

- **EEOC v. Autoliv A S P, Inc.**

No. CIV-03-110 (D. Utah April 13, 2005)

In this ADA complaint, the Phoenix District Office alleged that defendant, a subsidiary of Autoliv, Inc. (a global holding company headquartered in Stockholm, Sweden) that manufactures air bag components, failed to provide a reasonable accommodation to charging party and other similarly-situated employees who attempted to return to work after taking medical leave for disabilities. After about 5 years in a production job at defendant's Ogden, Utah facility, charging party sustained work-related injuries affecting her cervical spine and both elbows. Between August 2000 and September 2001, she underwent multiple surgeries on her cervical spine and elbows. Based on her doctor's restrictions (lifting limited to 10 pounds, no heavy use of right arm, and no overhead work) defendant reassigned her to light duty work, where she remained for about 15 months. In May 2001, defendant adopted a policy that limited light duty assignments to 120 days. The Human Resources Manager told charging party that she could not work in a light duty assignment permanently, but that she could apply for other jobs during the 120-day period. Charging party applied for several vacant jobs for which she was qualified, but was not selected, and was terminated after 120 days, in September 2001. Defendant made no efforts to assist charging party in obtaining a reassignment, and Human Resources managers admitted that employees on light duty were never hired into vacant positions.

Under the 3-year consent decree resolving this case, charging party will receive \$70,000 in monetary relief, consisting of \$20,000 in backpay and \$50,000 in compensatory damages. Defendant is enjoined from discriminating against employees or applicants on the basis of disability, and is prohibited from retaliation. The decree requires defendant to review, revise, and implement its policies and procedures regarding its obligations under the ADA, including the obligation to provide reasonable accommodations for qualified individuals with disabilities. Such policies will not set fixed cutoff dates for QUIDs to return to their positions after entering a light- or transitional-duty program. Reasonable accommodations will include reassignment of a QUID from his/her position into an existing vacant position that he/she desires and is qualified to perform with or without an accommodation.