



EEOC News

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JURY AWARDS \$184,400 AGAINST SMITH PERSONNEL SOLUTIONS IN EEOC DISABILITY HARASSMENT CASE ***Staffing Company Refused to Hire Deaf Applicant, Federal Agency Charged***

DALLAS – A Dallas jury today rendered a verdict against staffing company Smith Personnel Solutions, awarding \$184,400 to a deaf applicant who was turned away when she tried to apply for a job as a stock clerk, the U.S. Equal Employment Opportunity Commission (EEOC), which had brought the suit, announced today.

The jury awarded Jacquelyn Moncada \$34,400 for lost wages and emotional harm and an additional \$150,000 in punitive damages based on the EEOC's charges that Smith refused to consider her for an open job of a stock clerk because of her deafness. Smith did not take Moncada's application nor interview her for the job, instead telling her through her sign language interpreter that there was no open job for her.

The jury verdict followed the presentation of evidence by the EEOC that Moncada and a sign language interpreter went to Smith seeking work as a stocker. The Smith employee told her that he had no job for her and that she could be "dangerous" because she "couldn't communicate." Moncada had worked for almost three years as a stock clerk in a previous job, and had never experienced problems communicating because of her disability.

Such alleged conduct violates the Americans With Disabilities Act (ADA). The EEOC filed suit (Case No. 3:08-cv-1552D in U.S. District Court for the Northern District of Texas) after first attempting to reach a pre-litigation settlement through its conciliation process.

"Jacquelyn wasn't asking for special treatment, just the chance to apply for a job," said EEOC

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trial attorney Joel Clark. “Smith Personnel’s assumption that she couldn’t work just because she is deaf is the type of mistaken assumption that can be prevented through training and education.”

Heather Bise, deafness resource specialist for the Deaf Action Center, who offered expert witness testimony for the EEOC at trial, said, “I believe this case will have a holistic affect on the deaf community, and the walls of audism -- an attitudinal barrier towards people with hearing loss -- will eventually fade. Deaf individuals are simply asking for a chance, and I don’t think we are asking for much.” The deafness resource specialist project is provided through the Deaf Action Center and funded by the Texas Office for Deaf and Hard of Hearing Services.

According to the EEOC, Smith Personnel Solutions operates four branch offices in Texas, and employs approximately 650 workers.

The EEOC is responsible for enforcing federal laws prohibiting employment discrimination. Further information about the EEOC is available on its web site at www.eeoc.gov.

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