



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Birmingham District Office**

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EEOC Charge Number: 130 A1 3622

Robert Braden  
303 Somerville Road  
Decatur, Al 35061

Charging Party

Chugach Management Services  
P.O. Box 8260  
Redstone Arsenal, Al 35808

Respondent

DETERMINATION

Under the authority vested in me by the Commission's Procedural Regulations, I issue the following determination on the merits of the subject charge filed under Title VII of the Civil Rights Act of 1964 (Title VII), as amended.

The Respondent is an employer within the meaning of Title VII and all requirements for coverage have been met.

The Charging Party alleges that he and other African American employees have been discriminated against because of their race (Black) with respect to racial harassment, promotions, layoffs, discipline, and other terms and conditions of employment.

The Respondent denies the allegations made by the Charging Party. With respect to racial harassment, Respondent asserts that it did not receive any complaints of harassment prior to the filing of the charge of discrimination. Respondent further asserts that it has a policy that prohibits racial harassment in the workplace and after receiving notification of the charge, it conducted an investigation and concluded that a supervisor was a major concern. According to the Respondent, the supervisor was ultimately terminated.

Documentary evidence indicates that Respondent had knowledge of racial harassment in the workplace as early as October 1999. Documentary evidence also indicates that Respondent has a policy that addresses racial harassment but the dissemination of the policy to employees, the methods of reporting complaints, the investigation of the complaints, and the resolution of the complaints appear to be ineffective. Documentary evidence further establishes that Respondent, despite complaints and knowledge of racial harassment, failed to take effective remedial action to stop the harassment. Although Respondent asserts that a supervisor was ultimately terminated after its investigation of the racial harassment complaint made in the charge, a review of the supervisor's personnel file disclosed no evidence to indicate that he was disciplined or counseled in any manner regarding racial harassment. Records indicated that the supervisor's position was abolished.

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Accordingly, based on the evidence obtained during the investigation, I have determined that it is more likely than not that the Charging Party was discriminated against as alleged. I have also determined that African American employees as a class have been subjected to racial harassment because of their race, as alleged. No further finding is made with regard to any other issue alleged in the charge.

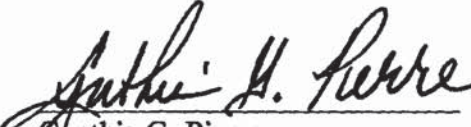
This determination is final. When the Commission finds that violations have occurred, it attempts to eliminate unlawful practices by informal methods of conciliation. Therefore, I invite the parties to join with the Commission in reaching a just resolution of this matter. Disclosure of information obtained by the Commission during the conciliation process will be made only in accordance with the Commission's Procedural Regulations (29 CFR Part 1601.26).

If the Respondent wishes to accept this invitation to participate in conciliation efforts, it may do so at this time by proposing terms for a conciliation agreement; that proposal should be provided to the Commission's representative within 14 days of the date of this determination. The remedies for violation of the statutes we enforce are designed to make the identified victims whole and to provide corrective and preventive relief. These remedies may include, as appropriate, an agreement by the Respondent to not engage in unlawful employment practices, placement of identified victims in positions they would have held but for discriminatory actions, back pay, restoration of lost benefits, injunctive relief, compensatory and/or punitive damages, and notice to employees of the violations and the resolution of the claims.

Should the Respondent have further questions regarding the conciliation process or the conciliation terms it would like to propose, we encourage it to contact Roy L. Jackson, the assigned Commission representative, at 205/731-1051. Should there be no response from the Respondent in 14 days, we may conclude that further conciliation efforts would be futile or nonproductive.

On behalf of the Commission,

09-20-02  
Date

  
Cynthia G. Pierre  
District Director

Copy: Jerry L. Trew  
JOHNSTON, STARNES & TREW, L.L.C.