

- **EEOC v. Procel International Corp., d/b/a Procel; Procel Temporary Services, Inc.**  
No. CV05-7146 (C.D. Cal. Oct. 6, 2005)

The Los Angeles District Office alleged that defendant, a staffing agency that places nurses and other licensed medical support personnel in acute care facilities, refused to hire charging party because of her disability (deafness) in violation of the ADA. Charging party was born deaf and communicates in writing and through sign language. She uses TTY computer software and an internet-based relay service to conduct telephone conversations. At the time she attempted to apply at defendant, she had 8 years experience as an instrument technician and was working in that position at a teaching hospital. (Instrument technicians sterilize and set up surgical instruments in hospital operating rooms and other settings, following written instructions.) Charging party contacted defendant by TTY to apply for a part-time instrument technician position as a second job. After a number of unsuccessful attempts due to defendant's employees' inexperience with handling relay calls, she was connected to defendant's surgical services supervisor who told her she could not apply for any type of position if she had a disability.

Under the 2-year consent decree resolving this case, defendant will pay charging party \$130,000 in compensatory damages. The decree enjoins defendant from discriminating on the basis of disability or failing to reasonably accommodate an individual with a disability. It requires defendant to post a notice in at least three locations at each of its facilities regarding the terms of the decree and how to contact the EEOC with a discrimination complaint. Defendant will retain an outside consultant to implement and monitor defendant's compliance with the ADA and the decree's provisions. The monitor's responsibilities will include ensuring that defendant develops a reasonable accommodation procedure and providing EEO training to all of defendant's employees. The mandatory training (at least 4 hours for managers and 2 hours for hourly employees) will cover policies and procedures relating to the ADA, including hiring, reasonable accommodation, and nonretaliation.