

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

<b>UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Civil Action No.</b>
	)	
<b>v.</b>	)	
	)	
<b>JES PERSONNEL CONSULTANTS, INC., d/b/a GENIE TEMPORARY SERVICE</b>	)	<b>JURY TRIAL DEMANDED</b>
	)	
<b>Defendant.</b>	)	
	)	
	)	

**COMPLAINT AND DEMAND FOR JURY TRIAL**

**NATURE OF THE ACTION**

This is an action under Title I of the Americans with Disabilities Act (the “ADA”), 42 U.S.C. § 12101 et seq., to correct unlawful employment practices on the basis of disability and to provide appropriate relief to Steven Steele (“Steele”), a qualified individual with a disability, epilepsy, who was adversely affected by such practices.

**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 Section 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 Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices hereafter alleged to be unlawful were and are now being committed within the jurisdiction of the Northern District of Illinois.

**PARTIES AND OTHER PERSONS**

3. Plaintiff Equal Employment Opportunity Commission (“Plaintiff” or “Commission”) 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 Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant JES Personnel Consultants, Inc., d/b/a Genie Temporary Service (“JES”), has continuously been and is now doing business in the Northern District of Illinois , and has continuously had and does now have at least fifteen (15) employees.

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

6. At all relevant times, JES has continuously been and is now an employment agency within the meaning of Section 101(2) of the ADA, 42 U.S.C. § 12111(2).

7. At all relevant times, JES has continuously been and is now an employer engaged in an industry affecting commerce within the meaning of Section 101(5) of the ADA, 42 U.S.C. § 12111(5), which incorporates by reference Sections 701(g) and (h) of Title VII, 42 U.S.C. §§ 2000e(g) and (h).

8. At all relevant times and with respect to the employment opportunities at issue in this action, Steele was a qualified individual with a disability within the meaning of Section 101(8) of the ADA, 42 U.S.C. §12111(8). Steele’s disability is epilepsy, which substantially limits brain function.

**STATEMENT OF CLAIMS**

9. More than thirty (30) days prior to the institution of this lawsuit, Steele filed a

Charge with the Commission alleging a violation of Title I of the ADA by Genie Temporary Services. All conditions precedent to the institution of this lawsuit have been fulfilled.

10. Since at least August 2009, JES has engaged in unlawful employment practices at its facilities in and around LaSalle, Illinois, in violation of Title I of the ADA, 42 U.S.C. §12112(a) and (b). These practices include, but are not limited to failing to place Steele in temporary jobs because of his disability

11. The effect of the practices complained of above has been to deprive Steele of equal employment opportunities and otherwise adversely affect his status as an employee because of his disability, in violation of Title I of the ADA, 42 U.S.C. § 12112.

12. The unlawful employment practices complained of above were intentional.

13. The unlawful employment practices complained of above were done with malice and/or reckless indifference to the federally protected rights of Steele.

#### **PRAYER FOR RELIEF**

WHEREFORE, the Commission respectfully prays that this Court:

A. Grant a permanent injunction enjoining JES, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in any employment practice that violates Title I of the ADA.

B. Order JES to institute and carry out policies, practices, and programs which eradicate the effects of its past and present unlawful employment practices;

C. Order JES to make Steele whole by providing appropriate back pay with prejudgment interest, in amounts to be proved at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including rightful-place reinstatement of Steele;

- D. Order JES to make Steele whole by providing compensation for past and future pecuniary losses;
- E. Order JES to make Steele whole by providing compensation for past and future nonpecuniary losses, including emotional pain, suffering, loss of enjoyment of life and humiliation;
- F. Order JES to pay Steele punitive damages for its intentional, malicious and/or reckless conduct, in an amount to be determined at trial;
- G. Order JES and its successors to make referrals without regard to disability;
- H. Grant such further relief as the Court deems necessary and proper; and
- I. Grant the Commission its costs in this action.

**JURY TRIAL DEMAND**

The Commission requests a jury trial on all issues of fact raised by its Complaint.

Respectfully submitted,

P. David Lopez  
General Counsel

JAMES LEE  
Deputy General Counsel

GWENDOLYN YOUNG REAMS  
Associate General Counsel

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
1801 "L" Street, N.W.  
Washington, D.C. 20507

s/ John C. Hendrickson  
John C. Hendrickson  
Regional Attorney

s/ Gregory Gochanour  
Gregory Gochanour  
Supervisory Trial Attorney  
EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
500 West Madison Street, Suite 2000  
Chicago, Illinois 60661

s/ Gordon Waldron  
Senior Trial Attorney  
EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
500 West Madison Street, Suite 2000  
Chicago, Illinois 60661  
312-869-8123