

42 U.S.C. §§ 2000c-5(f)(1) and (3), and pursuant to Section 102 of the Civil Rights Act of 1991, as amended, 42 U.S.C. Section 1981 (A).

2. The employment practices hereafter alleged to be unlawful were committed in the Eastern District of Michigan, Southern Division.

PARTIES

3. The Plaintiff, Equal Employment Opportunity Commission (the "Commission"), is an 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. § 12111 (a), which incorporates by reference Sections 706(f)(1) of Title VII, 42 U.S.C. § 20003-5(f)(1) and (3).

4. At all relevant times, Defendant was doing business in the State of Michigan and continuously had at least fifteen (15) employees/members.

5. At all relevant times, Defendant was continuously engaged in an industry affecting commerce within the meaning of 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 Section 701(g) and (h) of Title VII, 42 U.S.C. § 2000c(g) and (h).

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

STATEMENT OF CLAIMS

7. More than thirty (30) days prior to the institution of this lawsuit, Olson filed a charge with the Commission alleging violations of Title I of the ADA by Defendant Daimler Chrysler. All condition precedent to the institution of this lawsuit have been fulfilled.

8. Beginning in March, 2000, Defendant engaged in unlawful employment

practices in violation of the ADA Sections 102(a), 102(b)(3)(A), 102(b)(5)(A) and 102 (b)(5)(B), 42 U.S.C. §§ 12112(a), 12112(b)(3)(A), 12112(b)(5)(A) and 12112 (b)(5)(B). The Defendant's practices include but are not limited to, failing to reasonably accommodate Olson and other similarly situated individuals for its entry level test, and failing to hire Olson and other similarly situated individuals.

9. Defendant also used a qualification standard as part of its entry level hiring process that screened out, or tended to screen out individuals with disabilities in violation of ADA Section 102 (b)(6), 42 USC §12112 (b)(6).

10. Olson and other similarly situated individuals are qualified individuals with a disability who were able to perform the essential functions of the positions for which they applied with or without a reasonable accommodation.

11. The effect of the above-mentioned, unlawful employment practices has been to deprive Olson and similarly situated individuals of equal employment opportunities because of their disabilities.

12. The above-mentioned, unlawful employment practices were intentional.

13. The unlawful employment practices complained of in paragraph 8 above were done with malice or with reckless indifference to the federally protected rights of Olson and other similarly situated individuals.

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining the Defendant Employer, its officers, successors, assigns and all persons in active concert or participation with it, from engaging in any unlawful employment practice which discriminates on the basis of disability, including

using qualification standards which preclude individuals with disabilities from employment;

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

C. Order the Defendant Employer to provide training to its management employees regarding disability discrimination and the ADA's requirements to provide a reasonable accommodation to disabled employees;

D. Order the Defendant Employer to make whole Olson and other similarly situated individuals by providing them with appropriate lost earnings and benefits, with pre-judgment interest, in amounts to be proven at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices;

E. Order Defendant Employer to make whole Olson and other similarly situated individuals by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 8 above in amounts to be proven at trial;

F. Order Defendant Employer to pay Olson and other similarly situated individuals punitive damages for the malicious or reckless conduct described in paragraph 8 above, in amounts to be proven at trial;

G. Grant the Commission its costs in this action; and

H. GRANT such further relief as the Court deems necessary and proper.

Respectfully submitted,

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