

# EEOC Litigation Settlements

## September 2003

- **EEOC v. United Parcel Service**

No. 02-C-6305 (N.D. Ill. September 2, 2003)

In this ADA lawsuit, the Chicago District Office alleged that defendant, a nationwide delivery service, discriminated against charging party, a feeder driver, based on his disability (insulin-dependent diabetes) by failing to transfer him to a vacant position as a reasonable accommodation. Charging party, who had worked for defendant as a tractor-trailer driver for approximately 15 years, was first diagnosed with Type II diabetes in 1998. In July 1998 he suffered a hypoglycemic episode while driving which caused him to become disoriented and to crash his truck. Thereafter, he was removed from driving duties and placed on short-term disability leave. Despite repeated attempts, charging party was unable to obtain a non-driving position with defendant. The case was resolved through a settlement agreement for payment of \$149,999 (\$74,999.50 in back pay and \$74,999.50 in non-wage damages) to charging party. Defendant agrees to provide a positive letter of reference to charging party and to not contest his application for state unemployment benefits.

- **EEOC v. G.F.B. Enterprises, LLC d/b/a Lexus of Kendall**

No. 01-4035-CIV-MARTINEZ/GARBER (S.D. Fla. September 3, 2003)

In this Title VII lawsuit, the Miami District Office alleged that defendant, a car dealership, subjected a group of employees to a hostile working environment on the basis of national origin (Hispanic), race (black) and religion (Jewish). The harassment consisted of derogatory comments ("America is for whites only") and name-calling ("spic," "nigger") made by the Director of Fixed Operations and the son of the dealership's owner. One of the charging parties was forced to quit his job due to the harassment. The case was resolved through a four-year consent decree which provides for a total payment of \$700,000 (\$600,000 in compensatory damages to be distributed among the four charging parties and \$100,000 in compensatories to be distributed among currently unidentified black employees who were subjected to harassment based on race between January 1998 and December 2002). The consent decree also requires Lexus of Kendall to hire a presenter approved by the EEOC to provide annual training to all of its managers and supervisory personnel on all aspects of Title VII, and to undergo monitoring which will include submitting semi-annual reports to the EEOC throughout the duration of the consent decree on harassment complaints and the manner in which it addressed the complaints. The decree enjoins Lexus of Kendall from discriminating against any employee who opposes unlawful employment practices under Title VII.

- **EEOC v. First Transit, Inc., f/k/a Ryder/ATE, Inc.**

No. CV-02-C-0796-W (N.D. Ala. September 9, 2003)

The Birmingham District Office alleged in this Title VII lawsuit that defendant subjected charging party, a bus driver for special needs passengers, to a sexually hostile working environment through the actions of her supervisor. The harassment consisted of offensive sexual comments and sexual touching. Despite receiving a complaint about the harasser's conduct in January 1999, defendant did not discipline/discharge him until July 1999. During that intervening period, charging party was forced to transfer out of a higher paying bus route to her original route because the new position required more frequent contact with the harasser. In addition to the sexual harassment claims brought by the Commission, charging party, who intervened, alleged that she was discharged in retaliation for filing an EEOC charge about the harassment. The case (including the discharge claim) was resolved through a consent decree which provides for payment of \$85,000 to charging party. Defendant also agrees to reinstate charging party to her position as a bus driver, with seniority, effective August 2003.

- **EEOC v. Control Building Services, Inc.**

No. 01-CV-3822 (D. N.J. September 9, 2003)

The Philadelphia District Office alleged in this Title VII lawsuit that defendant, a cleaning contractor, subjected two female maintenance employees to a hostile working environment based on their sex and national origin (Polish), and that the women were given extra cleaning assignments in retaliation for rejecting their