

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO**
(Western Division)

PAMELA STEWARD, 859 Miami Street, Apt. 11 Tiffin, Ohio 44882	:	Civil Action No. 3:18-cv-2905
	:	
RALPH MAGERS, P.O. Box 426 Tiffin, Ohio 44883	:	Judge:
	:	
and	:	
MARK FELTON 180 Gross Street Tiffin, Ohio 44883	:	Magistrate Judge:
	:	
Plaintiffs,	:	
	:	
v.	:	Jury Trial Demanded
	:	
ROPPE CORPORATION, 1602 North Union Street Fostoria, Ohio 44830	:	
	:	
SENECA RE-AD INDUSTRIES, INC., 780 East SCR 20 Tiffin, Ohio 44883	:	
	:	
and	:	
SENECA COUNTY BOARD OF DEVELOPMENTAL DISABILITIES 780 East SCR 20 Tiffin, Ohio 44883	:	
	:	
Defendants.	:	

COMPLAINT

I. INTRODUCTION

Plaintiffs Pamela Steward, Ralph “Joe” Magers, and Mark Felton bring this Complaint against Defendants Roppe Corporation (“Roppe”), Seneca Re-Ad Industries, Inc. (“Seneca”),

and the Seneca County Board of Developmental Disabilities (“SCBDD”) for damages, declaratory and injunctive relief, costs and attorneys’ fees, and pre-judgment and post-judgment interest, and allege as follows:

1. Roppe is a leading manufacturer of commercial flooring products, including rubber and vinyl flooring tiles. It does tens of millions of dollars in business annually and its products are distributed across the globe.

2. Since 1984, Seneca has operated Roppe’s Sampling Division in a building co located on a campus with other Roppe divisions. The samples that Seneca produces are an integral part of Roppe’s business and production process. Individuals who work in the Sampling Division produce samples of Roppe flooring materials using processes and methods specified by Roppe. Because they are often the first examples of Roppe’s products that potential customers see, Roppe’s customers worldwide rely on the samples produced at Seneca to consider and choose from its various product lines, which directly influence Roppe’s overall sales. Seneca does not perform work for any other business besides Roppe.

3. But for a single bus driver, Seneca only employs individuals with disabilities. The individuals who work in Roppe’s Sampling Division are supervised by employees of SCBDD pursuant to a written agreement between Seneca and SCBDD. SCBDD supervising staff oversee the daily activities of individuals who work in the Sampling Division, assign them work, and make hiring and firing decisions according to Roppe’s standards. In this regard, SCBDD staff are directly involved in, and make daily decisions about, the conditions of employment of individuals in the Sampling Division.

4. All three Plaintiffs are employed in Roppe’s Sampling Division. Since their respective employments began, Roppe and Seneca have continuously discriminated against

Plaintiffs solely on the basis of their disabilities by: segregating them from non-disabled employees; paying them less than non-disabled employees; denying them the same benefits and privileges afforded to other, non-disabled, employees; failing to individually assess them on all of the essential functions of their positions and on other jobs within Roppe; and failing to provide them with reasonable accommodations in light of their known disabilities and despite numerous requests for such accommodations. Thus, Roppe and Seneca have violated Title I of the Americans with Disabilities Act (“ADA”), 42 U.S.C. §§ 12111, *et seq.*, and Ohio state law, which is interpreted *in pari materia* with the ADA. *See* Ohio Rev. Code § 4112.02; *Kleiber v. Honda of Am. Mfg., Inc.*, 485 F.3d 862, 872 (6th Cir. 2007).

5. SCBDD has aided and abetted Roppe’s and Seneca’s discriminatory conduct in violation of Ohio Rev. Code § 4112.02(J) by making employment decisions on behalf of Seneca and Roppe that have resulted in Plaintiffs’ unlawful segregation in the Sampling Division of Roppe without an opportunity to be considered for, and to be individually assessed on, jobs in other Roppe divisions; overseeing Plaintiffs’ day-to-day operations in Roppe’s Sampling Division, including relegating Plaintiffs to certain tasks within Roppe’s Sampling Division based on erroneous assumptions about their disabilities; and by unjustifiably denying Plaintiffs’ requested reasonable accommodations.

6. Plaintiffs seek declaratory and injunctive relief, as well as compensatory and punitive damages to remedy the multiple harms they have suffered.

II. JURISDICTION AND VENUE

7. This Court has subject-matter jurisdiction over Plaintiffs’ claims under the ADA pursuant to 28 U.S.C. § 1331 (federal question) and over Plaintiffs’ claims under Ohio state law pursuant to 28 U.S.C. § 1367 (supplemental jurisdiction) because Plaintiffs’ claims arise out of

the same nucleus of operative fact and form part of the same case or controversy as Plaintiffs' claims under the ADA.

8. Venue is proper pursuant to 28 U.S.C. § 1391(b) because all of the parties are residents of this judicial district and because a substantial part of the events or omissions giving rise to Plaintiffs' claims occurred in this judicial district.

III. PARTIES

Plaintiffs

9. Plaintiff Pamela Steward is a resident of Tiffin, Ohio. She is blind in her right eye and has an intellectual disability, asthma, and colitis. Ms. Steward's impairments substantially limit her in one or more major life activities, including but not limited to seeing, concentrating, thinking, breathing, and digestive functions. Ms. Steward has been employed by Defendants at their facility in Fostoria, Ohio, located in Seneca County, since April 12, 2010. She is an otherwise qualified individual with a disability subject to the protections afforded under Title I of the ADA, 42 U.S.C. §§ 12111, *et seq.*, and Ohio Rev. Code § 4112, *et seq.*

10. Plaintiff Ralph "Joe" Magers is a resident of Tiffin, Ohio. He is a person with optic atrophy and is legally blind. Mr. Magers' impairments substantially limit him in one or more major life activities, including but not limited to seeing. Mr. Magers has been employed by Defendants at their facility in Fostoria, Ohio, located in Seneca County, since January 21, 2010. He is an otherwise qualified individual with a disability subject to the protections afforded under Title I of the ADA, 42 U.S.C. §§ 12111, *et seq.*, and Ohio Rev. Code § 4112, *et seq.*

11. Plaintiff Mark Felton is a resident of Tiffin, Ohio. He is a person with autism. Mr. Felton's impairments substantially limit him in one or more major life activities, including but not limited to concentrating, thinking, and communicating. Mr. Felton has been employed by Defendants at their facility in Fostoria, Ohio, located in Seneca County, since December 5,

2011. He is an otherwise qualified individual with a disability subject to the protections afforded under Title I of the ADA, 42 U.S.C. §§ 12111, *et seq.*, and Ohio Rev. Code § 4112, *et seq.*

Defendants

12. Defendant Roppe Corporation was founded in 1955 and is a subsidiary of Roppe Holding Company. Both its headquarters and its Sampling Division are located in Fostoria, Ohio. Today, its products are distributed worldwide to 110 U.S. cities, 7 locations in Canada, and another 27 locations internationally. In 2017, its annual sales were approximately \$72.7 million. Its President and CEO is Donald P. Miller. Roppe has a contractual agreement with the Seneca County Commissioners (i.e., the elected body administering public services in Seneca County, Ohio) to provide building space for Seneca to operate its Sampling Division. At all times material to this Complaint, Roppe had 15 or more employees and was an “employer” within the meaning of the ADA. On information and belief, Roppe employs between 51 and 200 people.

13. Defendant Seneca Re-Ad Industries, Inc., is a non-profit corporation with an administrative office in Tiffin, Ohio, and its primary location in Fostoria, Ohio that functions as Roppe’s Sampling Division. Seneca contracts with SCBDD for SCBDD employees to provide “staff and facilities” to implement the employment-related support services to adults with intellectual and developmental disabilities in Seneca County, Ohio who are employed in Roppe’s Sampling Division, including supervision of Plaintiffs’ day-to-day job tasks. SCBDD and Seneca Non-Profit Board November 2, 2016 Month to Month Agreement attached hereto as Exhibit 1. At all times material to this Complaint, Seneca had 15 or more employees and was an “employer” within the meaning of the ADA. According to the Wage and Hour Division of the United States Department of Labor, as of July 1, 2018, Seneca employed 133 individuals with disabilities.

14. Defendant Seneca County Board of Developmental Disabilities is a public entity that, among other things, plans, funds, and provides employment-related services for individuals with disabilities. It also continuously recruits and refers eligible workers with disabilities to Seneca to perform jobs in Roppe's Sampling Division. As stated above, SCBDD staff oversee Roppe's Sampling Division and work with Roppe employees to maintain Roppe's facilities and equipment.

IV. FACTUAL BACKGROUND

Seneca is Created Solely to Serve as Roppe's Sampling Division.

15. Starting with an initiative spearheaded by CEO Don Miller in 1984, Roppe offered SCBDD's Adult Services Group Roppe-owned space to operate and administer Roppe's Sampling Division.

16. Today, Roppe provides facilities, equipment, maintenance, and staffing to Seneca; Seneca provides labor, through its employees with disabilities, to manufacture flooring samples exclusively for Roppe as its Sampling Division; and SCBDD provides staffing and support services to manage and supervise workers in the Sampling Division. SCBDD employees also work directly with Roppe employees to maintain Roppe's facilities and equipment.

17. More than 100 individuals with disabilities, including Plaintiffs, work in the Sampling Division, which is located in a building adjacent to Roppe's engineering department and other offices. The Sampling Division produces more than 25 million merchandise samples for Roppe per year.

18. Defendants' arrangement was described in a 2017 Fiscal Year Audit ("2017 Audit") prepared by the Ohio State Auditor:

Roppe Rubber¹ has entered into an agreement with the Seneca County Commissioners. Roppe Rubber is providing building space to carry on workshop activities including maintenance, insurance, and taxes. As long as the workshop performs work and assembles parts and products for Roppe Rubber, no rent will be charged for the use of the building.

The Seneca Board of Developmental Disabilities provides salaries, benefits, workshop space, and other costs to Seneca Re-Ad Industries.

David Yost, *Seneca County Single Audit for the Year Ended December 31, 2017* 82 (Ohio Auditor) (2017),
https://ohioauditor.gov/auditsearch/Reports/2018/Seneca_County_17_Seneca.pdf.

19. The 2017 Audit also states:

[Seneca] has contracted with [SCBDD] to provide sheltered employment for developmentally disabled or handicapped adults in Seneca County. Responsibility for the provision of sheltered employment is with the Board of Trustees of Seneca . . . , an eight member self-appointing board that operates within the defined duties and stated rules of [SCBDD]. [Seneca] receives all reasonable and just utility costs for the basic operations of this program from [SCBDD]. The staff, facilities, equipment, supplies and materials necessary for basic operation and care of the grounds and facility for the [Seneca] program are also provided by [SCBDD]. . . .

Id. at 80.

20. Audit reports from FY 2004 to present reveal that Roppe expends \$69,600 per year for Seneca to use its facilities and equipment.

21. Roppe also provides the supplies and materials necessary for Seneca to operate its Sampling Division, as well as technical assistance and support directly to the SCBDD staff who supervise Seneca employees.

22. Roppe has at least two staff members dedicated to working with SCBDD staff to maintain the Roppe-owned equipment and to schedule work in the Sampling Division. For

¹ Roppe Rubber is a prior name for the Roppe Corporation.

example, when a technical problem arises with the Roppe-owned equipment in the Sampling Division, a Roppe technician is called to fix the machine at issue.

23. Unlike other sheltered employment settings for people with disabilities,² where a production facility may serve a variety of customers, Seneca supplies labor and products exclusively for Roppe's benefit. The 2017 Audit found that Roppe "provided 81% of the revenue and services to Seneca Re-Ad," a volume of business that, if canceled, "would have a severe impact on the production operations of Seneca Re-Ad." *Id.* at 82. Upon information and belief, the remaining 19% of revenue and services to Seneca is derived from public funding sources.

24. Roppe also directly influences the method, materials, equipment, processes, and volume of work performed by Seneca.

25. The number of samples produced by each individual at Seneca for Roppe depends on the amount of materials provided by Roppe, its sales volume, and its customer demand. When Roppe does not provide enough product for Seneca employees, the employees are not permitted to work and do not earn wages for that day.

26. Roppe, by and through Seneca and SCBDD supervisory staff, controls the conditions of employment for workers at Seneca. Roppe staff members work with SCBDD and Seneca staff to operate Roppe machinery. SCBDD staff manage Seneca workers based on Roppe's production standards, including daily assignments to various tasks that are part of the Sampling Division. Seneca staff produce samples in accordance with Roppe guidelines and

² "Sheltered employment" refers to a "setting in which people with disabilities receive services and training to develop work-related skills." Amy J. Armstrong, *Sheltered Employment*, Ency. of Clinical Neuropsychology (Kreutzer, Jeffrey S., DeLuca, John, and Caplan, Bruce 2011), available at https://link.springer.com/referenceworkentry/10.1007%2F978-0-387-79948-3_427.

processes. Roppe's internal safety regulations and management of its building and equipment must be closely adhered to by SCBDD and Seneca employees.

27. Roppe controls the process by which Seneca receives and distributes Roppe's samples. A Seneca material handler is responsible for picking up product from other Roppe divisions and dropping it off to the Sampling Division for samples to be produced. When samples and vinyl corners are completed at Seneca, they are placed directly into shipment boxes containing Roppe's logo and immediately placed into the stream of commerce and sent to various customers across the globe.

28. Defendants' close relationship is no secret. They advertise the interdependence of their operations, common management, centralized control of labor relations and personnel, and common ownership and financial control widely in the press and in their own promotional materials. For example:

- A 2011 article published by the Ohio Department of Developmental Disabilities ("ODDD") states that "[b]ehind the Roppe product samples seen at home improvement stores and building supply centers around the world are the more than 100 individuals who work [for S Seneca]." It describes "[t]he individuals [at Seneca]" as "a totally integrated part of the [Roppe] organization." An SCBDD supervisor is quoted as stating, "we know if we have a question, we can go to one of the Roppe staff – including [CEO] Don Miller!" And CEO Don Miller himself is quoted as saying, "We always take our customers on a tour through the sample production area. They tell us this is what they remember about our company – the people working there. I'm proud of that . . . and of them." The article also quotes then-SCBDD Superintendent Lew Hurst who states,

“[m]ost impressive to me is that the work performed in the Sample Division is such a natural community work environment. We couldn’t be more a part of the Roppe team.”

See John Martin, *In Seneca County, Roppe Corp. Offers Solid Employment Opportunities in Fostoria*, Pipeline Quarterly (Spring 2011), attached hereto as Exhibit 2.

- A 2014 video published by SCBDD on YouTube shows an interview with Roppe’s then-marketing manager, Jeremy Whipple, who states that he serves as the Vice President of Seneca’s Board of Directors. The video includes an interview with Robin Briggs, Roppe’s Marketing Sample Project Coordinator, who states, “Every part, every tile, everything that Roppe has as far as material, we sample it and it goes through [Seneca].” The video also shows Seneca workers wearing shirts bearing the joint company insignia “Seneca Re-Ad/Roppe.”

See Seneca Cty. Bd. of Dev. Disabilities, *Seneca Re-Ad Industries – Tiffin and Fostoria Ohio – Seneca County Board of DD*, YouTube (Oct. 1, 2014).³

- In a 2014 article in the Fostoria Review Times, Roppe’s then-Marketing Projects Manager, Brian Cooper, states, “We look at them [Seneca] as another Roppe division and treat [i]t like another Roppe entity.” The article goes on to state,

Seneca Re-Ad employees produce the entire sample line for Roppe. They cut the material into the appropriate and designated shape before the pieces are stacked and taken to a table to be stamped with the [Roppe] logo, part number, part name, color and specs. . . . Roppe Corp. benefits from the joint venture because it allows all work to be done locally and gives the company quick access to inventory[.]

Morgan Manns, *Roppe, Seneca Re-Ad Celebrate 30 Years Together*, Review Times (Nov. 15, 2014).

- In a 2015 article in the Toledo Blade, Rodney Biggert, the current Director of Adult Services at SCBDD, indicates that Seneca workers are paid directly by Roppe:

³ Available at <https://www.youtube.com/watch?v=6vHyyTpcT9k>.

“[E]mployees are paid by the companies they work for – in this case Roppe – in a subcontract partnership with the county board.”

Lauren Lindstrom, *Below-Minimum Pay for Disabled Challenged*, Toledo Blade (Nov. 19, 2015, 12:00 a.m.).⁴

29. Simply put, without Roppe’s product, building, equipment, and oversight (directly and indirectly through SCBDD staff), Seneca would cease to exist.

Plaintiffs are Relegated to Roppe’s Sampling Division Based on Their Disabilities and Denied Opportunities for Cross-Training.

30. Mr. Magers began working in Roppe’s Sampling Division in January 2010; Ms. Steward in April 2010; Mr. Felton in December 2011.

31. Roppe’s method for assigning employees to its Sampling Division is different than its method for hiring employees in all of its other divisions. Traditionally, individuals applying for employment at Roppe apply through widely circulated job postings. In contrast, an individual employed in Roppe’s Sampling Division must be referred to the Sampling Division by SCBDD based on their eligibility for disability related services.

32. Upon information and belief, Roppe requires that workers in its Sampling Division at Seneca must be persons with disabilities who qualify for services with SCBDD.

33. That is how Plaintiffs ended up working in the Sampling Division. SCBDD pipelined Plaintiffs directly to Seneca to work in Roppe’s Sampling Division, and they were never considered or individually assessed for employment in other Roppe divisions.

34. Indeed, once they arrived in the Sampling Division, Plaintiffs were segregated from other employees in Roppe’s production process and were only permitted to work with other

⁴ Available at <https://www.toledoblade.com/local/2015/11/19/Below-minimum-pay-for-disabled-challenged.html>.

employees with disabilities, SCBDD supervising staff, and the Roppe workers assigned to maintaining Roppe's equipment used in the Sampling Division.

35. There, SCBDD supervising staff, pursuant to SCBDD's agreement with Seneca, assigned Plaintiffs to certain tasks within the Sampling Division.

36. The tasks to which employees are assigned impact both their compensation and their skill development. Tasks in the Sampling Division are compensated at different rates. For example, certain tasks, such as working as a product sampler, are paid at a flat hourly rate — as much as \$9.00 per hour. Other tasks, like the “double auto pad print” are compensated at a piece-rate,⁵ where the amount a worker earns is based on the amount the worker produces, which is further dictated by the amount of product Roppe supplies. The different tasks also involve training that ostensibly provides a Seneca employee with a range of competencies and skill sets in different areas of the production process. Thus, the ability to cross train in different tasks provides employees the benefit of developing different skills and experience, as well as the possibility of higher compensation.

37. According to the 2011 ODDD Pipeline article (Exhibit 2), SCBDD staff purport that all Seneca workers cross-train in all tasks that make up the Sampling Division; in reality, however, Plaintiffs have been denied access to tasks within the division that are essential parts of the sample assembly job based on stereotypical assumptions about their capabilities and outright refusals to provide them with reasonable accommodations.

38. In fact, since the beginning of their employment, SCBDD staff (on behalf of Roppe and Seneca) have assigned Plaintiffs to the same mundane and rote tasks based on erroneous assumptions about their individual disabilities and have refused to even assess

⁵ A piece-rate job means that employees are compensated based on the number of pieces they produced while performing a given task.

Plaintiffs' ability to perform certain tasks in the Sampling Division despite multiple requests that they do so.

39. For example, Mr. Magers, who is blind, has been prohibited from working on multiple machines in the Sampling Division out of "concern" that he may harm them. Specifically, one of the SCBDD supervisors informed Mr. Magers that he could not work on the drill press even though he has successfully operated the machine in the past.

40. Further, both Ms. Steward and Mr. Magers have been categorically denied access to certain machines because they are not accessible⁶ to individuals with visual impairments or who are blind.

41. When Plaintiffs raised this with Seneca, Seneca's counsel responded, "We fail to see why [Seneca] should modify machines Mr. Magers [and Ms. Steward] do . . . not utilize in [their] job[s]." Seneca maintained that it, through SCBDD supervising staff, has the sole discretion to assign employees to certain tasks within the Sampling Division.

42. Likewise, Mr. Felton was told that he cannot access certain machines, like the auto print machine and the drill press/corner holes machine, because of his behavior of taking occasional breaks on the job. As discussed below, Mr. Felton's need for occasional short breaks is the direct result of his autism, for which Mr. Felton requested an accommodation and was denied.

43. Seneca's circular reasoning is contrary to SCBDD's claim that all Seneca employees are cross-trained in every task that make up the Sampling Division; moreover, it ensures that Plaintiffs will never gain additional skills and experience on the machines that are not accessible. By Seneca's logic, if the machines are not accessible, Plaintiffs will not be

⁶ The term "accessible" means "how something is designed to be used, reviewed, read, or otherwise accessed by someone who is living with a disability or impairment of some kind." Paul Scherffius, *Why Accessibility Matters*, brailleworks.com (Dec. 30, 2016, 9:12 a.m.), <https://brailleworks.com/accessibility-matters/>.

assigned to work on them, and if Plaintiffs are not assigned to work on them, they will never be made accessible.

44. The tasks from which Plaintiffs were excluded on the basis of their disabilities would have provided them with the opportunity to operate more advanced equipment and machinery (rather than continuing to perform mostly manual tasks like assembly-line work); to acquire additional vocational skills and opportunities in doing so; and are associated with greater compensation and benefits both in the Sampling Division and across other divisions of Roppe and the competitive labor market.

Plaintiffs are Compensated at Rates Lower than Non-Disabled Employees Working in Other Roppe Divisions.

45. When Plaintiffs were relegated to Roppe's Sampling Division, they were barred from earning competitive wages similar to non-disabled workers in other Roppe divisions.

46. Until February 2016, Plaintiffs were erroneously paid less than minimum wage (as little as \$2.00 per hour) under the guise of certificates issued to Seneca by the United States Department of Labor to Seneca pursuant to 29 U.S.C. § 214(c) (i.e., "14(c) certificate"). As part of the 14(c)-certificate program, under the Fair Labor Standards Act ("FLSA"), Seneca is permitted to pay only individuals with disabilities who are "disabled for the work performed" subminimum wages.

47. In contrast, workers with disabilities who are not "disabled for the work performed" (i.e., workers who do not have disabilities that impair their productivity in performing a specific job) must be paid at least the minimum wage in accordance with the FLSA and the Ohio Constitution. The Ohio minimum wage in 2018 is \$8.30 per hour.

48. Even though Roppe is not a 14(c)-certificate holder, it relied on Seneca's certificate to profit from the reduced labor costs of work performed by Plaintiffs because they

were compensated at a subminimum wage, rather than the Ohio minimum wage or wages that are commensurate to other non-disabled workers performing similar manufacturing tasks in other Roppe divisions.

49. In February 2016, after successfully petitioning the Department of Labor to review their wages, Plaintiffs were found to have been misclassified and erroneously placed in the 14(c) program, and they subsequently began to earn minimum wage, even as their request for unpaid minimum wages for the years that they worked in the Sampling Division continues to be reviewed, at the request of Seneca, by the Department of Labor.⁷

50. Today, Roppe and Seneca have placed an artificial cap on Plaintiffs' wages at the Ohio minimum wage, regardless of what task they perform or how productive they are. Plaintiffs are compensated at \$8.30 per hour on every task they perform in the workshop. In contrast, the average hourly rate for a worker in other Roppe divisions is \$16.47 per hour, with some making upwards of \$25.50 per hour.

51. Plaintiffs are similarly compensated at the Ohio minimum wage when they perform piece-rate tasks, regardless of how many pieces they produce. Prior to February 2016, when Plaintiffs were paid subminimum wages, they were, at times, able to perform enough piece-rate work in the Sampling Division to earn wages that exceeded the minimum wage. However, since Plaintiffs successfully challenged their subminimum wages, that opportunity has been taken away and their wages have been artificially capped. Upon information and belief, this is true even though employees in other Roppe divisions who perform similar piece-rate work are compensated based on the amount of product they produce, with the potential to be compensated at rates higher than the Ohio minimum wage.

⁷ See *Ralph Magers, et al., v. Seneca Re-Ad Industries, Inc.*, 2016-FLS-003 (Dep't of Labor Feb. 2, 2016) (decision and order); *Ralph Magers, et al. v. Seneca Re-Ad Industries, Inc.*, ARB 16-038, ARB 16-054, 2016-FLS-003 (Dep't of Labor Jan. 12, 2017) (decision and order reversing, in part, and remanding).

52. Roppe and Seneca compensate Plaintiffs at this reduced rate despite knowing that workers like Plaintiffs are, in some instances, more productive than non-disabled workers in other divisions. For example, at one point, Roppe job-tested individuals working for the company in a temporary-employment capacity and found that workers at Seneca out-produced them by 35%. Nevertheless, Plaintiffs, who have a combined total of 23 years of experience working in Roppe's Sampling Division, have had their wages capped at \$8.30 per hour by their employer.

53. Moreover, Plaintiffs are only permitted to work for a limited number of hours per week. The Sampling Division's operating hours are restricted to 25 hours per week, and Plaintiffs are not permitted to try out for other divisions of the company in the same production process should they want to work more hours per week within the company than the Sampling Division affords.

Plaintiffs are Denied Equal Benefits of Employment Afforded to Non-Disabled Workers at Roppe.

54. In addition to being denied wages equal to those afforded to others in the Roppe production process, Plaintiffs are denied access to the same benefits and privileges of employment that are afforded to their non-disabled colleagues.

55. Roppe boasts on its website that it "has low turnover rates due to [its] excellent benefits and compensation plans." Roppe Corporation, *About Us* (2017).⁸ Those benefits include profit sharing, 401(k) plans, pension plans, health insurance, and disability insurance.

56. Because Plaintiffs work in Roppe's Sampling Division, there are no health or other financial benefits afforded to Plaintiffs.

⁸ Available at <https://roppe.com/about-us>.

57. Upon information and belief, although Plaintiffs accrue some vacation time, the vacation time they accrue is at a rate different from other, non disabled workers performing similar tasks in other Roppe divisions.

Plaintiffs are Denied Equal Access to Promotional Opportunities.

58. According to Roppe’s website: “Roppe believes in a leadership philosophy that encourages participation, self-management, and determination for success. We promote advancement from within when possible and are proud to promote equal employment opportunities and prohibit harassment in our workplace.”

59. Although advancement opportunities may be available to employees working in other divisions of Roppe, they are not available to Plaintiffs. In letters from Seneca’s counsel, Plaintiffs were informed that, “given the horizontal nature of the structure at Seneca Re-Ad, we are aware of no opportunity for advancement. No promotion is available to [Plaintiffs].”

60. Thus, persons with disabilities assigned to Roppe’s Sampling Division are, by design, not eligible for “advancement from within” Roppe. Indeed, in another letter Seneca’s counsel wrote that “there is no advancement available, there are no other positions, and there are no greater benefits associated with any particular task.”

61. Moreover, Defendants’ refusal to allow Plaintiffs to perform all of the essential functions of their jobs in the Sampling Division ensures that even if Plaintiffs did have opportunities for advancement like non-disabled workers in other divisions of Roppe, they would be far less likely to be considered for such positions because they would not have acquired the requisite skills or experience as a result of the limitations that Defendants have imposed.

Defendants Have Not Individually Assessed Each Plaintiff.

62. Plaintiffs are further subjected to discrimination within the Roppe Sampling Division itself. The essential functions of a job in the Sampling Division are that an individual:

(1) be a person with a disability that is qualified to receive services from SCBDD; (2) is available to receive vocational training on the tasks that make up the Sampling Division; and (3) can rotate within those tasks to receive the full range of training.

63. Beginning in August 2017, Plaintiffs, through a series of written requests sent by their attorneys,⁹ requested that they be individually assessed on each task in the Roppe Sampling Division to determine whether they could perform each task with or without reasonable accommodations.

64. Plaintiffs asked that they be afforded an individualized assessment with the assistance of a job coach. In requesting the assistance of a certified job coach, Plaintiffs sought a neutral third-party who is properly trained in each of Plaintiff's individual disabilities to assist the Plaintiffs with identifying reasonable accommodations, if any, and appropriate training. Plaintiffs' request specified that the use of a job coach would be limited to assessing each Plaintiff on all of the areas available for cross-training in Roppe's Sampling Division (*e.g.*, all of the Sampling Division job's essential functions) and to determine what, if any, reasonable accommodations each Plaintiff may need to perform each task in their position.

65. In response, counsel for Seneca stated that Plaintiffs are not entitled to an individualized assessment, and that it has unfettered discretion (through its agents, SCBDD supervising staff) to assign Plaintiffs to tasks where and when it wishes. In a letter from Seneca's counsel, Seneca took the position that "[u]nless [Plaintiffs are] assigned to a particular job, [they] ha[ve] no need to be trained on that job."

66. Seneca denied that it was responsible for an individualized assessment and instead referred Plaintiffs to SCBDD generally for job coaching and training.

⁹ All written requests referenced herein were directed to Seneca and/or its counsel and Roppe.

67. Moreover, Seneca denied Plaintiffs' request for this reasonable accommodation despite: (1) its admission that "there is one job at Seneca Re-Ad" which "consists of many tasks that must be done in order to complete the finished product"; (2) its history of assigning Plaintiffs (through SCBDD supervising staff) to tasks based on erroneous and stereotypical assumptions about what Plaintiffs can or cannot do as a result of their disabilities; and (3) its long track record of unjustifiably excluding Plaintiffs from certain essential job functions.

68. To date, Defendants have not provided Plaintiffs with either a job coach for the limited purpose of conducting an individualized inquiry or a meaningful opportunity to have such an assessment performed. Nor have Defendants' staff provided such an individualized assessment directly or allowed Plaintiffs the opportunity to access all of the essential functions of the Sampling Division job with or without reasonable accommodations, even though Plaintiffs are otherwise qualified to perform them.

Plaintiffs Are Denied Reasonable Accommodations.

69. As otherwise qualified individuals with disabilities working in Roppe's Sampling Division, Plaintiffs are entitled to reasonable accommodations that permit them to perform the essential function of their jobs.

70. In accordance with the ADA, from August 25, 2017 through March 5, 2018, Plaintiffs, through their attorneys, sent a series of written requests for accommodations on the tasks that they perform in the Sampling Division to Seneca, its counsel, and Roppe.¹⁰ Seneca responded through counsel.

¹⁰ Plaintiffs in no way suggest that their disabilities render them disabled for the work they perform. Rather, Plaintiffs are otherwise qualified individuals who, with or without reasonable accommodations, are able to perform the essential functions of the Sampling Division.

71. Upon information and belief, Roppe authorizes Seneca, by and through its contractual relationship with SCBDD, to assess whether an employee working in Roppe's Sampling Division requires accommodations and to grant or deny an employee's request.

72. Ms. Steward requested that she be provided job training on all tasks in an accessible format. For example, when Ms. Steward was trained on tasks in the past, SCBDD supervisors provided her with written instructions in a size and font that, due to her visual impairment, were unreadable and that otherwise lacked sufficient description and demonstration of the task to be performed. Ms. Steward requested that she receive instruction and training in a format that includes verbal prompts, detailed instruction of individual tasks, and tactile training. She further requested that the training be of a sufficient duration to allow her to understand the instruction.

73. Defendants have yet to provide Ms. Steward with descriptions of the jobs she performs in an accessible format or to provide her demonstrative training in the manner requested, even despite counsel's requests.

74. Moreover, Seneca took the position that despite counsel's request for accessible written materials, it would continue to provide Ms. Steward with the same inaccessible written training materials because she could ask her supervisors for oral instruction.

75. Ms. Steward also requested that when she is assigned to the "saw" (a task involving cutting wood pieces that produces airborne rubber dust and fumes), she be provided with a protective mask so as not to exacerbate her asthma. She requested a mask on a weekly basis.

76. Seneca's counsel responded that "dust masks are available whenever [Ms. Steward] desires one, and that no request for a dust mask has ever been denied."

77. Despite counsel for Ms. Steward's repeated requests for a mask on a weekly basis, SCBDD staff flatly rejected Ms. Steward's requests and have told her that she can only receive a mask on a monthly basis or she cannot receive a new mask until the one she has been previously provided is no longer useable because it is visibly soiled.

78. Defendants' failure to provide Ms. Steward with a reasonable accommodation while working on the saw has exacerbated the effects of her asthma.

79. Ms. Steward also informed Defendants that when she is assigned to assembly line-style tasks and placed at the end or middle of the process she is often too fast when working with others, which causes her to be anxious and exacerbates the symptoms of her colitis. She requested that such tasks be modified so that she could work autonomously and at her own pace, or on the front of the line.

80. Seneca refused to consider Ms. Steward's request or provide her with an alternative reasonable accommodation.

81. Mr. Magers requested that he be provided with training material in an accessible format. Because Mr. Magers is blind, the written job instructions SCBDD supervisors provide him with are completely useless to him. Mr. Magers requested that his training consist of in-person demonstrations (performed by SCBDD supervisory staff) of machines and work stations and that he receive demonstrations including descriptive language of the machines/equipment and tactile training.

82. Defendants have yet to provide Mr. Magers with descriptions of the jobs he performs in an accessible format or to provide him demonstrative training in the manner requested, even despite counsel's requests.

83. Mr. Magers is often assigned to place multiple tiles on a chain to create different samples. The tiles are often not organized and are in the incorrect order when they are given to him. Due to his visual impairment, he is unable to see when different colored tiles are given to him out of order. He requested that Defendants reorganize his work station so that the tiles are organized by color and in the correct position.

84. In response, Defendants claimed that such organization by color and the positioning of the tiles was already being done. However, Mr. Magers continues to encounter disorganized and out of order tiles that unnecessarily impede the quality of his work on this task. Despite repeated requests, Defendants have taken no steps to afford him a reasonable accommodation.

85. With respect to Mr. Felton, due to his autism, he requires short, periodic, and flexible breaks in order to prevent himself from becoming over-stimulated and to reorient himself. SCBDD supervisors have disciplined Mr. Felton in the past when he has averted his eyes from his work station or spoken to coworkers while he is working in a specific task, which manifested due to his lack of breaks.

86. Mr. Felton requested that, in addition to regularly-scheduled breaks given to all employees, he be given periodic, short breaks if and when he needs them to reorient himself. Defendants denied Mr. Felton's request.

87. Mr. Felton also requested that he be trained in an accessible format. Specifically, he requested that he receive training using verbal prompts and detailed instruction of individual tasks in a duration sufficient for him to understand the instruction.

88. Seneca took that position that “[i]f Mr. Felton does not understand what he is expected to do, he can communicate the need for further instruction to his supervisors, something he has not done to our knowledge.”

89. Defendants have yet to provide Mr. Felton with descriptions of the jobs he performs in an accessible format or to provide him training in the manner requested, even despite counsel’s requests.

90. Moreover, Seneca stated that “[W]hile quality of product is not used as a basis for paying an employee, it certainly can be a factor in assigning an employee to a particular work location.” Thus, Defendants have unjustifiably denied Plaintiffs the accommodations that would allow them to perform the essential functions of their jobs and ostensibly increase the quality of their production, while using product quality as a criterion to determine whether Plaintiffs can perform other essential functions of their jobs (or other jobs within the company) that they are otherwise qualified to perform.

91. At no point in its correspondence with Plaintiffs’ counsel did Seneca assert that any of Plaintiffs’ requests would pose an undue hardship.

92. Plaintiffs sent their last correspondence related to their requests for reasonable accommodations on March 5, 2018; Plaintiffs have not received a response since.

93. Plaintiffs filed timely Charges of Discrimination with the United States Equal Employment Opportunity Commission (“EEOC”), which were received by the EEOC on April 30, 2018, alleging, inter alia, discriminatory practices by Roppe and Seneca. As part of its Priority Charge Handling Procedure, the EEOC requested supplementary charges from Plaintiffs, which Plaintiffs duly submitted and the EEOC received on September 11, 2018.

94. By Notices dated September 19 and 21, 2018, the EEOC issued right to sue letters to each Plaintiff with respect to Roppe and Seneca. This action timely follows.

V. CAUSES OF ACTION

COUNT I

**Violations of Title I of the Americans with Disabilities Act
Discriminatory Terms, Conditions, and Privileges of Employment**

(Against Roppe and Seneca)

95. Plaintiffs incorporate all of the foregoing allegations as if fully stated herein.

96. Title I of the ADA prohibits “discriminat[ion] against a qualified individual on the basis of disability in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.” 42 U.S.C. § 12112(a). Roppe and Seneca have violated that prohibition by:

- denying Plaintiffs equal access to job training opportunities across Roppe and within the Sampling Division;
- depriving Plaintiffs of equal access to, or an individualized assessment on, all of the essential functions of their position in the Roppe Sampling Division, even though they were otherwise qualified to perform them;
- denying Plaintiffs an individualized assessment on positions at Roppe other than those in the Sampling Division on the basis of their disabilities;
- denying Plaintiffs compensation and pay equivalent to that received by non disabled employees working in other Roppe divisions;
- denying Plaintiffs other terms, conditions, and privileges of employment afforded to non-disabled employees in other Roppe divisions such as profit sharing, 401(k) plans, pension plans, health insurance, disability insurance, and equivalent vacation time; and

- denying Plaintiffs equal opportunities for advancement and promotional opportunities afforded to non-disabled employees performing similar work in Roppe's production process.

97. Roppe's and Seneca's conduct has adversely affected Plaintiffs' opportunities and status because they are deprived of equal access to experience and skill development, compensation, advancement opportunities, and benefits based on erroneous assumptions about their disabilities.

98. Roppe's and Seneca's conduct caused Plaintiffs substantial economic damages as measured by the difference between their actual rate of pay, pay-related benefits (or lack thereof), and the amounts earned and accrued by workers in similar manufacturing positions in the other divisions of Roppe. Moreover, Roppe's and Seneca's conduct in placing an artificial cap at the Ohio minimum wage on Plaintiffs' wages is discriminatory and continues to cause them economic damages now and into the future. Plaintiffs are entitled to be paid prevailing wages for the job that they perform going forward.

99. Because Roppe and Seneca are part of a single, integrated enterprise and/or are joint employers, Roppe and Seneca are jointly and severally liable for Plaintiffs' compensatory damages. Because they acted with malice or with reckless indifference towards Plaintiffs and their rights under the ADA, they are also liable for punitive damages. Finally, Roppe and Seneca are liable for the court costs, reasonable attorneys' fees, and expenses Plaintiffs have incurred in the prosecution of this matter.

COUNT II

Violations of Title I of the Americans with Disabilities Act Discriminatory Criteria and Qualification Standards

(Against Roppe and Seneca)

100. Plaintiffs incorporate all of the foregoing allegations as if fully stated herein.

101. Title I of the ADA prohibits an employer from “limiting, segregating, or classifying [an] employee in a way that adversely affects the opportunities or status of such . . . employee because of the disability of such . . . employee.” 42 U.S.C. § 12112(b)(1). Roppe and Seneca violated this prohibition by relegating Plaintiffs to Roppe’s Sampling Division, a segregated division of the company with only employees with disabilities present (except for SCBDD supervisors and Roppe support staff) without an adequate individualized inquiry into their skills and abilities and, instead, based only on general assumptions about the limitations imposed by Plaintiffs’ disabilities in a way that adversely affects their job status, employment opportunities within Roppe, and overall employment prospects in the open market.

102. Title I further prohibits an employer from participating in an “arrangement or relationship that has the effect of subjecting” an employee to discrimination based on disability. 42 U.S.C. § 12112(b)(2). Roppe and Seneca have discriminated against Plaintiffs by participating in an arrangement or relationship with SCBDD that had the effect of subjecting the Plaintiffs, qualified individuals with disabilities, to prohibited discrimination in violation of 42 U.S.C. 12112(b)(2), including:

- the discriminatory provision of vocational training, supervision, and job assignment decisions;
- the failure to individually assess Plaintiffs before excluding them when they were otherwise qualified to perform other tasks and positions;
- the denial of reasonable accommodations; and
- other actions or inactions committed by and delegated to SCBDD funded staff.

103. Moreover, an employer is prohibited from utilizing standards, criteria, and methods of administration that have the effect of discrimination based on disability. 42 U.S.C. § 12112(b)(3). Roppe's and Seneca's actions (or inactions) in utilizing standards, criteria, and methods of administration with regard to job application procedures, hiring, advancement, employee compensation, job training, and other terms, conditions, and privileges of employment have had the effect of discriminating against Plaintiffs on the basis of disability.

104. Further, it is unlawful to use qualification standards or other selection criteria "that screen out or tend to screen out an individual with a disability" unless such standards are "shown to be job-related for the position in question and is consistent with business necessity." 42 U.S.C. § 12112(b)(6). Roppe and Seneca have, through SCBDD supervising staff, violated this provision by using qualification standards that are neither job-related nor consistent with business necessity which have the effect of excluding Plaintiffs from accessing other essential functions of their jobs.

105. Roppe's and Seneca's conduct has adversely affected Plaintiffs' opportunities and status because they are deprived of equal access to experience and skill development, compensation, advancement opportunities, and benefits based on erroneous assumptions about their disabilities.

106. Roppe's and Seneca's conduct caused Plaintiffs substantial economic damages as measured by the difference between their actual rate of pay, pay-related benefits (or lack thereof), and the amounts earned and accrued by workers in similar manufacturing positions in the other divisions of Roppe. Moreover, Roppe's and Seneca's conduct in placing an artificial cap at the Ohio minimum wage on Plaintiffs' wages is discriminatory and continues to cause

them economic damages now and into the future. Plaintiffs are entitled to be paid prevailing wages for the job that they perform going forward.

107. Because Roppe and Seneca are part of a single, integrated enterprise and/or are joint employers, Roppe and Seneca are jointly and severally liable for Plaintiffs' compensatory damages. Because they acted with malice or with reckless indifference towards Plaintiffs and their rights under the ADA, they are also liable for punitive damages. Finally, Roppe and Seneca are liable for the court costs, reasonable attorneys' fees, and expenses Plaintiffs have incurred in the prosecution of this matter.

COUNT III

Violations of the Americans with Disabilities Act **Failure to Provide Reasonable Accommodations**

(Against Roppe and Seneca)

108. Plaintiffs incorporate all of the foregoing allegations as if fully stated herein.

109. Title I of the ADA prohibits an employer from failing to make "reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless such covered entity can demonstrate that the accommodation would impose an undue hardship on the operation of the business of such covered entity[.]" 42 U.S.C. § 12112(b)(5)(A). Moreover, an employer may not deny "employment opportunities to a job applicant or employee who is an otherwise qualified individual with a disability, if such denial is based on the need of such covered entity to make reasonable accommodation to the physical or mental impairments of the employee[.]" 42 U.S.C. § 12112(b)(5)(B).

110. Roppe and Seneca, directly and/or through their agents and employees, have discriminated against Plaintiffs by:

- failing to perform an individualized assessment on each Plaintiff for all of the essential functions of their position in the Roppe Sampling Division even though they were otherwise qualified to perform them;
- failing to provide them with reasonable accommodations to perform the essential functions of the Roppe Sampling Division job that they currently perform, even though Plaintiffs' requests would not pose an undue hardship on Roppe and Seneca; and
- failing to provide Plaintiffs with reasonable accommodations on tasks that make up the essential functions of their job that they are otherwise qualified to perform but have been categorically prohibited from performing (e.g., failure to make machines accessible), even though Plaintiffs' requests would not pose an undue hardship on Roppe and Seneca.

111. Roppe's and Seneca's conduct has adversely affected Plaintiffs' opportunities and status because they are deprived of equal access to experience and skill development, compensation, advancement opportunities, and benefits based on erroneous assumptions about their disabilities.

112. Roppe's and Seneca's conduct has caused Plaintiffs substantial economic damages as measured by the difference between their actual rate of pay, pay-related benefits (or lack thereof), and the amounts earned and accrued by workers in similar manufacturing positions in the other divisions of Roppe. Moreover, Roppe's and Seneca's conduct in placing an artificial cap at the Ohio minimum wage on Plaintiffs' wages is discriminatory and continues to cause them economic damages now and into the future. Plaintiffs are entitled to be paid prevailing wages for the job that they perform going forward. Plaintiffs are further entitled to

compensatory and punitive damages for Roppe's and Seneca's malicious and/or reckless disregard to their discriminatory employment practices.

113. Because Roppe and Seneca are part of a single, integrated enterprise and/or are joint employers, Roppe and Seneca are jointly and severally liable for Plaintiffs' compensatory damages. Because they acted with malice or with reckless indifference towards Plaintiffs and their rights under the ADA, they are also liable for punitive damages. Finally, Roppe and Seneca are liable for the court costs, reasonable attorneys' fees, and expenses Plaintiffs have incurred in the prosecution of this matter.

COUNT IV

Violations of Ohio Rev. Code § 4112.02

(Against Roppe and Seneca)

114. Plaintiffs incorporate all of the foregoing allegations as if fully stated herein.

115. Ohio Rev. Code § 4112.02(A) prohibits employers from discriminating on the basis of disability "with respect to hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment."

116. Roppe and Seneca have violated Ohio Rev. Code § 4112.02(A) by:

- denying Plaintiffs equal access to job training opportunities across Roppe and also within the Sampling Division;
- depriving Plaintiffs of access to, or an individualized assessment on, all of the essential functions of their position in the Roppe Sampling Division, even though they were otherwise qualified to perform them;
- denying Plaintiffs an individualized assessment on positions at Roppe other than those in the Sampling Division on the basis of their disabilities;

- unlawfully segregating Plaintiffs by relegating Plaintiffs to Roppe's Sampling Division, a segregated division of the company with only employees with disabilities present except for SCBDD supervisory and Roppe support staff, without an adequate individualized inquiry into their skills and abilities and, instead, based only on general assumptions about the limitations imposed by their disabilities in a way that adversely affects their job status, employment opportunities within Roppe, and overall employment prospects in the open market;
- denying Plaintiffs compensation and pay equivalent to that received by non disabled employees working in other Roppe divisions;
- denying Plaintiffs other terms, conditions, and privileges of employment afforded to non-disabled employees in other Roppe divisions, including affording them opportunities for profit sharing, 401(k) plans, pension plans, health insurance, disability insurance, and equal vacation benefits; and
- denying Plaintiffs equal opportunities for advancement and promotional opportunities afforded to non-disabled employees performing similar work in other Roppe divisions; and
- denying Plaintiffs' requests for reasonable accommodations.

117. Roppe's and Seneca's conduct has adversely affected Plaintiffs' opportunities and status because they are deprived of equal access to experience and skill development, compensation, advancement opportunities, and benefits based on erroneous assumptions about their disabilities.

118. Roppe's and Seneca's conduct caused Plaintiffs substantial economic damages as measured by the difference between their actual rate of pay, pay-related benefits (or lack

thereof), and the amounts earned and accrued by workers in similar manufacturing positions in the other divisions of Roppe. Moreover, Roppe's and Seneca's conduct in placing an artificial cap at the Ohio minimum wage on Plaintiffs' wages is discriminatory and continues to cause them economic damages now and into the future. Plaintiffs are entitled to be paid prevailing wages for the job that they perform going forward.

119. Because Roppe and Seneca are part of a single, integrated enterprise and/or are joint employers, Roppe and Seneca are jointly and severally liable for Plaintiffs' compensatory damages. Because they acted with actual malice on account of their conscious disregard for Plaintiffs' rights under Ohio law, they are also liable for punitive damages. Finally, Roppe and Seneca are liable for the court costs, reasonable attorneys' fees, and expenses Plaintiffs have incurred in the prosecution of this matter.

COUNT V

Violation of Ohio Rev. Code § 4112.02(J)

(Against SCBDD)

120. Plaintiffs incorporate all of the foregoing allegations as if fully stated herein.

121. Ohio Rev. Code § 4112.02(J) prohibits one from, inter alia, aiding and abetting any act prohibited by § 4112.02 including "discriminat[ing] against [a] person with respect to hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment." Ohio Rev. Code. § 4112.02(A).

122. SCBDD has, through its agreement with Seneca and the direct actions of its staff, aided, abetted, and knowingly assisted Roppe's and Seneca's discriminatory conduct solely on the basis of disability by:

- hiring and assigning Plaintiffs to a segregated division of the company, Roppe's Sampling Division, without individually assessing Plaintiffs for other jobs within the company;
- failing to individually assess Plaintiffs;
- denying Plaintiffs reasonable accommodations; and
- prohibiting Plaintiffs from accessing equal opportunities for the development of skills and experience, compensation, opportunities for advancement, and benefits afforded to non-disabled workers in other Roppe divisions.

123. SCBDD's conduct in aiding and abetting Roppe's and Seneca's discrimination caused Plaintiffs substantial economic damages as measured by the difference between their actual rate of pay, pay-rated benefits (or lack thereof), and the amounts earned and accrued by other, non-disabled workers in other Roppe divisions. In addition, pursuant to Ohio Rev. Code § 4112.99, SCBDD is liable for the court costs, reasonable attorneys' fees, and expenses Plaintiffs have incurred in the prosecution of this matter. Plaintiffs are further entitled to compensatory damages.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

A. Declare that Roppe and Seneca have violated the Americans with Disabilities Act, 42 U.S.C. § 12112, and Ohio Rev. Code § 4112.02, by denying Plaintiffs access to essential functions of their job, including opportunities to cross-train on all tasks in Roppe's Sampling Division, without an adequate individualized inquiry into their skills and abilities and what, if any, accommodations they need to perform those functions;

B. Declare that Roppe and Seneca have violated the Americans with Disabilities Act, 42 U.S.C. § 12112, and Ohio Rev. Code § 4112.02, by denying Plaintiffs opportunities to be compensated at rates equal to other non-disabled workers in other Roppe divisions;

C. Declare that Roppe and Seneca have violated the Americans with Disabilities Act, 42 U.S.C. § 12112, and Ohio Rev. Code § 4112.02, by denying Plaintiffs the same opportunities for advancement that are afforded to other non-disabled workers in other Roppe divisions;

D. Declare that Roppe and Seneca have violated the Americans with Disabilities Act, 42 U.S.C. § 12112, and Ohio Rev. Code § 4112.02, by denying Plaintiffs the same benefits, such as vacation, retirement benefits, etc., as are afforded to other non-disabled workers in other Roppe divisions;

E. Declare that Roppe and Seneca have violated the Americans with Disabilities Act, 42 U.S.C. § 12112, and Ohio Rev. Code § 4112.02, by unjustifiably limiting, segregating, and classifying Plaintiffs based on their disabilities in a way that adversely affects their job status and overall opportunities for employment;

F. Declare that Roppe and Seneca have violated the Americans with Disabilities Act, 42 U.S.C. § 12112, and Ohio Rev. Code § 4112.02, by entering into a discriminatory arrangement or relationship that has the effect of subjecting Plaintiffs to discrimination based on their disabilities;

G. Declare that Roppe and Seneca have violated the Americans with Disabilities Act, 42 U.S.C. § 12112(b)(5) and Ohio Rev. Code § 4112.02, by denying Plaintiffs' requests for reasonable accommodations;

H. Declare that SCBDD violated Ohio Rev. Code § 4112.02(J) by aiding and abetting Roppe and Seneca's unlawful conduct;

I. Enter a judgment against Roppe and Seneca, jointly and severally, in favor of Plaintiffs, based on Roppe's and Seneca's violations of the ADA and Ohio Rev. Code § 4112.02, in an amount equal to the difference between Plaintiffs' actual rate of pay, and pay-related benefits, and the amounts earned and accrued by other workers in other Roppe divisions, and for compensatory and punitive damages;

J. Enter a judgment against SCBDD in favor of Plaintiffs based on SCBDD's violation of Ohio Rev. Code § 4112.02 in an amount equal to the difference between Plaintiffs' actual rate of pay, and pay-related benefits, and the amounts earned and accrued by other workers in other Roppe divisions, and for compensatory damages;

K. Order that Plaintiffs be compensated at the prevailing wage for the job that they perform going forward;

L. Award Plaintiffs pre- and post-judgment interest on all amounts owed as allowed by law, pursuant to 28 U.S.C. § 1961;

M. Order Defendants to provide Plaintiffs with an individualized assessment on all essential functions of their Sampling Division Job;

N. Order that if and when positions become available in other Roppe Divisions, Plaintiffs be afforded an opportunity to apply for and be individually assessed in such positions;

O. Award Plaintiffs the reasonable attorneys' fees and costs incurred in prosecuting this action pursuant to 42 U.S.C. § 12117, 42 U.S.C. § 2000e-5(k), and Ohio Rev. Code § 4112.99;

P. Grant Plaintiffs such other and further relief as the Court may deem just and proper.

Respectfully submitted,

s/Kerstin Sjoberg

Kerstin Sjoberg (0076405)
Trial Attorney
ksjoberg@disabilityrightsohio.org
William G. Puckett (0087603)
wpuckett@disabilityrightsoio.org
Disability Rights Ohio
200 Civic Center Dr., Ste. 300
Columbus, OH 43215
Telephone: 614-466-7264
Facsimile: 614-644-1888

Counsel for Plaintiffs

Regina Kline, *pro hac vice pending*
rkline@browngold.com
Kevin D. Docherty, *pro hac vice pending*
kdocherty@browngold.com
Anthony J. May, *pro hac vice pending*
amay@browngold.com
Brown, Goldstein & Levy, LLP
120 E. Baltimore Street, Suite 1700
Baltimore, MD 21202
Telephone: 410-962-1030
Facsimile: 410-385-0869

Marc M. Maurer, *pro hac vice pending*
Attorney at Law
mmaurer@nfb.org
1800 Johnson Street
Baltimore, MD 21230
Telephone: 410-659-9317
Facsimile: 410-685-5653

Of Counsel



Seneca County Board of Developmental Disabilities
And
Seneca Re-Ad Industries Non-Profit Board
November 2, 2016 Month to Month Agreement

This agreement entered into this 2nd day of November 2016, by and between the Seneca County Board of Developmental Disabilities (“SCBDD”), duly appointed and authorized to operate programs for the citizens of Seneca County with Developmental Disabilities and the Board of Trustees of Seneca Re-Ad Industries Inc., a not –for –profit corporation, duly organized under the laws of the state of Ohio ORC Chapter 1702.

The SCBDD shall establish programs, staffed, and is operating Children Services and Adult Services programs for the education, training, skills development, and employment of citizens of Seneca County, Ohio with developmental disabilities.

The SCBDD shall administer and supervise all facilities, programs, and services established under ORC 5127.01. Included is the establishment and maintenance of all adult services programs at Seneca Re-Ad Industries Inc.

The provision of employment and administration at Seneca Re-Ad Industries Inc., shall be the responsibility of the Board of Trustees of Seneca Re-Ad Industries Inc., a not-for-profit corporation. This Board shall operate within the defined duties and stated rules of the Ohio Department of Developmental Disabilities (“DODD”)

The Seneca Re-Ad Industries Inc., Board of Trustees shall further serve in an advisory capacity to SCBDD in respect to vocational programs.

SECTION I

To ensure the delivery of quality adult programs Seneca Re-Ad Industries, Inc. Agrees:

- A) To pay adults for work performed in accordance with Federal Wage and Hour, Department of Labor.
- B) To assist in the public relations of the Industries’ program in order to create better community awareness.

- C) To procure leads for potential bids for Industries' contracts of subcontracts from both private and public businesses
- D) To comply with all state and federal regulation in regard to non-profit organizations
- E) To receive donations and use them in the best interest of Seneca Re-Ad Industries Inc.
- F) To work on fund raising projects in regards to all the other purposes herein described.
- G) To provide guidance for Industries personnel both technical and administrative implementing the routine operations
- H) To recommend and assist in establishing possible improvements in program development.
- I) To promote research to advance knowledge and skills related to improving services.
- J) To carry insurance coverage based upon the directions of the industries board. All coverage relates to either the Industries of subcontract companies material or property. Some examples are: liability, fire, theft, and employee dishonesty.
- K) To submit yearly progress and financial reports to SCBDD.
- L) To ensure that all applicable provisions for Federal and State Regulations are adhered to.
- M) To acquire and maintain specialized equipment (such as tow motors, power staplers, binders, packaging machines, but not limited to these things) used in carrying out vocational programs.
- N) To verify by periodic audit at least once in each year of operation that all funds have been received and distributed in accordance with sound principles of accounting and compliance as necessary with procedures established by the state Auditor's office.
- O) To assure that all materials and equipment purchased by Seneca Re-Ad Industries Inc., Board shall be the property of SCBDD in the event of the dissolution of the non-profit corporation or the cancellation of the contract. To annually list and file an inventory of all such materials and equipment.
- P) To lease or sub-lease such buildings and equipment as owned or leased by the SCBDD. The lease provides for a lease expense of \$1.00 per year renewable annually.
- Q) The Director of Adult Services shall be the liaison assigned to assist the Seneca Re-Ad Board as relates to SCBDD.
- R) Seneca Re-Ad Industries agrees that it has read the SCBDD contract with DODD, and as a condition of its participation in the Title XX Program, Seneca Re-Ad Industries Inc., hereby understands and agrees to adhere to all of the terms and conditions applicable to the SCBDD set forth in DODD contract.

SECTION II

The SCBDD confirms the continual support of the Seneca Re-Ad industries Inc. Board and agrees:

- A) To provide the staff and facilities of the SCBDD for the initiation and implementation of approved programs
- B) To provide and pay for all reasonable and just utility costs for the basic operation for the approved programs except for facilities specifically owned by Seneca Re-Ad Industries Inc.
- C) To provide equipment, supplies, and materials necessary for the basic operation and care of the grounds and facility, and for Board approved training programs. Requisitions will be prepared and recommended by the Adult Services Director for the approval of the Superintendent. (Provisions for specialized equipment, supplies, and materials shall be the responsibility of the Seneca Re-Ad Industries Inc, Board)
- D) To provide all reasonable and just maintenance, repair and custodial services for the safe and sanitary operation of the facilities owned, leased, or operated for adult services programs except for facilities specifically owned by Seneca Re-Ad Industries Inc.
- E) To Provide transportation for Re-Ad Employees
- F) To oversee and provide assurances that the programs operated within the Seneca Re-Ad Industries Inc., are in conformance with applicable rules regulations, and standards of the DODD, all other local, state, and federal agencies, and the mission of the Board
- G) The Superintendent shall be the delegate assigned to represent SCBDD as relates to the Seneca Re-Ad Industries Board.

This agreement shall be reviewed and revised as appropriate.

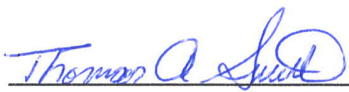
Entered into At Tiffin Ohio This 2nd day of November 2016

Seneca County Board of Developmental Disabilities

Board President

Superintendent

Seneca Re-Ad Industries Inc. Board



Board President 11.07.16

Director of Adult Services

Pipeline Quarterly

A quarterly feature publication of the Ohio Department of Developmental Disabilities

Volume 4, Issue 2

Spring 2011

Director's Column We Appreciate Your Input

by John Martin
Director, DODD
(614) 466-5214
john.Martin@
dodd.ohio.gov



During the first two weeks in June, DODD staff and key stakeholder representatives traveled around the state hosting six Family Forums, designed to gather ideas and input from individuals and families within Ohio's developmental disabilities community regarding how we can improve the service system.

We took this grassroots approach to gathering input in order to speak candidly about the current budget issues, and to listen and learn from constituents across the state.

At these forums, County Board of Developmental Disabilities Superintendents, service providers, and family members shared ideas about how we can best manage the available funding and 'do more with less.'

The stakeholder suggestions and ideas gathered will help DODD to move forward more effectively in planning
(cont., p. 9)

"See this?
This equipment helps us live our lives."
-page 4

Learning, Working, Living ...

An Integral Part of Their Communities



Fireman Bill,
trained to achieve
his goal, pages 6-7.



Cora, on-the-job at
Roppe Corp.,
page 3.



Danny, at last a homeowner,
page 8.

As the nation continues to look for progress in the economy by tracking a variety of economic indicators, states are taking a hard look at what characterizes progress for them. Ohio can point to many positive characteristics to build upon, including its hard-working citizenry. And of course that includes Ohio's more than 80,000 citizens with developmental disabilities.

In this issue of *Pipeline Quarterly*, reporting on Spring 2011, we spotlight people with various challenges using self advocacy skills, supportive families and caregivers, and a service system of supports, to achieve their goals. We find them working in the community, owning a home, volunteering in a field they love, and helping to make their communities stronger in the process.

"Hey, they're my clothes. I can wear what I like!" -page 2
Isreal, on-the-job at Roppe Corp., wearing a Steelers jersey.

In this Issue of PQ

pp. 2-3 Seneca County: Roppe's Unique Sample Division
pp. 4-5 Sandusky County: Remote Monitoring a New Choice
pp. 6-7 Scioto County: Fireman Bill Achieves His Goal
p. 8 Marion County: Danny Cassell Homeowner
pp. 9-10 Belmont, Union Counties: Unique Home Partnerships

"It's a fantastic
partnership." -page 3

Pipeline Quarterly

Ohio Department of Developmental Disabilities

Spring 2011

In Seneca County

Roppe Corp. Offers Solid Employment Opportunities in Fostoria

The Roppe Corporation has opened their doors to 100+ individuals who work in the Sampling Division. They ARE the Sampling Division.

The Roppe Corp., Fostoria, OH, manufacturers of rubber and vinyl flooring products sold worldwide, has within its production complex a group of approximately 100 individuals with disabilities who last year turned out more than 42 million pieces of sample product and related promotional sample materials. The individuals are a totally integrated part of the organization, and thanks to a strong working relationship with the Seneca County Board of Developmental Disabilities (SCBDD), this effort has been successful for more than 25 years.



Don Miller, Roppe Corp. CEO, addresses employees in the Fostoria sample production area. No doubt he's mentioned 'workplace safety' - a key Roppe theme.

"We always take our customers on a tour through the sample production area. They tell us that this is what they remember about our company - the people working there. I'm proud of that ... and of them." -Don Miller, Roppe CEO

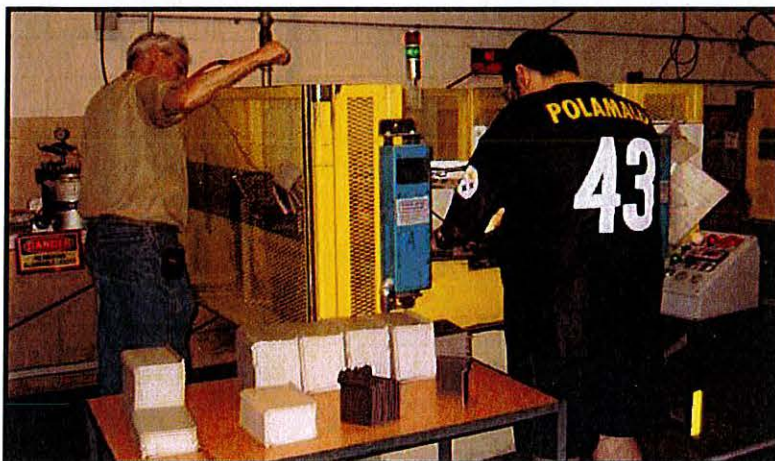
A Little History

In 1984, Roppe Corp. CEO Don Miller offered the SCBDD adult services group 2500 sq. ft. of space, rent-free, in a building that was a former car dealership. He directed the facility's remodeling, including new insulated windows, painting inside and out, new flooring (of course!) and heating/air conditioning units. Soon, eight individuals began making product sample sets for Roppe. Who but an entrepreneur like Don Miller would have thought this would be the start of the Roppe Sampling Division?!

Now, about 27 years later, more than 100 individuals work in 21,000 sq. ft. of space which is part of a Roppe industrial complex, purchased in 1989. The Roppe engineering department and other offices and work areas are adjacent to this space, which allows for prompt technical assistance and support, as needed. In fact, Roppe's commitment to the partnership includes two staff who work with SCBDD supervisors in the production area to focus mainly on maintaining equipment and scheduling.

And In Return

According to Mark Leahy, SCBDD Adult Services Director, Don Miller and the Roppe staff have shared with him numerous times that, "Our employees are behind this working relationship 100%, and it means a lot to them." It certainly means a lot to the employees with disabilities ... (cont. on p. 3)



Isreal (a.k.a. #43) is a Pittsburgh Steelers fan and hard workin' man on the production line. He's reported an equipment issue to Steve, Roppe maintenance engineer, who works through the process with him to find the solution. As for those Steelers shirts, about which he receives some playful flack, Isreal told *Pipeline*,

"Hey, they're my clothes!
I can wear what I like."
How's that for self determination?

Seneca County's Roppe Corp.

(cont. from p. 2)

Behind the Roppe product samples seen at home improvement stores and building supply centers around the world are the more than 100 individuals who work 8:20 a.m. - 3:20 p.m., five days per week, earning good wages. They are keenly aware of the strong work ethic the company represents, and remind each other daily of the importance of safety and quality in their jobs.

Last year Roppe completed a year of cross-training so that most people can do most jobs. Some found a specialty, and some found they have developed surprising skills. For example, Brian, who is blind, was thought to need a manual set-up for his work, but never needed it! "He's right there on the line working quality checks -- he feels the quality by touch," says Leahy. (cont. on p. 5)



Above: Everyone is cross-trained and has opportunities to work in different areas, adding to the skill set each person brings to the job and to the team.



Above: Supervisor Cathy Nye displays a composite sample set. Far left: This employee sports matching headwear according to the color of vinyl she is working with. Who knew there was a market for hot pink vinyl trim! Left: Cora completes a chain set, carefully threading a metal chain through pre-punched vinyl sample pieces.



Preparing sample sets, the group at right exemplifies the strong teamwork and productivity these workers have long been known for within the Roppe organization. According to Seneca County Board of DD Adult Services Director Mark Leahy, "It's a fantastic partnership, and when we are referred to in Roppe's literature as 'Our Sampling Division,' that pretty much says it all."



Pipeline Quarterly

Ohio Department of Developmental Disabilities

Spring 2011

In Sandusky County

Remote Monitoring a New Choice

In Sandusky County, Remote Monitoring at home is very much a part of living successfully in the community for Steve, Maya, and Aaron.

When Steve Queen is asked if he would recommend 'remote monitoring' support to someone else living in the community with the assistance of County Board services, he'll typically respond ...

"Would I recommend it? Well, it saved my life once already! So yeah - I'd recommend it."

Steve, his wife Maya, and friend/housemate Aaron are pleased to share information about how their lives are now more connected to services and supports in a cost-effective way, and how the service provider *Rest Assured*, works in tandem with the local County Board.

Sandusky County's first experience with a remote monitoring service is at Steve's home in Fremont, where last autumn *Rest Assured*, a Lafayette, Indiana-based service provider, installed video cameras, sensors, an interactive monitor, and speakers. The equipment is installed in the main living area with a camera in the kitchen, and one pointed toward the front door. Sensors can be put on the stoves and doorways to trigger a signal to the response center.

The goal of remote monitoring is to improve the lives of people with disabilities, seniors, and others who many benefit from the service - increasing their independence, and maintaining their privacy, health, and safety - while reducing staffing costs.

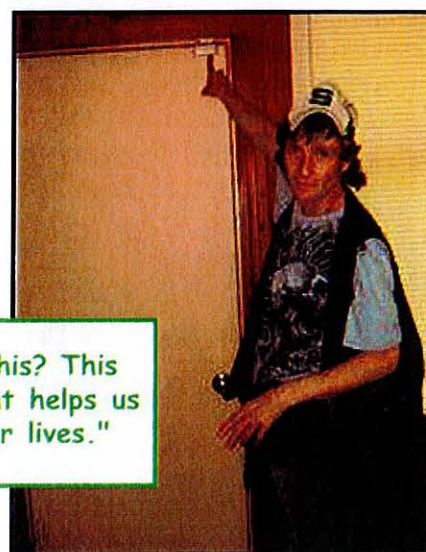
The internet-based system uses wireless technology and live/real-time interaction with people on-screen at the provider's support center.

According to Steve, "I can talk with them 24/7! Denise (*Rest Assured* staff on-screen) and her co-workers are great. They've helped me when I cut my finger in the kitchen -- I just showed them my hand and they kept me calm and told me what I needed to do. They also reported immediately, using our emergency contact procedures, when I passed out one day! They pretty much saved my life that time, because I was up one minute and down the next, and no one else was home."

He adds, "Sometimes they keep me company when I'm nervous about something, and before, I probably would have called 911 to go to the Emergency Room. I feel a lot better knowing that I've got them here when I need them, and I don't have to have a staff person here all the time."
(cont. on p. 5)



Members of the team involved in putting together the service needs for this home include (L. to R.) Doug Krieger, Maya and Steve Queen, Megan Craun, and Sande Corfman. Doug, Megan, and Sandy are with the Sandusky County Board. Not shown, Aaron Fenner.



"See this? This equipment helps us live our lives."

Steve points out a monitoring sensor on their front door. Steve is quick to tell you that Remote Monitoring equipment and off-site communication has provided needed support, security, and even emergency assistance. Thanks to this service, Steve says he can 'rest assured!' and feel more independent in his home.



Remote Monitoring *(cont. from p. 4)*

Steve, Maya, and Aaron continue to share drop-in staff for two hours each day, and SCBDD staff through the Level One waiver, for medical appointments and bill-paying. The difference now is that assistance from the staff is focused on these specific needs, and not on constant supervision.

Says Doug Krieger, SCBDD Director of Service and Support Administration, "Remote monitoring is not for everyone -- but it is a great option for someone like Steve, who, along with Maya and Aaron are quite able to manage most day-to-day activities, but could use a little help in some areas. Such areas could include following directions on food boxes, prompting for safety when preparing food, reminders to take medicine, or maybe a little advice on how to handle minor disagreements that may come up."

And, in the areas of health and safety, Steve is especially supportive of the system. He notes, "I like it that if someone comes into my house, the on-duty *Rest Assured* staff monitors and asks questions of people they haven't seen before. I'll go over to the screen and introduce them to Denise or whoever is online, and say that they're OK to be here. Otherwise, security

procedures would be followed to access 911, the County Board, or whatever steps need to be taken. It makes me feel better to know that."

Steve has been able to reduce overuse of ambulance/ER services, and feels more at ease without staff physically in the home. Adds Krieger, "It's a cost-effective way to have the supports needed, and individuals can use the additional service dollars they are saving to do other things."

Flexibility for waiver service expenditures under the new service rule* is scheduled to be effective July 15. The service in Fremont currently is provided as Supported Living through Clearwater COG. As for Steve and Maya, they say simply, "It helps us live our lives the way we want to."

***Rule 5123:2-9-35, scheduled effective date, 7-15-11. Affects Home and Community-Based Services waivers -- specifically remote monitoring and remote monitoring equipment, under the Individual Options waiver. The purpose of the rule is to define remote monitoring and remote monitoring equipment, and set forth provider qualifications, requirements for service delivery and documentation of services, and payment standards for the services. See www.dodd.ohio.gov/rules**

Remote monitoring is used voluntarily, and planned for in the Individual Service Plan, with the individual and the Service and Support Administrator working together to determine if this service meets health and safety needs, and offers desired independence.

80

Roppe Corp. *(cont. from p. 3)*

He also notes that during one very busy period, Roppe job-tested some people referred by a temporary employment firm, and the result was, "Our folks out-produced them by 35%!" The numbers don't lie. Sample Division employees are hard-working and cost-effective. Cathy Nye, an on-site supervisor in the Sample Division for more than 25 years, notes that there are 11 work area managers (SCBDD staff) who work with 8-11 employees each. She observed, "We are always looking for ways to improve our work flow and output -- and we know if we have a question, we can go to one of the Roppe staff -- including Don Miller!

Roppe flooring and related products are known for their durability -- "You're going to get tired of it before it wears out," says Leahy. And after all these years, it appears that the employment relationship between Seneca County individuals with disabilities and the Roppe organization is every bit as durable as what's underfoot.



Brian (left) keeps the quality check moving. "Most impressive to me is that the work performed in the Sample Division is such a natural community work environment. We couldn't be more a part of the Roppe team." -Lew Hurst, SCBDD Supt.

Fireman Bill, A Southeast Ohio Success Story

" I want to be a Firefighter ... like my Dad ... and my Grandpa."

Special thanks to Bill McAllister's mom, Brenda, and to the staff at the Scioto County Board of DD for sharing this story.

Bill McAllister's long-time dream was to be a fireman and a member of his local Volunteer Fire Department in the small Southeast Ohio town of Rarden, Ohio. Now, the 23-year old resident has achieved that goal, and is the only volunteer firefighter in Ohio who also has autism.



Bill McAllister, In his element.

"From the beginning of this journey with autism, 'community' has always been an important component of Bills life. Attending school with his peers, living in and being a part of his community -- just simply living life."

-Brenda McAllister

and, as a student, Bill had a very supportive School District, which was truly a blessing!

Brenda continues, "Keeping Bill engaged in the world around him, wasn't always easy. Our efforts would sometimes push him outside of that autism 'comfort zone.' Looking at him now as a young adult, I'm confident we made the right decisions.

Journey on to Success

Bill's dad, Roger, is Chief of the Rarden Fire Department, and has been in the field for more than 44 years. So, when Bill came to his mother one day and said "I want to be a fireman like my dad," she wasn't totally surprised. Says Brenda, "We weren't sure what obstacles we might face in Bill becoming a fireman." She adds,

"According to the Ohio Department of Public Safety, no one with autism had ever enrolled in an Ohio State Firefighters course. It was a first for Ohio, and possibly the nation!"

The Journey Begins

Bill was diagnosed with 'pervasive developmental disorder' at age two, and a few years later he was diagnosed with autism. He used mostly gestures and screams to communicate, he didn't want to be held or cuddled, and was hyperactive. Bill's parents, Roger and Brenda McAllister, recall the early years when they first heard the words, "Your son may be autistic" ... words that changed the course of their lives forever.

Individuals diagnosed with autism show some impairment in social functioning and communication.

Symptoms of autism vary from person to person – some individuals are severely affected while others have barely detectable differences. Because of this broad range, autism is often referred to as a 'spectrum disorder,' and thus the terminology Autism Spectrum Disorder or ASD.

Brenda relates, "It doesn't seem possible that it's been more than 20 years. To say those early years were easy would not be true ... but, like many families raising a child with autism or any type of disability, we're better people because of it. We appreciate each and every milestone, big or small."

She adds, "We've had the opportunity to meet so many people we otherwise would not have known,



Brenda continues, "As we started down this path, we noticed something wonderful ... the community we've given so much to was giving back to Bill ... the Rarden Village Council approved his application to be a member of the Fire Department, and friends, neighbors, family members, fellow firefighters, and others were strongly supporting Bill in reaching his dream."

In 2009, Bill participated in a 'Partners-in-Policymaking' (PIP) class funded by the Ohio Developmental Disabilities Council. PIP is an innovative training course that (cont. on p. 7)

Fireman Bill A story of tradition ... family ... and self determination.

(cont. from p. 6)

teaches parents and self-advocates to change the way people with disabilities are supported and perceived. Part of the class assignment was for each participant to commit to a personal or community project. "Becoming a Firefighter" was Bill's personal project.

With the information and confidence gained through PIP, and the support of his family, community, and friends, Bill then enrolled in the Ohio Volunteer Firefighters course sponsored by the Pike County Career and Technology Center's Adult Program.

In order for Bill to be successful in this adult education course, his parents knew he would need extra supports, as they remembered his previous school-related struggles. His short attention span, hyperactivity, splintered academic skills, difficulty establishing and maintaining relationships with peers, and the need for consistency and continuity could still be obstacles for him.

So, they contacted Ohio Legal Rights Services, and Leah Ann Joyce, Behavior Specialist with the Scioto County Board of Developmental Disabilities for guidance. She helped them establish reasonable accommodations that would meet Bill's needs.

Classroom accommodations would include a support person to take notes; extra classroom breaks; extended test time; and all essays and the final exams were to be given orally.

The Pike County Career and Technology Centers Adult Program and the Ohio Department of Public Safety approved the classroom accommodations, and Bill began attending classes.

To complete the course, Bill would be required to review and study chapter questions; complete a workbook; participate in class and in a challenging Skill Practical; and, pass a final exam. Upon successfully completing these requirements, Bill then would be eligible to take the state certification test.

Much to his parents' surprise, while enrolled in the

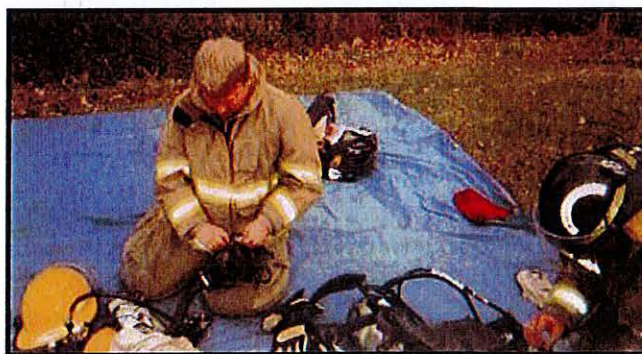
firefighting class, Bill would sit for hours ... studying, reviewing chapter questions, and completing his workbook. In fact, they were told that during the Skill Practical, Bill would often be the first or second to volunteer!

It was then his parents realized that Bill was now living his dream, and experiencing the opportunity of a lifetime.

A Dream Realized

On November 14th, 2010, Bill was presented with a Volunteer Firefighters Certificate of Completion. Bill is now a proud member of the Ohio Valley & Pike County Firefighters Associations which meets monthly at various Fire Stations in Scioto, Pike, or Adams County. At the meetings Bill is 'just one of the guys,' sharing in the camaraderie of firefighters!

And, Bill is an example of the importance of looking beyond a diagnosis of 'autism' and seeing a person who has dreams, gifts, and talents... seeing the person first, not the disability.



Bill, living his dream! Firefighter Bill McAllister enjoys inspecting the equipment involved in firefighting and knows all about what each piece is expected to do in an emergency situation. His attention to detail is a great asset on the job.

Sometimes there is so much focus on the 'deficits' of autism, that we fail to see the unique gifts -- gifts that can be developed into work skills.

Brenda sums it up -- "People with disabilities want nothing more than what others already have. A job, to have friends, to volunteer, to live and participate in their community, to worship in the church of their choice, to simply belong."

Pipeline Quarterly

Ohio Department of Developmental Disabilities

Spring 2011

Talk About Empowerment ...

Danny Cassell, Homeowner

In Marion, Ohio, Danny Cassell has a feeling of independence he never experienced before purchasing his own home. Putting it plainly, he readily explained,

"I was sick of paying rent, and it made me want to have something that was my own. I wanted a house that was mine. I'm very happy here."

While many individuals receiving services from the Marion County Board of Developmental Disabilities (MCBDD) live independently in the community, Cassell is the first to purchase his own home.

"This was all Danny's idea," observed MCBDD Superintendent Lee Wedemeyer, "He walked into my office one day and said he was tired of paying rent and wanted to know if he could buy a house. I said, 'I don't see why not.'"

Wedemeyer continued, "And I know if anything were to happen and Danny ended up facing some challenges, our network of service providers would not let him fail. It's a great accomplishment for him."

As reported in *The Marion Star*,* Cassell recently purchased the house in Marion for \$67,900. To secure the reasonably-priced home, Northland Home and Properties helped Cassell obtain a loan, on which he makes the monthly mortgage payments. The Ohio Self Determination Association and the Ohio Developmental Disabilities Council also assisted Cassell and MCBDD in the loan process, and identified various helpful resources.

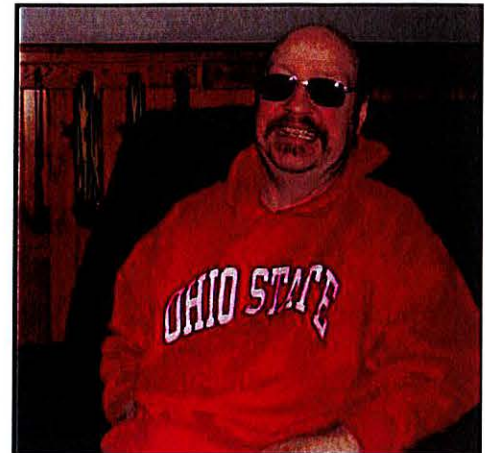
Cassell was able to purchase the home, in part, because of his legendary work ethic. He has worked at Meijer in Marion for 18 years and, to the best of anyone's memory, has never missed a day of work.

His supervisor reports, "Danny's dependability is outstanding." It is also well-known in the community that Cassell rides his bike to work in all kinds of weather. His strong employment record helped make him an ideal candidate for home ownership.

"My job is so important to me because if I do not go to work, I do not get paid, and the house payment would not get made," Cassell noted with his usual straightforward approach, adding,

"Owning my own house makes me feel much more respectable."

And, he's already experienced some of the challenges associated with




Marion County resident Danny Cassell enjoys owning his own home, and is known in the community for having...

A Legendary Work Ethic.

being a homeowner, including a basement full of water. But, according to Cassell, worse than any flooding issues, the diehard *Buckeyes* fan has had to live with the fact that one of his neighbors is a *Michigan* fan!

Cassell lives with longtime girlfriend, Karen, who shares responsibilities for the home. It's also very helpful that Cassell enjoys strong family support from two sisters and their husbands, who stop by regularly to eat supper together, make sure the house is clean, sort bills, and help with budgeting. The family is involved and interested, yet not intrusive.

"The King of his Cassell" has made many interior home renovations, and is ready to tackle outside projects. "I love being able to make my own changes to the house," he remarks. MCBDD staffer Jessica Trainer, who has assisted Danny Cassell in meeting various goals, sums it up -- "We're just so proud of him, and we know he is capable of anything he really puts his mind to doing." 

Acknowledgements to *The Marion Star* newspaper, May 9, 2011 titled, "Danny Cassell has a home of his own."

Belmont County Children's Advocacy Center Finds a Welcome Home

Previously vacant space in the Belmont County Board of DD Transportation building in St. Clairsville soon will welcome children who need support and services via *Harmony House*, a Children's Advocacy Center (CAC) based in Wheeling WV, that has opened an affiliate office in Belmont County, OH. CAC's are designed to strengthen a community's response to child abuse, neglect, and other issues using a multi-disciplinary team approach. They also serve the needs of individuals with developmental disabilities who, in cases of alleged physical or sexual abuse, could benefit from services that reduce trauma and produce healing.




Accredited member
of the National
Children's Alliance.

The Belmont County affiliate office of *Harmony House* is the result of collaboration among several agencies, including the Belmont County Department of Job and Family Services, County Commissioners, prosecutor's office, sheriff's office, medical and mental health professionals, and the Belmont County Board of DD. The location was deemed to be one that would allow children to feel physically and emotionally safe, and was offered as an in-kind contribution to the effort.

According to County Commissioner Ginny Favede, "*Harmony House*, will serve as the hub for the child protection team, providing the leadership, the facility, and the coordination to implement a multi-disciplinary approach needed to assist these children. The CAC also will include partners from law enforcement, specialized therapists, and professionals through child protective services."

Monty Kerr, BCBDD Superintendent during the formation of the partnership, notes,

"Harmony House is a respected Children's Advocacy Center, and we are pleased to be part of the team that brought its valuable and much-needed services to Belmont County."

Recent state budget issues have prompted alliances such as this to develop more innovative, networked services to support children and their families in times of turmoil, and promote healing for alleged child victims and their non-offending family members. People with developmental disabilities benefit from local access to these specialized services in a familiar environment. *Harmony House* already has provided services to several individuals served by the County Board. 

For more information: Pamela McCort, BCBDD, pmccort@bcdd.org

Director's Column

(from front cover)

and continue to build good stewardship of the system, while increasing opportunities for individual choices and independence.

Areas of discussion also have included how individuals and families can *use services differently*, to broaden choices and increase independence, while being cost-effective.

Good stewardship of the system may be achieved in many ways, including geographically shared services, and innovative, collaborative partnerships enabling service dollars to stretch further.

And we have begun to explore some new areas already, such as 'Host Homes' -- personal care and support provided in a private home by an unrelated care giver who lives in the home -- and Remote Monitoring services, which involve the use of technology such as live video feeds, to enhance an individual's security, safety, and independence at their residence. (See story, p. 4-5)

As we move forward and put to work the input gathered through the Family Forums, we will continue to look for ways that will make lives better for individuals with developmental disabilities and their families, and streamline the delivery of needed services. We thank you for your continued input in that process.*

-Respectfully, John Martin 

*Contact us at feedback@list.dodd.ohio.gov

Pipeline Quarterly

Ohio Department of Developmental Disabilities

Spring 2011

Welcomed into the community ... Union County's Unique Partnership Home



Chelsea (left) and Elaine.

"More than a little excited about moving in."



A firm foundation awaits the home. No local dollars were spent on the land due to the availability of federal funds.

Ohio Hi-Point supplied student labor, U-CO supplied a controlled work environment, and UCBDD is the home owner. *Over the span of about two years, the students from Ohio Hi-Point Career Center built an accessible modular home in the back area of UCBDD's employment facility, UCO Industries.* Along with input from Creative Living Systems, a manufacturer in nearby Delaware County, they built a 1456 sq. ft. home, and installed an overhead door to allow the structure to exit the building. This summer, with the help of waiver-funded services, and a little help from their friends and family, Chelsea and Elaine will be welcomed to their new neighborhood.

"The community cooperation has been awesome. We're going to do this again." -Kim Miller, UCBDD Superintendent

"Moving Day," has taken on a slightly larger connotation than usual in Union County, on West Eighth Street, in Marysville. In this natural, comfortable community setting, in a grassy lot between two other homes, will be Chelsea and Elaine's home -- moving in June in two large pieces, directly from inside U-CO Industries.

As reported in *Pipeline Quarterly, Spring 2009*, The project began two years ago as a partnership between the Union County Board of DD and its U-CO Industries; Ohio Hi-Point Career Center; and Delaware Creative Housing, among other project partners.

Pipeline Quarterly

Published four times annually (*fall, winter, spring, summer*) by the Ohio Department of Developmental Disabilities' (DODD) Division of Legislative Affairs & Communications, *Pipeline Quarterly* focuses on people, highlights topics of interest to the developmental disabilities community, and reinforces DODD core concepts and philosophy.

We thank all who have allowed us to speak with them for this issue, and all who have contributed to its preparation. Reader comments, ideas, and feedback are welcomed!

Submit ideas for *Pipeline Quarterly* to editor Sherry Steinman: sherry.steinman@dodd.ohio.gov, or call (614) 644-0262. *Pipeline Quarterly* and the twice-monthly *Pipeline* are archived at dodd.ohio.gov/publications/pipeline.htm



"Hancock County Ladies" These colorful metal ladybugs are a new art creation from the Blanchard Valley folks. www.blanchardvalley.org



Department of
Developmental Disabilities

Ohio Department of Developmental Disabilities, 30 East Broad Street, 13th Floor, Columbus, Ohio 43215, (877) 464-6733
www.dodd.ohio.gov

PQ10