

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

CENTRAL CORPORATE
CREDIT UNION,

Defendant.

Honorable

02-73913

Civil Action No.

NANCY G. EDMUNDS

MAGISTRATE JUDGE CAPEL,

COMPLAINT AND
JURY DEMAND

NATURE OF THE ACTION

This is an action under Title I of the Americans With Disabilities Act of 1990, Title VII of the Civil Rights Act of 1964, as amended, and Title I of the Civil Rights Act of 1991, to correct unlawful employment practices on the basis of disability and to make whole Jacqueline Larkins ("Larkins").

The Equal Employment Opportunity Commission ("Commission") alleges that Defendant, Central Corporate Credit Union ("CenCorp"), failed to accommodate Larkins, a qualified individual with a disability (Cervical Spondylosis), and discharged her from its Southfield, Michigan facility after a medical leave of absence due to her disability. The Commission further alleges that Defendant utilized an unlawful employment application.

FILED
2002 SEP 30 P 2:51
U.S. DIST. COURT CLERK
EAST DIST. MICH.
DETROIT

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 Americans With Disabilities Act of 1990 ("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, as amended ("Title VII"), 42 U.S.C. §§ 2000e-5(f)(1) and (3), Section 707(a) of Title VII, 42 U.S.C. § 2000e-6, and pursuant to Section 102 of Title I 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 and are now being committed in the Eastern District of Michigan, Southern Division.

PARTIES

3. 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. § 12117(a), which incorporates by reference Sections 706(f)(1) of Title VII, 42 U.S.C. § 2000e-5(f)(1), and by Section 707 of Title VII, 42 U.S.C. § 2000e-6.

4. At all relevant times, Defendant, Central Corporate Credit Union ("Employer" or "CenCorp"), has been doing business in the State of Michigan and the City of Southfield, and has continuously had and does now have at least

twenty-five (25) employees.

5. At all relevant times the Defendant Employer has continuously been engaged in an industry affecting commerce within the meaning of Section 101(5) of the ADA, 42 U.S.C. § 12111(5), and Section 107(a) of the ADA, 42 U.S.C. § 12117(a), and Title VII, 42 U.S.C. § 2000e.

6. At all relevant times, Defendant Employer has been a covered entity under Section 101(2) of the ADA, 42 U.S.C. § 12111(2) and under Section 701(b) of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e.

STATEMENT OF CLAIMS

7. More than thirty (30) days prior to the institution of this lawsuit, Larkins filed a Charge of Discrimination with the Commission alleging violations of Title I of the ADA by Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

8. Since at least November, 2000, Defendant Employer has engaged in unlawful employment practices in violation of the ADA, Sections 102(a), 102(b)(5)(A) and 102(b)(5)(B), 42 U.S.C. §§ 12112(a), 12112(b)(5)(A), and 12112(b)(5)(B), as well as Title VII, Section 707, 42 U.S.C. §§ 2000e-6, at its Southfield, Michigan facility. These practices include, but are not limited to:

a. Defendant Employer's failure to provide Larkins the reasonable accommodation of returning to work with a temporary restriction after a medical leave of absence due to her disability;

b. The subsequent discharge of Larkins because of her disability;
and

c. The utilization of an employment application that contains
waivers and limitations of rights that violate the Americans with Disabilities Act and
Title VII of the Civil Rights Act of 1964, as amended.

9. Larkins is a qualified individual with a disability who was and is able to
perform the essential functions of the Cash and Transit Specialist position with or
without a reasonable accommodation.

10. The effect of the above-mentioned unlawful employment practices has
been to deprive Larkins of equal employment opportunities, and to otherwise
adversely affect her status as an employee because of her disability.

11. The above-mentioned unlawful employment practices were and are
intentional.

12. The above-mentioned unlawful employment practices have been to
cause Larkins to suffer a loss of enjoyment of life.

13. Defendant committed the above-mentioned unlawful employment
practices with a reckless disregard for Larkins' federally protected rights.

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that this Court:

A. GRANT a permanent injunction enjoining Defendant Employer, its
officers, successors, assigns and all persons in active concert or participation with

it, from engaging in any unlawful employment practices which discriminate on the basis of disability;

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

C. ORDER Defendant Employer to provide training regarding the Americans with Disabilities Act, its prohibitions against disability discrimination and its accommodation requirements to all current and future employees at its Southfield, Michigan facility;

D. ORDER Defendant Employer to make whole Larkins by providing her with appropriate lost earnings and benefits, 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 pay Larkins for any past and future pecuniary and non-pecuniary losses resulting from the unlawful employment practices complained of in Paragraph 8, in amounts to be determined at trial;

F. ORDER Defendant Employer to pay Larkins punitive damages as a result of its reckless behavior, in an amount to be determined at trial;

G. ORDER Defendant Employer to pay Larkins nominal damages and other compensation as a result of its unlawful employment practices;

- H. GRANT such further relief as the Court deems necessary and proper;
and
I. GRANT the Commission its costs in this action.

Respectfully submitted,

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9/27/02
Date

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