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## **Sheltered Workshop and Honda of America Manufacturing Sued for Disability Discrimination**

### **Sheltered Workshop Employee who Earned Subminimum Wages Brings Unique Employment Discrimination Action**

Today, Michael A. Denoewer, an individual with autism, filed suit in the United States District Court for the Southern District of Ohio against his former employer, U-CO Industries, a sheltered workshop located in Marysville, Ohio, and Honda of America Manufacturing (Honda), for which U-CO is a Tier 1 Supplier.

Mr. Denoewer alleges that U-CO Industries, his former employer, discriminated against him because of his disabilities when it failed to evaluate him for jobs in the workshop that he was otherwise qualified to perform and that provided higher pay, greater opportunities for advancement, and additional training opportunities. Instead, during the nearly seven-and-a-half years that he was employed by U-CO Industries, Mr. Denoewer was relegated to piece-rate work for which he received as little as \$1.38 per hour after taxes. Mr. Denoewer asserts that these actions were based on erroneous assumptions and stereotypes about his disabilities, and not on any objective assessment of his abilities, in violation of the Americans with Disabilities Act.

Mr. Denoewer's lawsuit against Honda is one of the first of its kind to be brought for aiding and abetting a sheltered workshop's discrimination. Honda contracts with U-CO Industries for parts that are used in Honda's new vehicles. As a Production Associate at U-CO Industries, Mr. Denoewer worked to assemble materials for Honda's Owner's Manuals. Because U-CO Industries is a Tier 1 supplier for Honda, a coveted designation that allows the workshop to supply Honda with components that go directly into new vehicles, Honda, in turn, closely monitors U-CO's operations, labor costs, workforce composition, and workplace methods. Mr. Denoewer alleges that Honda aided, abetted, incited, and compelled U-CO into doing acts declared discriminatory under Ohio law, including discriminating against him on the basis of disability by relegating him to less desirable positions within the workshop.



“Paying workers with disabilities less than the minimum wage reflects low expectations based on false perceptions of our capacity,” said Mark Riccobono, President of the National Federation of the Blind, which is assisting in this litigation. “Relegating workers like Michael Denoewer to low-paying, dead-end work based solely on the characteristic of disability is the very definition of discrimination. The National Federation of the Blind is committed to making sure that workers with disabilities are valued for what we can do and afforded the basic rights to which all workers are entitled.”

“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, an attorney for the Plaintiffs. “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. Moreover, contractors must be aware of the labor conditions in sheltered workshops to avoid aiding and abetting discrimination. It vitiates the very purpose of disability employment programs to deny employees like Michael Denoewer the opportunity to advance within the workshop’s operations.”

Marc Maurer, another attorney for the Plaintiffs, explained, “The ADA and its provisions prohibiting employer discrimination flow from the presumption that people with disabilities have value and can contribute in the workplace and society. Paying workers with certain characteristics subminimum wages and refusing to consider them for jobs for which they are otherwise qualified sends the false message that they have no value and violates the law.”

The Complaint is available at <http://www.browngold.com/wbcntntprd1/wp-content/uploads/Denoewer-v-UCO-Honda-Complaint.pdf>.

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