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### **Probable cause findings issued against AVI Foodsystems**

Akia Haynes, Deputy Director of the Indiana Civil Rights Commission (ICRC), issued a Notice of Finding against AVI Foodsystems, Inc.. The charge states that probable cause exists to believe that an unlawful discriminatory practice occurred in violation of the Indiana Civil Rights Law (Ind. Code § 22-9, *et seq.*).

By way of background, an AVI Foodsystems in Lafayette, Indiana hired Complainant as a cashier in March 2014. Complainant had a medical condition that impaired her ability to stoop, bend, twist, or lift items in excess of ten pounds. Complainant alleges that AVI Foodsystems was aware of her limitations and agreed to accommodate her restrictions; yet, during the course of her tenure with Respondent, she was transferred to the position of dishwasher where she was required to lift heavy pans weighing in excess of 20 pounds.

Complainant also states that she requested action from Human Resources, but to no avail. Ultimately, AVI Foodsystems terminated her employment instead of permitting her to continue with her accommodation or otherwise engaging in the interactive dialogue process.

Despite being given an opportunity to refute Complainant's assertions, AVI Foodsystems failed to do so. As such, based on the investigation, probable cause exists to believe that a discriminatory practice occurred as alleged.

In order to prevail, Complainant must show that (1) she has a disability as defined under the applicable laws; (2) she suffered an adverse employment action; (3) she was meeting Respondent's legitimate business expectations; and (4) similarly-situated employees without disabilities were treated more favorably under similar circumstances.

A public hearing is necessary to determine whether a violation of the Indiana Civil Rights Law occurred as alleged. The parties may agree to have these claims heard in the circuit or superior court in the county in which the alleged discriminatory act occurred. However, both parties must agree to such an election and notify the ICRC within 20 days of receipt of their notice, or the ICRC's Administrative Law Judge will hear this matter.

The Indiana Civil Rights Commission enforces the Indiana civil rights laws and provides education and services to the public in an effort to ensure equal opportunity for all Hoosiers and visitors to the State of Indiana.

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