

**THIS WILL
WINNERS...**

LEGAL VICTORIES

JOSEPH GAJEWSKI SETTLES CASE FOR \$95,000 AGAINST NEW JERSEY TRANSIT FOR FAILURE TO HIRE

In the case Gajewski vs. New Jersey Transit, New Jersey Transit has recently paid \$95,000 in damages, attorneys fee and costs to resolve the case filed against them for discrimination, under the Americans with Disabilities Act and the NJLAD.

In July of 1995, Joseph Gajewski, who is hearing impaired, applied for and was approved for employment with New Jersey Transit, yet he was never given the opportunity to commence employment due to his disability. Mr. Gajewski passed an entrance examination and awaited a position to become available within New Jersey Transit. When one become available

he was told that his application could not be found and another person was hired for the position. Afterwards, he interviewed for another position within the company and was told that he was hired pending the medical examination. He was then rejected after the medical examination solely because of his disability, as New Jersey Transit cited safety concerns. It was later determined that these safety concerns were unfounded and without merit. Mr. Gajewski however was never hired nor given an opportunity to work at New Jersey Transit. This discriminatory treatment is what brought about Mr. Gajewski's decision to file a lawsuit against New Jersey Transit. Mr.

Gajewski later began working for Schering Plough where he continues to work today.

Mr. Gajewski and Ms. Smit are extremely pleased and excited with the settlement and hope to see major changes in employment companies across the country, in their policies and practices, as more and more of these cases are brought. Ms. Smit has other cases that are also pending for employment discrimination. It is her hope that employers will become more aware of the rights of the hearing impaired and will be more willing to accommodate these individuals in the future.

DISCRIMINATION

N.J. Transit Settles Failure To Hire Ca

New Jersey Transit has recently paid \$95,000 in damages, attorney costs to resolve a case for failure to hire a hearing-impaired applicant.

In July 1995, Joseph Gajewski applied for and was approved for employment with N.J. Transit. He passed an entrance examination, but when a position became available he was told his application could not be found and another one else was hired for the position. Subsequently he interviewed for the position and was told he was not hired pending a medical examination. He was then rejected after the medical examination and N.J. Transit cited safety concerns. Mr. Gajewski later took another lawsuit against N.J. Transit.