

Brown, Goldstein & Levy involved in unique discrimination case

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Baltimore-based Brown, Goldstein & Levy is representing an individual in Ohio with autism in a lawsuit against a sheltered workshop in Ohio for employment discrimination and also against car manufacturer Honda, the workshop's customer, for its role in the workshop's behavior.

The lawsuit against Honda is one of the first of its kind to be brought for aiding and abetting discrimination at a sheltered workshop for people with disabilities, the firm said.

Michael A. Denoewer worked for U-CO Industries, a sheltered workshop in Ohio, which has operated as a private employer for people with disabilities since 2013. U-CO supplies parts used in new Honda vehicles, according to a lawsuit filed in federal court in Ohio last week.

U-CO Industries and Honda could not be reached for comment.

As a tier 1 supplier for Honda, U-CO is closely monitored by the

car maker for its operations, labor costs, workforce composition, and workplace methods. Denoewer alleged that given Honda's involvement in U-CO's work, it "aided and abetted" the supplier into committing discriminatory acts based on his disability by making him work in "less desirable" positions, according to the lawsuit.

Normally these types of lawsuits involve state and local government and are about public service dollars that attach to segregated workplaces. In this case, an employee is challenging an employer using employment discrimination principles, the firm said.

"Michael Denoewer understands that he has rights like any other employee and that U-CO Industries and Honda have obligations to evaluate him on the merits, not based on unproven and erroneous assumptions about his capabilities," said Regina Kline, a Brown, Goldstein & Levy attorney for Denoewer, in a press release.

"That an employer holds itself out as a special employer of people with disabilities does not

immunize it from the obligations that attach to any other employer under the ADA," Kline said, adding that contractors need to be aware of working conditions in sheltered workshops. Failure to do so defeats the purpose of having disability employment programs.

Denoewer alleges U-CO Industries discriminated against him by failing to consider him for jobs in the workshop that he was otherwise qualified to perform that paid better and which provided opportunities for advancement and additional training. However, during his tenure at U-CO for seven-and-a-half years, Denoewer had to do "piece-rate" work that paid \$1.38 per hour after taxes.

He argues that he was relegated to that kind of work based on incorrect assumptions and stereotypes about his disabilities, which is a violation of the Americans with Disabilities Act, according to the lawsuit.

The case is *Michael A. Denoewer v. UCO Industries Inc. and Honda of America Manufacturing Inc.*, Case No.: 2:17-cv-00660-GCS-KAJ.