

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MARYANN MURAD and

THE NATIONAL FEDERATION
OF THE BLIND, INC.,

Plaintiffs,

v.

AMAZON.COM, INC.
410 Terry Avenue North
Seattle, WA 98109-5210

Serve on: Corporation Service Company
251 Little Falls Drive
Wilmington, DE 19808,

Defendant.

Civil Action No.: 2:19-cv-12578

**COMPLAINT AND
DEMAND FOR JURY TRIAL**

INTRODUCTION

1. Plaintiffs Maryann Murad and the National Federation of the Blind, Inc. (“NFB”), by and through their undersigned attorneys, bring this employment discrimination action against Defendant, Amazon.com, Inc. (“Amazon”), to end systemic violations of the civil rights of prospective blind employees arising from Amazon’s development, procurement, maintenance, and use of inaccessible application and employment technology that deprived, and continues to deprive, Ms.

Murad and members of the NFB, who are otherwise qualified individuals with disabilities, equal employment opportunities available to sighted individuals.

2. Amazon hires individuals in Virtual Customer Service (“VCS”) Associate positions to assist its customers with a variety of issues. However, by requiring VCS Associates to use an inaccessible encrypted virtual platform known as Customer Service Central (“CSC”) to perform their jobs, and by using a version of that same inaccessible platform to assess candidates’ qualifications for VCS Associate jobs, Amazon has prevented Ms. Murad and other blind individuals, including NFB members, from applying for and performing VCS jobs on the basis of their disabilities. By failing to make its CSC technology accessible, Amazon discriminates on the basis of disability against Ms. Murad and other blind individuals, including NFB members.

3. For convenience throughout this complaint, the term “blind” is used in the broadest sense to include all persons who, under federal civil rights laws, have a vision-related disability that requires alternative methods to access digital or electronic information.

4. This case arises under Title I of the Americans with Disabilities Act (“ADA”), 42 U.S.C. §§ 12111, *et seq.*, and the Michigan Persons with Disabilities Civil Rights Act (“PWDCRA”), Mich. Comp. Laws § 37.1101, *et seq.*

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343.

6. This Court has supplemental jurisdiction over Plaintiffs' state law claims pursuant to 28 U.S.C. § 1367.

7. Venue in this Court is proper pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events, acts, or omissions giving rise to Plaintiffs' claims have occurred in the District and the Defendant maintains several offices and operates in the District, including various warehouses and fulfillment centers.

PARTIES

8. Ms. Murad resides in Howell, Michigan. She is blind and is a qualified individual with a disability subject to the protections afforded under Title I of the ADA, 42 U.S.C. § 12111, *et seq.*, and Mich. Comp. Laws. Ann. § 37.1101, *et seq.* Ms. Murad meets the essential eligibility requirements to apply for the position of VCS Associate, with or without reasonable accommodations.

9. The National Federation of the Blind ("NFB"), the oldest and largest national organization of blind persons, is a non-profit corporation duly organized under the laws of the District of Columbia with its principal place of business in Baltimore, Maryland. It has affiliates in all 50 states, Washington, D.C., and Puerto Rico. The vast majority of its approximately 50,000 members are blind persons who

are recognized as a protected class under federal laws. The NFB is widely recognized by the public, Congress, executive agencies of government, and the courts as a collective and representative voice on behalf of blind Americans and their families. The NFB promotes the general welfare of the blind by assisting the blind in their efforts to integrate themselves into society on terms of equality and by removing barriers that result in the denial of opportunity to blind persons in virtually every sphere of life, including employment, education, health care, family and community life, transportation, and recreation.

10. The ultimate purpose of the NFB is the complete integration of the blind into society on a basis of equality. This objective includes the removal of legal, economic, and social discrimination. As part of its mission, and to achieve these goals, the NFB has worked actively to ensure that the blind have an equal opportunity to access meaningful employment opportunities and to ensure provision of accessible communications to blind applicants and employees in the private job market. The NFB has diverted significant resources to combat the use of inaccessible, discriminatory technology in a variety of employment situations, including in customer service call centers that provide job opportunities similar to Amazon's VCS Associates. The NFB brings this suit in furtherance of its extensive efforts and expenditure of resources in promoting two of its principal missions: independence of the blind and equal access to meaningful employment for the blind.

11. Amazon is a multi-billion-dollar international internet retailer that employs over 647,000 employees. Amazon is an “employer” and a “covered entity” under Title I of the ADA, 42 U.S.C. § 12111(5), and Mich. Comp. Laws Ann. § 37.1201(b). Amazon is registered with the Michigan Secretary of State and is doing business in the State of Michigan and in this District. Amazon has advertised for and hired VCS Associates at various times and from various locations across the United States since Ms. Murad applied in April 2017 and, on information and belief, will advertise for and hire VCS Associates in the future.

STATEMENT OF FACTS

12. For sighted and blind persons alike, the Internet is a significant source of information, a place for everyday activities, and a means for conducting business. The Internet has also increasingly become one of the leading venues for individuals to seek out, apply for, and perform jobs.

13. The blind access online information and applications from mobile devices and/or personal computers by using keyboard controls and screen access software. Such access software includes screen reading software and screen magnification software. Screen reading software vocalizes textual information presented visually on a computer screen or displays that information on a user-provided refreshable braille display and allows screen navigation without the use of

a mouse. Screen magnification software magnifies visual information on a computer or mobile device screen.

14. Screen access software provides the only method by which blind persons can independently access the Internet and associated software. When websites and applications are not designed to allow for use with screen access software, blind persons are unable to access the information, products, and services offered through the Internet.

15. Ms. Murad is legally blind and a member of the NFB. She has retinopathy of prematurity (“ROP”), an eye disorder caused by abnormal blood vessel growth in the light sensitive part of the retina of premature infants. She has been totally blind since birth. Ms. Murad’s ROP is an impairment that substantially limits the major life activity of seeing.

16. Ms. Murad, with or without reasonable accommodations, meets the essential requirements to be an Amazon VCS Associate, including having a high school diploma.

17. Like many blind and visually impaired persons, Ms. Murad accesses the Internet from her personal computer using screen reading technology.

18. Several screen reading software programs are available to blind users of computers using Windows and Apple operating systems. For Apple users, like

Ms. Murad, the predominant screen reading software is VoiceOver, which is included in the Apple operating system.

19. To ensure that software is accessible with screen reading technology, software developers must follow recognized coding standards so that the software can properly interact with keyboard commands and convey information that is visually transmitted to a sighted user to blind users through the screen reading technology.

20. Well-established guidelines exist for making internet applications and software accessible to blind users. In 1999, the W3C Web Accessibility Initiative, which is comprised of individual, nonprofit, and corporate representatives with expertise in technology, adopted the first version (1.0) of the Web Content Accessibility Guidelines (“WCAG”). This version was later updated to WCAG 2.0 in 2008 and to WCAG 2.1 in 2018.

21. Amazon is a multi-billion-dollar company. In the first quarter of 2019 it earned approximately \$59.7 billion in revenue. Amazon is the world’s largest Internet retailer and currently employs more than 647,000 people worldwide.

22. In April 2017, Amazon announced plans to hire 5,000 VCS Associates throughout the United States. Amazon posted an ad on its application website, amazon.jobs, which is available nationally and open to applicants in the United States, including Michigan.

23. VCS Associates work remotely and provide real-time assistance to Amazon's customers.

24. According to Amazon's job description, VCS Associates "take customer calls about a wide variety of topics and must interface with multiple screens and databases while simultaneously interfacing with customers." A VCS Associate may be required "to toggle between screens, reading and digesting information while communicating with a customer in real time."

25. An applicant must apply to become a VCS Associate via amazon.jobs. An applicant must then utilize the CSC platform throughout the application process and, upon being hired, to interface with customers.

26. As part of the application process, an aspiring VCS Associate must complete an "assessment test." Applicants are expected to complete the assessment test using Amazon's CSC platform.

27. On April 7, 2017, Ms. Murad initiated the application process for a VCS Associate position through Amazon's website using the CSC platform from her home computer in Howell, Michigan. She used VoiceOver screen reading technology to complete the application. When she attempted to complete the online assessment test, she learned that the assessment test portion of CSC was not compatible with screen reading software.

28. Because the assessment test was inaccessible, Ms. Murad, as well as any other blind person wishing to apply to become a VCS Associate, was unable to apply.

29. Ms. Murad contacted Amazon via e-mail to request assistance with accessing the assessment test portion of the application.

30. On April 9, 2017, in response to her inquiry, Ms. Murad received an e-mail from Mohammed Imbran C., a member of Amazon's Staffing Team, which stated, in pertinent part and without alteration:

I'm sorry to hear that you're blind and you've applied for the work from home position. However, the assessment portion of the application is not accessible and using a Mac with voice over screen reading software.

I'm sorry to say that you've to complete the application process on your own we're unable to help you regards in this matter.

I suggest you to apply for any other Amazon positions that is appropriate for you to work and I really appreciate your interest in Amazon.

31. Ms. Murad sought additional guidance from Amazon as to what alternative accommodations were available to provide her equal access to the CSC platform. Ms. Murad sought a reasonable accommodation and engaged in the interactive process, but Amazon did not make the CSC platform accessible or provide her with an accommodation.

32. On information and belief, Amazon not only uses the CSC platform for the VCS Associate application process, but also as a job tool for VCS Associates to perform their jobs.

33. On information and belief, Amazon's CSC platform remains inaccessible.

34. On February 21, 2018, Ms. Murad filed a charge of disability discrimination with the U.S. Equal Employment Opportunity Commission ("EEOC").

35. Ms. Murad alleged that Amazon had failed to engage in the interactive process and refused to provide her with a reasonable accommodation to allow her to apply for Amazon's VCS Associate position; denied her equal treatment and an equal opportunity to apply for a VCS Associate position by utilizing discriminatory standards, criteria, and other methods of administration that have the effect of discrimination on the basis of disability; and continued to discriminate by failing to modify the CSC platform to make the assessment test and job tool accessible to blind individuals. Moreover, Ms. Murad alleged that "I and other persons with the same or similar disability are denied reasonable accommodations and hiring because of our disabilities"

36. On June 24, 2019, the EEOC issued a Notice of Right to Sue to Ms. Murad. As a result, Ms. Murad has exhausted available administrative remedies prior to the filing of this Complaint.

37. Many of the NFB's members across the country and in Michigan are seeking employment and would be interested in virtual positions with Amazon.com. For example, Ms. Sabrina Simmons of Michigan, who is a blind member of the NFB, attempted to apply for a virtual Principal Product Manager position in June 2019, and was unable to complete the application process using screen reading software.

38. Because the ultimate purpose of the NFB is the complete integration of the blind into society on a basis of equality, Amazon's use of discriminatory methods that categorically deny blind individuals the opportunity to apply for and perform competitive jobs in the marketplace frustrates the NFB's organizational mission. By utilizing inaccessible technology, Amazon has created barriers to employment that exclude blind individuals from being fully integrated into equal employment opportunities based on their disability.

39. Amazon's use of inaccessible technology has required the NFB to divert its resources to address Amazon's discriminatory practices that otherwise could have been directed to other programs and activities. The NFB has used funds to protest Amazon's use of inaccessible technology relating to its Kindle e-reader. After identifying Amazon's use of inaccessible technology for its customers in the

past, the NFB has used its resources to monitor and test other technology created by Amazon for accessibility issues. Before filing this lawsuit, the NFB investigated Ms. Murad's claims and diverted resources from other projects by attempting to work collaboratively with Amazon to remedy the problems outlined in this Complaint. The NFB, through counsel, wrote to Amazon to inform it of its use of the inaccessible CSC platform that prevented NFB members from applying for the VCS Associate position and to offer the NFB's experience working with large technology companies to implement accessible software.

40. In spite of those efforts, Amazon has failed to provide Ms. Murad, and other blind individuals, with an accessible format to apply for and perform the VCS Associate position.

41. As a direct and proximate result of Amazon's continuing discrimination on the basis of disability, Ms. Murad has suffered actual damages, lost wages and benefits, mental anguish and emotional distress, loss of enjoyment of life, and other non-pecuniary losses.

42. Ms. Murad and other NFB members are qualified individuals with a disability protected by the ADA, *see* 42 U.S.C. §§ 12102, 12111(8); they are persons with disabilities within the meaning of the ADA in that they have impairments that substantially limit the major life activity of seeing.

43. Ms. Murad and other NFB members are also individuals who, with or without reasonable accommodations, meet the essential eligibility requirements to become an Amazon VCS Associate.

44. The NFB and its members have been and continue to be harmed by Amazon's discriminatory actions, as set forth herein.

45. Amazon is an employer and covered entity that directly develops, procures, maintains, and uses inaccessible computer programs and online applications and platforms.

46. Amazon's failure to meet its obligations to provide blind individuals with employment opportunities equal to those provided to individuals without disabilities constitutes an ongoing and continuous violation of the ADA and its supporting regulations. Unless restrained from doing so, Amazon will continue to violate the ADA. Unless enjoined, Amazon's conduct will continue to inflict injuries for which Plaintiffs have no adequate remedy at law.

47. Unless the requested relief is granted, Ms. Murad and other blind NFB members will continue to be discriminated against and denied equal access to the VCS employment opportunities of Amazon.

48. Amazon acted intentionally in designing, implementing, and requiring use of the inaccessible assessment and CSC system, in failing to provide reasonable accommodations to Ms. Murad, in refusing to allow Ms. Murad to complete her

application and assessment for the VCS Associate position for which she applied, and in refusing to hire Ms. Murad.

49. Amazon has created accessible products in the past and is aware of how to do so. For example, Amazon advertises that its Kindle e-reader is accessible, as is the Kindle IOS app, its Fire TV system, and its Fire Tablet. Similarly, Amazon's mobile shopping app is optimized for screen readers. Thus, Amazon is able to design and implement accessible technology, including software that is compatible with screen reading technology, but it intentionally did not do so with respect to its CSC technology.

CAUSES OF ACTION

VIOLATIONS OF TITLE I OF THE ADA

COUNT I

Amazon Uses Discriminatory Qualification Standards, Tests, and Other Selection Criteria.

(on behalf of Maryann Murad and the NFB)

50. Plaintiffs incorporate the allegations in the preceding paragraphs, as if alleged herein.

51. Title I of the ADA prohibits covered entities from using "qualification standards, employment tests or other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities, on the basis of disability, unless the standard, test, or other selection criteria, as used by the covered entity, is shown to be job related for the position in question and is

consistent with business necessity.” 29 C.F.R. § 1630.10; *see also* 42 U.S.C. § 12112(b)(6).

52. Title I requires covered entities to “select and administer tests concerning employment *in the most effective manner* to ensure that, when a test is administered to a job applicant or employee who has a disability that impairs sensory, manual or speaking skills, the test results accurately reflect the skills, aptitude, or whatever other factor of the applicant or employee that the test purports to measure, rather than reflecting the impaired sensory, manual, or speaking skills of such employee or applicant (except where such skills are the factors that the test purports to measure).” 29 C.F.R. § 1630.11 (emphasis added); *see also* 42 U.S.C. § 12112(b)(7).

53. Title I also prohibits covered entities from using standards, criteria, and other methods of administration “which are not job-related and consistent with business necessity, and: (a) That have the effect of discriminating on the basis of disability” 29 C.F.R. § 1630.7(a); *see also* 42 U.S.C. § 12112(b)(3).

54. Amazon’s use of the inaccessible CSC platform screens out or tends to screen out blind individuals, including Ms. Murad and NFB’s blind members, from becoming VCS Associates, fails to ensure that the VCS assessment test accurately reflects the factors the test purports to measure in the most effective manner, and has

the effect of discriminating against blind applicants and blind VCS Associates without business necessity.

55. Amazon's discrimination is ongoing, as the assessment test and job tool functions of the CSC platform remain inaccessible.

COUNT II
Amazon Failed to Provide Plaintiff Murad with Reasonable Accommodations.
(on behalf of Maryann Murad)

56. Plaintiffs incorporate the allegations in the preceding paragraphs, as if alleged herein.

57. Title I of the ADA makes it "unlawful for a covered entity not to make reasonable accommodation to the known physical or mental limitations of an otherwise qualified applicant . . . with a disability, unless such covered entity can demonstrate that the accommodation would impose an undue hardship on the operation of its business." 29 C.F.R. § 1630.9(a). In addition, "[I]t is unlawful for a covered entity to deny employment opportunities to an otherwise qualified job applicant . . . with a disability based on the need of such covered entity to make reasonable accommodation to such individual's physical or mental impairments." 29 C.F.R. § 1630.9(b).

58. Ms. Murad requested a reasonable accommodation to be able to take the assessment test to apply for an Amazon VCS Associate position.

59. Amazon did not provide a reasonable accommodation to allow Ms. Murad to take the assessment test in an accessible format and refused to hire Ms. Murad for the VCS Associate position.

60. Providing an accessible assessment and accessible CSC platform is a reasonable accommodation. On information and belief, other accommodations would also be reasonable means to make Amazon VCS Associate positions available to Ms. Murad and other qualified blind individuals.

61. Because Amazon failed to provide Ms. Murad with a reasonable accommodation that would allow her an equal opportunity to apply for and perform a VCS Associate position as other sighted applicants, Amazon has engaged in disability discrimination under Title I of the ADA. 42 U.S.C. § 12112(a) & (b)(5).

**VIOLATION OF THE
MICHIGAN PERSONS WITH DISABILITIES CIVIL RIGHTS ACT
("PWDCRA")**

**COUNT III
Amazon Denies Ms. Murad and NFB Members the Opportunity to Obtain
Employment.
(on behalf of Maryann Murad and the NFB)**

62. Plaintiffs incorporate the allegations in the preceding paragraphs, as if alleged herein.

63. Ms. Murad is a person with a disability as defined under Mich. Comp. Laws. Ann. § 37.1103(d) & (h).

64. The NFB's blind members in Michigan are persons with disabilities as defined under Mich. Comp. Laws Ann. § 37.1103(d) & (h).

65. Amazon is an employer subject to the nondiscrimination provisions of the PWDCRA. Mich. Comp. Laws. Ann. § 37.1201(b).

66. The PWDCRA recognizes that “[t]he opportunity to obtain employment . . . without discrimination because of a disability is guaranteed by this act and is a civil right.” Mich. Comp. Laws Ann. § 37.1102(1).

67. Ms. Murad's disability (blindness) is unrelated to her ability to perform the duties required of an Amazon VCS Associate. The disabilities of the NFB's blind members in Michigan also are unrelated to their ability to perform the duties required of an Amazon VCS Associate.

68. By developing, procuring, maintaining, and using technology and online applications that are not compatible with screen readers and therefore not accessible to blind individuals, Amazon has discriminated against Ms. Murad and other blind NFB members in hiring and employment based on their disability and denied them equal employment opportunities afforded to sighted applicants.

69. Amazon's classification of Ms. Murad and other blind NFB members as unqualified for its VCS Associate position based on their disability, and its subsequent failure to hire Ms. Murad on the basis of her disability, constitute violations of PWDCRA. Mich. Comp. Laws Ann. § 37.1202(a) & (c).

70. Amazon's inaccessible application process is also a form of application that expresses a preference, limitation, or specification based on the disability of a prospective employee for reasons contrary to the provisions or purposes of the PWDCRA. Mich. Comp. Laws Ann. § 37.1206(c).

71. Further, the PWDCRA prohibits an employer from failing or refusing to hire an individual "when adaptive devices or aids may be utilized thereby enabling that individual to perform the specific requirements of the job." Mich. Comp. Laws Ann. 37.1202(f). Because Amazon has failed to take adequate action to adopt and implement accessibility requirements for its technology that would enable Ms. Murad and other blind individuals to use Amazon's CSC platform, Amazon has engaged in unlawful employment practices prohibited by the PWDCRA.

RELIEF SOUGHT

WHEREFORE, Plaintiffs Maryann Murad and the NFB respectfully request the judgment of the Court against Defendant Amazon.com, Inc., as follows:

A. Find and declare that Defendant has discriminated against Ms. Murad and other blind NFB members on the basis of their disability, in violation of Title I of the ADA, by failing to provide an accessible method to apply, be assessed for, and perform the VCS Associate position due to Defendant's development, procurement, maintenance, and use of the inaccessible CSC platform;

B. Find and declare that Defendant has discriminated against Ms. Murad and other blind NFB members in Michigan on the basis of their disability, in violation of the PWDCRA, by failing to provide an accessible method to apply, be assessed for, and perform the VCS Associate position due to Defendant's development, procurement, maintenance, and use of the inaccessible CSC platform;

C. Find and declare that Defendant, by failing or refusing to hire Plaintiff Ms. Murad for a VCS Associate position because of her disability, violated Title I of the ADA and the PWDCRA;

D. Find and declare that Defendant failed to provide a reasonable accommodation to Ms. Murad to complete the application and assessment for a VCS Associate position in violation of Title I of the ADA and the PWDCRA;

E. Order Defendant to modify its CSC platform to make it fully accessible, or, in the alternative, order that Defendant procure an accessible replacement for the CSC platform;

F. Order Defendant to offer Ms. Murad a full time virtual or work-at-home position, to waive any inaccessible assessment or application process for such position, and to provide reasonable accommodations sufficient to allow Ms. Murad to satisfactorily perform the essential functions of the position;

G. Award Ms. Murad back pay and front pay;

H. Award Plaintiffs compensatory damages;

- I. Award Plaintiffs reasonable attorneys' fees and costs, including litigation expenses, as provided by law; and
- J. Grant such other and further relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiffs hereby request a jury trial.

Respectfully submitted,

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