



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Seattle Field Office

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Charge No. 551-2019-02289

Danette Driscoll
c/o Rick Goldsworthy
Blankenship Law Firm
1000 2nd Ave, #3250
Seattle, WA 98104

Charging Party

Probuild Company LLC d/b/a Builders Firstsource, Inc.
c/o Amanda Weaver
2001 Bryan Street, Suite 1600
Dallas TX, 75201

Respondent

DETERMINATION

Under the authority vested in me by the Commission, I issue the following determination as to the merits of the subject charge filed under the Americans with Disabilities Act of 1990, as amended.

All requirements for coverage have been met. Charging Party alleged that she had a disability and made Respondent aware of the disability and need for reasonable accommodation. Charging Party further alleged that Respondent failed to engage in the interactive process and discharged the Charging Party rather than provide reasonable accommodation.

I have considered all the evidence disclosed during the investigation and have determined that there is reasonable cause to believe that Respondent knew of the Charging Party's disability and need for reasonable accommodation. The evidence disclosed that, upon being made aware of Charging Party's need for reasonable accommodation, on or about May 15, 2019, followed by timely submission of medical certification containing a definitive return to work date and good prognosis for the Charging Party's recovery, the Respondent planned to replace and discharge the Charging Party rather than engage in a good faith interactive process. The evidence further disclosed that, after Respondent failed to engage in the interactive process and provide reasonable accommodation, the Charging Party was discharged, on or about June 6, 2019, because of a disability, in violation of the Americans with Disabilities Act of 1990, as amended.

Upon finding that there is reason to believe that violations have occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, the Commission now invites the parties to join with it in reaching a just resolution of this matter. In this regard, conciliation of this matter has now begun. If you wish to participate in conciliation, please contact Investigator Shannon De Jong, in writing, within 10 days from the date of this Letter of Determination.

If the Respondent declines to enter into settlement discussions, or when the Commission's representative for any reason is unable to secure a settlement acceptable to the office Director; the Director shall so inform the parties in writing and advise them of the court enforcement alternatives available to the Charging Party, aggrieved persons and the Commission. The confidentiality provisions of the statute and Commission Regulations apply to information obtained during conciliation.

On Behalf of the Commission:

3/1/2021

Date



Digitally signed by NANCY A. SIENKO
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Nancy A. Sienko, Director
Seattle Field Office