

Americans with Disabilities Act of 1990, *as amended*, 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, *as amended*, 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 committed within the jurisdiction of the United States District Court for the Southern District of Mississippi, 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 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, LHC Group Inc. d/b/a Gulf Coast Homecare, (“Employer”), has continuously been a Louisiana corporation doing business in the State of Mississippi and the City of Picayune, and has continuously had at least 15 employees.

5. At all relevant times, Defendant has continuously been an employer 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 Sections 701(g) and (h) of Title VII, 42 U.S.C. §§ 2000e(g) and (h).

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

STATEMENT OF CLAIMS

7. More than thirty days prior to the institution of this lawsuit, Sones filed a charge with the Commission alleging violations of Title I of the ADA by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

8. Sones suffers from a physical impairment (epilepsy) that substantially limits one or more major life activities, including: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, learning, reading, concentrating, thinking, communicating, interacting with others, working, and the operation of a major bodily function, including neurological, brain, immune, bowel, and bladder functions.

9. Beginning on at least May 26, 2009, Defendant Employer engaged in unlawful employment practices at its Picayune, Mississippi facility by failing to reasonably accommodate Sones in violation of the Act. 42 U.S.C. § 12112(b)(5)(A).

- (a) On or about November 30, 2006, Defendant hired Sones.
- (b) In or around March of 2009, Defendant promoted Sones to a Team Leader position.
- (c) Between March of 2009 and May of 2009, Sones maintained a good work record and successfully performed the duties of a Team Leader at or above her employer's reasonable expectations.
- (d) On or about May 26, 2009, Sones experienced an epileptic seizure in the workplace.
- (e) On or about May 31, 2009, Sones returned to work.
- (f) After returning to work, Sones informed her supervisor that for a few days she would have some minor memory problems and might need

some assistance performing some of her job duties during that time.

(g) The assistance Sones requested had no financial cost, and was not burdensome.

(h) Defendant refused Sones' requests for assistance.

(i) After Sones returned to work, her supervisor started treating Sones in an unfriendly manner, and would not interact with her as frequently as she use to, and attempted to isolate Sones from other staff.

10. On or about June 24, 2009, Defendant Employer engaged in unlawful employment practices at its Picayune, Mississippi facility, by intentionally discharging Sones because she suffers from a physical impairment (epilepsy) that substantially limits on or more major life activities, or because she suffers from an actual or perceived physical impairment that is not both transitory and minor in violation of the ADA. 42 U.S.C. §12112(a).

(a) Plaintiff hereby incorporates by reference Paragraphs 8 and 9(a) through (i) above.

(b) On June 19, 2009, Defendant presented Sones with a "weekly evaluation" meeting.

(c) Prior to June 19, 2009, Defendant had not conducted weekly evaluation meetings with Sones.

(d) During the June 19, 2009 meeting, Defendant designated July 31, 2009 as a target date by which Sones was to master all Team Leader tasks.

(e) On June 24, 2009, Defendant terminated Sones's employment.

(f) In the termination meeting, Defendant told Sones that she was terminated because Sones was "a liability to the organization," and

“Because of your seizures, we think it’s best to let you go.”

(g) Defendant’s comments during the termination meeting, and its treatment of Sones after she returned to work, reflected that Defendant also regarded Sones as disabled.

11. The effect of the practices complained of in Paragraphs 9 and 10 has been to deprive Sones of equal employment opportunities and otherwise adversely affect her status as an employee because of her disability.

12. The unlawful employment practices complained of in Paragraphs 9 and 10 were intentional.

13. The unlawful employment practices complained of in Paragraphs 9 and 10 were done with malice or with reckless indifference to the federally protected rights of Sones.

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employer, its offers, agents, servants, employees, attorneys, and all persons in active concert or participation with it from failing to reasonably accommodate disabilities in the workplace and from discharging employees because they are disabled or because they are regarded as disabled.

B. Order Defendant Employer to institute and carry out policies, practices and programs which provide equal employment opportunities for qualified individuals with disabilities, and which eradicate the effects of its past and present unlawful employment practices, including the requirement that Defendant adopt a training program to train its

managers, supervisors and employees on preventing and avoiding disability discrimination in the workplace.

C. Order Defendant Employer to make whole Kristy Sones by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices.

D. Order Defendant Employer to make whole Kristy Sones by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above including, but not limited to, job search expenses, medical expenses, and health and retirement benefits, in amounts to be determined at trial.

E. Order Defendant Employer to make whole Kristy Sones by providing compensation for past and future nonpecuniary losses resulting from the unlawful employment practices described above including, but not limited, to emotional pain and suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

F. Order Defendant Employer to pay Kristy Sones punitive damages for its malicious and reckless conduct, in amounts to be determined at trial.

G. Order Defendant Employer to provide Kristy Sones appropriate equitable relief, in the form of reinstatement and/or an appropriate award of front pay.

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

I. Award the Commission its costs in this action.

JURY TRIAL DEMAND

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

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