a severe diving accident. The suit alleges that Landers violated the ADA by failing to provide reasonable accommodations for Mr. Hart, who is paralyzed and uses a wheelchair; substantially cutting his salary; demoting him because of his disability; and retaliating against him for engaging in activity protected by the ADA.

"The Commission will continue to vigorously enforce the ADA by protecting employees and applicants with disabilities from workplace discrimination," said EEOC Chairwoman Ida L. Castro. "Employers should know by now, a decade after the ADA's enactment, that they are required by law to provide reasonable accommodations for individuals with disabilities, unless doing so would constitute an undue hardship on their business."

A Consent Decree settling the case was recently approved by the U.S. District Court for the Eastern District of Arkansas. The agreement provides for a payment of \$160,000 to Mr. Hart as well as \$30,000 in attorneys fees. Mr. Hart intervened in the EEOC litigation and was represented by private counsel, Silas Brewer, of Kaplan, Brewer & Maxey, P.A. of Little Rock. As part of the settlement, Larson will also pay for a disabled-accessible Dodge conversion van that was previously provided to Mr. Hart. The total cost of the van, including title and sales tax, is in excess of \$30,000.

In addition to monetary relief and the accessible van, Landers has agreed to provide comprehensive training for management employees in the requirements of the ADA and post a notice informing its workforce that it will not tolerate disability discrimination. Moreover, the consent decree enjoins Landers from retaliating against any employees that participated in this action and prohibits the company from engaging in any employment practice that discriminates against employees on the basis of disability, including failing to provide reasonable accommodations to employees with disabilities. Landers also agrees to maintain a wheelchair accessible workplace, including accessible doors, parking facilities, work areas, computers, telephones, and restrooms.

"Prosecuting ADA cases remains a strategic litigation priority for the Commission," said EEOC General Counsel C. Gregory Stewart. "EEOC will continue to focus its litigation resources on disability discrimination whether it be on a class-wide scope or individual basis."

Katharine W. Kores, Regional Attorney for EEOC's Memphis District Office, and William A. Cash Jr., Senior Trial Attorney in the agency's Little Rock Area Office, who were responsible for prosecuting the case, issued the following joint statement: "This settlement should send a strong message to employers in Arkansas and surrounding states that they must honor and uphold the employment provisions of the ADA. Discriminating against individuals with disabilities in the workplace is unlawful and will not be tolerated."

EEOC enforces the employment provisions of the ADA (Title I), which prohibit private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, discharge, advancement, compensation, job training, and other terms and conditions of employment.

Since July 26, 1992, when the Title I became effective, through March 31, 2000 (first half of Fiscal Year 2000), EEOC has obtained over \$300 million on behalf of more than 20,000 individuals through its enforcement efforts, including settlements, conciliations, mediation, and litigation. In addition, the Commission has obtained non-monetary benefits for over 10,000 individuals, including reasonable accommodation, policy changes, training and education, job referrals, union membership, and the posting of EEO notices at job sites.

In addition to enforcing Title I of the ADA, EEOC enforces Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based on race, color, religion, sex, and national origin; the Age Discrimination in Employment Act, which prohibits discrimination against individuals 40 years of age or older; sections of the Civil Rights Act of 1991; the Equal Pay Act; and the Rehabilitation Act's prohibitions against disability discrimination in the federal government.

Further information about the Commission, including an ADA 10th Anniversary Report and ADA policy guidance, is available on the agency's web site at [www.eeoc.gov](http://www.eeoc.gov).

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