

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA
DAVENPORT DIVISION

FILED
DAVENPORT, IOWA
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CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
Plaintiff,)
v.)
REMEDY INTELLIGENT STAFFING, INC.,)
Defendant.)

Civil Action No. **3 02 CV 10067**

COMPLAINT
(Jury Trial Demand)

Nature Of The Action

This is an action under Title I of the Americans with Disabilities Act of 1990 ("ADA") 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 Quianna Knowles, who was adversely affected by such practices.

As alleged with greater particularity in Paragraph 8 below, the Equal Employment Opportunity Commission alleges that the defendant Remedy Intelligent Staffing, Inc. violated the ADA when it refused to hire Quianna Knowles for a job with the Scotts Company and refused to accommodate her disability. Knowles is deaf.

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 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 Southern District of Iowa, Davenport Division.

PARTIES

3. The plaintiff, the Equal Employment Opportunity Commission (“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, Remedy Intelligent Staffing, Inc. (“Remedy”), has continuously been doing business in the State of Iowa, and has continuously had at least 15 employees.

5. At all relevant times, Remedy 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).

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

STATEMENT OF CLAIMS

7. More than 30 days prior to the institution of this lawsuit, Knowles filed a charge

with the EEOC alleging violations of Title I of the ADA by Remedy. All conditions precedent to the institution of this lawsuit have been fulfilled.

8. Since at least on or about October 2000, Remedy has engaged in unlawful employment practices at its Fort Madison, IA office in violation of Section 102(a) and (b) of the ADA, 42 U.S.C. § 12112(a) and (b), as follows:

- (a) Knowles is deaf in both ears, and has been since birth. She is therefore disabled within the meaning of the ADA.
- (b) In September 2000, in response to a newspaper advertisement, Knowles contacted Remedy and inquired whether there were employment opportunities at The Scotts Company ("Scotts") for persons who are hearing impaired. She was told by Randy Sorrell, a manager at Remedy, that it would be too dangerous for someone with a hearing impairment to work at Scotts.
- (c) On or about October 2, 2000, Knowles completed a written job application for a production level job with Remedy to work at Scotts. After completing her application she was again told by Sorrell that she could not work at Scotts because she is hearing impaired.
- (d) Remedy violated the ADA when it refused to hire Knowles for a position at Scotts because of her disability, deafness.
- (e) Knowles was qualified to perform all of the essential functions of the production level position at Scotts with or without a reasonable accommodation.

9. The effect of the practices complained of in Paragraph 8 above has been to deprive Knowles of equal employment opportunities because of disability.

10. The unlawful employment practices complained of in Paragraph 8 above were and are intentional.

11. The unlawful employment practices complained of in Paragraph 8 above were and are done with malice or with reckless indifference to Knowles' federally-protected rights.

PRAYER FOR RELIEF

Wherefore, the EEOC respectfully requests that this Court:

A. Grant a permanent injunction enjoining Remedy and its officers, successors, and assigns, and all persons in active concert or participation with them, from failing and refusing to employ disabled individuals such as Knowles in positions for which they are qualified.

B. Order Remedy 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 Remedy to make Knowles whole by providing appropriate backpay, front pay, pre-judgment interest, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including (but not limited to) hiring Knowles into a position in which she can perform the essential functions of the position with or without reasonable accommodation.

D. Order Remedy to make Knowles whole by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in Paragraph 8 above, including emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation.

F. Order Remedy to pay Knowles punitive damages for its malicious and reckless

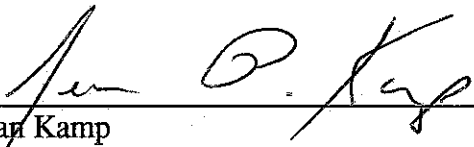
conduct, as described in Paragraph 8 above, in amounts to be determined at trial.

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

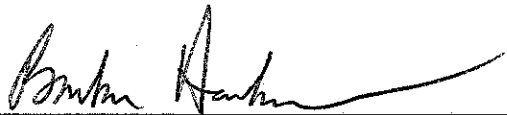
H. Award the EEOC its costs of this action.

JURY TRIAL DEMAND

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



Jean Kamp
Regional Attorney



Barbara L. Henderson
Senior Trial Attorney

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION**

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