



MCOLES
Michigan Commission on Law Enforcement Standards

**COMMISSION RESOLUTION 2012-04
PROVIDING AUTHORITY TO PARTICIPATE IN CONCILIATION OF
EEOC CHARGE NO. 471-2010-01383**

WHEREAS, MCOLES denied Mr. Gregory Smith admission to the Recognition of Prior Basic Law Enforcement Training and Experience program; and,

WHEREAS, Mr. Gregory Smith filed EEOC Charge No. 471-2010-01383 against MCOLES, as a result; and,

WHEREAS, Mr. Gregory Smith filed a companion EEOC Charge against the City of Detroit Police Department based on the same transaction; and,

WHEREAS, the EEOC has proposed that MCOLES enter into a proposed Conciliation Agreement to resolve this matter, that includes the following terms:

1. Agree to comply with the Americans With Disabilities Act;
2. Agree not to discriminate or retaliate against those seeking relief under the Americans With Disabilities Act or opposing violations of the Act;
3. Participate with the EEOC in reviewing compliance with the Conciliation Agreement, including providing written documentation, inspection of the workplace, and interviewing employees and applicants;
4. Agree that the Conciliation Agreement shall remain in effect for three years;
5. Develop, distribute, and enforce a reasonable accommodation policy in compliance with the Americans With Disabilities Act;
6. Provide training to all MCOLES personnel on the Americans With Disabilities Act, with or without the assistance of the EEOC;
7. Post a signed notice in the workplace concerning the conciliation agreement;
8. Provide written confirmation to EEOC that MCOLES has complied with the specific terms of the Conciliation Agreement;
9. Have an authorized representative of MCOLES sign the Conciliation Agreement;
10. Grant law enforcement officer certification to Mr. Smith; and,
11. Pay \$25,000 in compensatory damages to Mr. Smith;

WHEREAS, the EEOC has offered MCOLES the opportunity to further negotiate the terms of the Conciliation Agreement; and,

WHEREAS, the EEOC has granted MCOLES an extension through April 23, 2012 to agree to their proposed Conciliation Agreement or negotiate a proposed alternative agreement; and,

WHEREAS, Legal Counsel is of the opinion that it is in the best interest of MCOLES to agree to most all of the provisions of the proposed Conciliation Agreement; now,

THEREFORE BE IT RESOLVED that the Michigan Commission on Law Enforcement Standards:

1. Grants authority to the Executive Director, MCOLES Staff, and Legal Counsel to participate in the conciliation process;
2. Grants authority to the Executive Director, MCOLES Staff, and Legal Counsel to enter into and execute a settlement of Charge No. 471-2010-01383 that will include the following, in the maximum:
 - a. Terms 1 through 9 of the proposed Conciliation Agreement;
 - b. Admit Mr. Smith into the Recognition of Prior Basic Law Enforcement Training and Experience program, with the proviso that admission is not an acknowledgement or stipulation that Mr. Smith is able to perform the essential job functions of any particular position; and
 - c. Pay Mr. Smith the sum of \$25,000 in consideration of the settlement of Charge No. 471-2010-01383.
3. Grants authority to the Executive Director, MCOLES Staff, and Legal Counsel to cooperate with the EEOC to develop new administrative rules, policies, and guidelines governing all aspects of MCOLES operation having implications for compliance with the Americans With Disabilities Act and the Michigan Persons With Disabilities Civil Rights Act;
4. Instructs the Executive Director, MCOLES Staff, and Legal Counsel to report to the Commission on the progress of resolution of Charge No. 471-2010-01383, efforts to ensure compliance with the settlement of the Charge, and development of the new administrative rules.

Adopted by the Michigan Commission on Law Enforcement Standards on April 18, 2012.



Doreen E. Olko, Chair