

- **EEOC v. Mitchell Temporary & Dakota Pork Indus.**

No. 03-4222 (D.S.D. Aug. 27, 2004)

The Denver District Office filed this ADA suit against a meat processing facility in Mitchell, South Dakota and a now-defunct staffing services company that provided temporary workers to the facility in 1999 and 2000. The district office alleged that both defendants refused to hire CP, a deaf applicant with prior meat processing experience, because of her disability. CP applied directly to both defendants for employment at Dakota Pork, and although defendants hired a number of workers during the time CP was applying, she was never hired. In fact, less than an hour after defendant Mitchell told CP there were no jobs available, Mitchell hired CP's non-disabled brother to work at Dakota Pork. Defendant Mitchell, which cross-sued defendant Dakota, claimed that it attempted to place CP with Dakota Pork but Dakota Pork refused the placement.

The case was resolved by two separate three-year consent decrees. Dakota Pork will pay CP \$100,000 and Mitchell Temporary, a partnership, will pay her \$25,000. Defendant Dakota's decree applies to all of its facilities in South Dakota. Even though defendant Mitchell Temporary is no longer in business, the terms of the Mitchell decree apply to the former business, its two principals, and any employee-placement business in which either principal has an ownership interest during the term of the decree. Both defendants are enjoined from engaging in disability discrimination, reprisal, or retaliation. They must adopt and/or maintain policies prohibiting disability discrimination and retaliation and each policy must address reasonable accommodation procedures. In consultation with the South Dakota Department of Vocational Rehabilitation, defendants shall adopt goals for hiring employees who are deaf or hearing-impaired and seek to hire a specified number of such employees. Finally, both defendants shall maintain all records concerning implementation of the decrees and make semi-annual compliance reports detailing discrimination complaints, processing of reasonable accommodation requests, and efforts to meet their goals for hiring hearing-impaired workers.