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U.S. Equal Employment Opportunity Commission (EEOC) Civil Actions filed in 2009

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AGE

Class Actions

EEOC v. Village of Amityville and the Amityville Fire Department (E.D.N.Y.) (Aug. 28, 2009) (Age class)

- Employer allegedly established a Length of Service Award Program under New York law, allowing firefighters to earn service awards, a benefit payable upon retirement
- For a time, Employer's award program allegedly prohibited firefighters age 65 and older and later 62 and older from earning additional service awards
- Employer allegedly amended the award program, allowing firefighters to earn service awards regardless of age, but did not compensate the firefighters who, under the prior laws and on account of their age, did not earn service awards

EEOC v. AT&T, AT&T Corp., AT&T Services, Inc. and Pacific Bell Telephone Company, d/b/a AT&T California (S.D.N.Y.) (Aug. 20, 2009) (Age class)

- Employer allegedly implemented a policy where it would not rehire employees who had retired under various retirement and severance programs, which adversely impacts employees and applicants age 40 and older

EEOC v. Hi-Line Electric Company (N.D. Tex.) (Sept. 30, 2009) (Age class)

- Employer allegedly constructed, and its recruiters used, a list of criteria or characteristics (the "Hi-Line Box") for hire, which excluded persons over 50 from being recruited or considered for the Territory Manager position

Individual Plaintiff Cases

Termination

EEOC v. Man Mar, Inc. (S.D. Fla.) (May 22, 2009) (Age)

- Employer allegedly subjected Charging Party and others to hostile work environment by allowing comments such as "old bitch," "old bastard," and "you're too old," and to disparate terms and conditions of employment on account of their age by reducing work shifts, assigning shifts they could not work, and/or decreasing wages

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- Employer allegedly disciplined a younger employee more favorably than it disciplined Charging Party
- Employer allegedly terminated/constructively discharged Charging Party and others on account of their age

EEOC v. AHD Houston, Inc. (S.D. Tex.) (May 6, 2009) (Age)

- Employer operated a strip club where Employee worked as a waitress beginning in 1993
- In 2005 a new manager allegedly began making disparaging comments about Employee's age (55), questioning her age, and accusing her of exhibiting Alzheimer's and eventually began hiring younger waitresses and scheduling them to work shifts when Employee was available to work
- Employee was fired allegedly without reason

EEOC v. Ashland, Inc. d/b/a Valvoline Instant Oil Change (N.D. Ohio) (Feb. 25, 2009) (Age)

- Employer allegedly terminated Employee on account of his age (52) and allegedly routinely referred to Employee as "Papa" and "Old Man" and made other similar remarks suggesting Employee was too old to do his job

EEOC v. Bell Microproducts, Inc. d/b/a Pro Sys Information Systems (N.D. Ind.) (Sept. 30, 2009) (Age)

- Employer allegedly transferred accounts to younger employees
- Employee allegedly complained to Employer about ageist comments directed to Employee by his new supervisor
- Following these complaints, more of Employee's accounts allegedly were transferred
- Employee was transferred to a newly created position in another department
- Employee terminated allegedly due to layoffs in his new department

Hiring

EEOC v. Chesco Services f/k/a Chesterfield County Bd. Of Disabilities and Special Needs (D.S.C.) (Jan. 26, 2009) (Age)

- When Employer allegedly took over for individual's current employer, Employer allegedly failed to hire individual on account of his age (73) when individual applied for job and selected a younger (43 years old), less qualified person for the position

EEOC v. City of Greensboro (M.D.N.C.) (July 31, 2009) (Age)

- Employer allegedly failed to hire individual on account of his age (58), and selected applicants who were 28, 38, and 39 years of age, including one applicant allegedly less qualified than the individual, and allegedly failed to make or preserve relevant hiring records such as scoring sheets and interview notes

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EEOC v. Southern Metals Company (W.D.N.C.) (Sept. 22, 2009) (Age)

- Individual, age 76, allegedly applied for a job as diesel mechanic with Employer and was informed by Employer's foreman that a younger applicant would be hired
- Employer allegedly hired a substantially younger, less qualified applicant for the position

EEOC v. Associated Marble Industry, Inc. (E.D.N.Y.) (Sept. 30, 2009) (Age)

- Employer allegedly interviewed Individual when Individual followed-up with Employer about Employer's plan to schedule a second interview, Individual allegedly was told that a younger applicant was being sought, due to the downturn in the economy
- Employer allegedly subsequently hired an applicant who was 12 years younger than Individual

Harassment

EEOC v. KMart Corp. (D. Haw.) (June 30, 2009) (Age)

- Employer allegedly made age-based harassing comments, such as that Employee was "too old," that she should "just retire," calling her "incompetent," and stating that she was being "greedy" for continuing to work at age 70
- Employer allegedly retaliated against Employee after she filed a Charge by subjecting her to adverse and oppressive working conditions and falsely accusing her of violations of law/threatening prosecution

Other

EEOC v. Red Rock Western Jeep Tours, Inc. (D. Ariz.) (Sept. 1, 2009) (Age)

- No factual allegations made

EEOC v. Charming Shoppes, Inc. d/b/a Fashion Bug (N.D. Ga.) (Oct. 9, 2009) (Age)

- No factual allegations made

DISABILITY

Class Actions

EEOC v. New Hanover Reg. Med. Ctr. (E.D.N.C.) (May 22, 2009) (ADA class)

- Employer allegedly refused to hire/placed on unpaid leave individuals because of a perceived disability (i.e., taking legally prescribed narcotic medication for a physiological impairment)

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EEOC v. Avi Foodsystems, Inc. (S.D. Ohio) (July 27, 2009) (ADA class)

- Employer allegedly failed to make reasonable accommodation to qualified individuals by requiring employees to present a full-duty, no-restriction doctor's release to return to work

EEOC v. Beverage Solutions, Inc. (N.D. Ill.) (June 25, 2009) (ADA class)

- Employer allegedly failed to reasonably accommodate Employee's alleged disability (blocked arteries) and the class of qualified individuals with disabilities, and discharged Employee and these individuals on account of their disabilities

EEOC v. Dura Automotive Systems, Inc. (M.D. Tenn.) (Sept. 11, 2009) (ADA class)

- Employer allegedly subjected all employees to tests for legally prescribed medications, suspended over thirty employees who tested positive for these medications, thus allegedly requiring employees to disclose medical conditions, cease taking the medications in order to return to work, and terminating employees who could not work without their medications
- Employer's actions allegedly screened out individuals with disabilities and violated the confidentiality of the employees' test results, applying an employment policy that was neither job related or consistent with business necessity

EEOC v. Silgan Containers Manufacturing Corporation (E.D. Wis.) (Sept. 8, 2009) (ADA class)

- Employee allegedly is substantially limited in various major life activities due to the loss of three fingers on his left hand
- Employer allegedly refused to reasonably accommodate Employee, depriving him of a promotion
- Employer allegedly further violated the ADA by requiring job applicants to undergo medical exams prior to making conditional job offers

EEOC v. United Parcel Service, Inc. (S.D. Ill.) (Aug. 27, 2009) (ADA class)

- Employer allegedly terminated Employee, who suffered from multiple sclerosis, rather than accommodate her by extending her leave
- Employer allegedly has an inflexible 12-month leave policy that does not provide reasonable accommodation for disabled employees, but instead terminates these employees, in violation of the ADA

EEOC v. Supervalu, Inc. and Jewel-Osco (N.D. Ill.) (Sept. 11, 2009) (ADA class)

- Employer allegedly had a policy of prohibiting disabled employees on Employer's one-year disability leave from returning to work unless they could do so without accommodation or restriction, and terminating employees who could not do so at the end of the leave, in violation of the ADA

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EEOC v. Creative Networks L.L.C. an Arizona Corporation (D. Ariz.) (Sept. 28, 2009) (ADA class)

- Employer allegedly failed to provide reasonable accommodation during pre-employment training and pre-employment orientation and thereby failed to hire them
- Employer allegedly also found to have a policy that was a per se violation of the ADA (limited accommodation expenditure to \$200)

EEOC v. P.A.M. Transport, Inc. (E.D. Mich.) (Sept. 29, 2009) (ADA class)

- Employer allegedly terminated Employee on the basis of his disability (HIV positive), based on information it obtained as a result of an impermissible medical inquiry
- Employer allegedly maintains a policy that subjects current employees to impermissible medical inquiries, in violation of the ADA

Individual Plaintiff Cases

Termination

EEOC v. Medical Health Group, Inc. (D. Md.) (Mar. 31, 2009) (ADA)

- Employee's breast cancer treatment caused impairments that substantially limited her ability to perform major life activities such as lifting, pulling, reaching
- Employer allegedly regarded Employee as being substantially limited in working
- Employer allegedly terminated Employee because of her disability

EEOC v. A & A Contracting, Inc. (E.D. Mo.) (July 7, 2009) (ADA)

- Employer allegedly terminated Employee's employment on account of his past and current medical conditions: Hepatitis C, kidney cancer and loss of kidney, and high blood pressure

EEOC v. Aveva Drug Delivery Systems, Inc. (S.D. Fla.) (Aug. 3, 2009) (ADA)

- Employee's alleged medical condition (End Stage Renal Disease) resulted in impairments that substantially limited major life activities including drinking, eating, cleaning blood and/or eliminating waste from her body, and required a catheter in her right arm
- Employee allegedly injured the catheter site at work, requiring medical attention and an absence from work

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- Employer allegedly violated the ADA when it terminated Employee when she returned to work

EEOC v. Evans Solutions, Inc. (E.D. Mich.) (July 30, 2009) (ADA)

- Employer, allegedly, among other unlawful practices, terminated Employee's employment on account of her alleged disability (breast cancer)

EEOC v. IESI LA Corp. (W.D. La.) (June 16, 2009) (ADA)

- Employer allegedly terminated Employee from his truck driver position after learning from Employee that he had dyslexia, citing his inability to do paperwork and believing he was a danger while driving
- Employee allegedly had no accidents nor had been assessed by a doctor to be a safety risk while driving, and allegedly was able to perform essential functions of job without accommodation
- Employer allegedly was capable of accommodating Employee, if need be, without undue hardship but chose instead to terminate him

EEOC v. Mr. B's of Abbotsford, Inc. d/b/a Abbotsford Egg Products (W.D. Wis.) (July 15, 2009) (ADA)

- Employer allegedly terminated Employee on account of her alleged disability (epilepsy), despite her ability to perform essential functions of her job

EEOC v. Callaro's Prime Steak & Seafood, LLC. (S.D. Fla.) (July 27, 2009) (ADA)

- Employer allegedly discovered Employee's son had a disability under the ADA, which substantially limited, among other things, the major life activity of reproduction
- Employer allegedly then demanded that Employee, allegedly a qualified individual with a disability, take a medical test, inquired into Employee's medical status, reduced her working hours and then terminated Employee
- Employer allegedly took these actions because it regarded Employee as disabled, substantially limited in the major life activity of working, and because of her son's condition

EEOC v. Smith Bros. Truck Garage, Inc. d/b/a Smith International Truck Center (E.D.N.C.) (Sept. 21, 2009) (ADA)

- Employer allegedly regarded Employee as substantially limited in the major life activities of working and interacting with others, as a result of his mental impairments
- Employee allegedly informed Employer of his need for an absence from work to adjust medications and thereafter provided releases from his physician and therapist to return to work with no restrictions
- Employer allegedly terminated Employee's employment on account of his perceived disability

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EEOC v. St. John Health System, Inc. and Physician Support Services, Inc. (N.D. Okla.) (Sept. 24, 2009) (ADA)

- Employer allegedly removed Employee from her operating room scrub technician position after receiving complaints from doctors about her hearing impairment, and placed her in a temporary float scrub technician position
- Employer allegedly then eliminated the temporary position and refused to assist Employee in finding another position with the hospital system

EEOC v. Dillon Companies, Inc. d/b/a King Soopers (D. Colo.) (Sept. 17, 2009) (ADA)

- Employee's learning disability allegedly substantially limits the major life activity of learning
- Employer's head clerk and store manager allegedly harassed and taunted Employee by, for example, changing his break schedule in order to watch him become upset, and threatening to telephone his mother, thus subjecting him to a hostile work environment on account of his disability
- Employee was terminated, allegedly for insubordination and misconduct related to Employer's threat to telephone Employee's mother, while non-disabled employees with similar or more serious behavior were not terminated

EEOC v. Product Fabricators, Inc. (D. Minn.) (Aug. 31, 2009) (ADA)

- Employer allegedly terminated Employee due to his back impairment, despite his ability to perform the essential functions of the job
- Employer's Drug Policy allegedly violates the ADA in that it allows disability-related inquiry that is not job related or consistent with business necessity, which policy resulted in Employee's termination
- Employee allegedly further violated the ADA in its maintaining of medical information in employees' personnel files

EEOC v. Greater Baltimore Medical Center, Inc. (D. Md.) (Sept. 14, 2009) (ADA)

- Employee allegedly suffered from a genetic disorder since birth, resulting in a discrepancy in the length of his legs and causing a limp
- Employee allegedly worked for Employer since 1984, able to perform the essential functions of the job
- Employee suffered a stroke in 2005, allegedly leaving him substantially limited in the major life activity of lifting
- Employee allegedly was released to return to work with lifting restrictions in 2006, but Employer allegedly refused to accommodate him and terminated his employment on account of its regarding Employee as substantially limited in the major life activity of speaking

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EEOC v. Innershore Enterprises, Inc. d/b/a Marlow 6 Theatre (D. Md.) (Sept. 21, 2009) (ADA)

- Employee allegedly informed Employer of her HIV positive status and shortly thereafter was reassigned to a less desirable position and not allowed to work her previously-scheduled second shift
- Employer allegedly did not schedule Employee for the next work period, effectively terminating her employment, because it regarded her as disabled

EEOC v. Pinnacle Airlines, Inc. (E.D. Mich.) (Aug. 21, 2009) (ADA)

- Employer allegedly terminated Employee on the basis of her disability (arthritis)

EEOC v. Summer Classics, Inc. (N.D. Ala.) (Sept. 29, 2009) (ADA)

- Employer allegedly terminated employee after learning employee had HIV
- Employee allegedly was required to be off work for treatment of a non-disability related illness. This illness allegedly caused other conditions related to his HIV status to prevent employee's return to work at the scheduled time. Employee allegedly informed employer of this development. In response, employer told employee to get a medical release from his physician before returning to work
- Employee allegedly complied by getting a work authorization from his physician. The work authorization stated that the employee "has no illness imposed limitations which will impact his occupational duties. He has been HIV positive and unless someone had unprotected sex with him there was NO probability that he will pose a risk to anyone in the workplace"
- Employer allegedly refused to allow him to return to work and placed him on paid administrative leave. Employee was to have a fitness for duty examination and released medical records from his physician treating him for HIV
- Employee's physician allegedly refused to produce the medical records, stating that it was illegal for his employer to require his medical records as a condition of continued employment
- Employer terminated employee

EEOC v. L&R Express Food Mart, Inc. (N.D. Ala.) (Sept. 29, 2009) (ADA)

- Upon finding out employee's HIV status employer allegedly limited his job duties. Later the same day, employee was terminated

EEOC v. Riverstone Residential (D. Ariz.) (Sept. 29, 2009) (ADA)

- Employee allegedly is a person with a disability as defined by the ADA
- Employer allegedly refused to grant requested accommodations.
- When Employee informed Employer that he was going to be involuntarily committed in a hospital by court order and subsequently was committed, Employer allegedly discharged Employee

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Reasonable Accommodation

EEOC v. Black Beauty Coal Co., LLC (S.D. Ind.) (Mar. 9, 2009) (ADA)

- Alleged disability was “learning disability including dyslexia and ADHD”
- Employer allegedly refused reasonable accommodation of reading an entry level test to individual

EEOC v. K-Mart Corp. (E.D. Va.) (June 23, 2009) (ADA)

- Alleged disability was spinal stenosis
- Employer allegedly refused to allow Employee to use an assistive device to aid him in standing and walking and terminated his employment

EEOC v. Florida Institute for Neurologic Rehab., Inc. (M.D. Fla.) (Apr. 15, 2009) (ADA)

- Alleged disability was bilateral severe to profound sensorineural hearing loss
- Employer refused to provide an ASL interpreter to assist with her training session. Employee failed the training examination; Employer terminated her employment/refused to hire Employee

EEOC v. Petco Animal Supplies, Inc. (D. Colo.) (Apr. 2, 2009) (ADA)

- Alleged disability was deafness
- Employer allegedly directed clients away from Employee or interfered with clients requesting her services
- Employer allegedly exempted Employee from answering telephone, but allowed employees to tell customers Employee was no longer employed or was unavailable, or allowed phone calls to go unanswered, depriving Employee of equal access to customers and equal opportunity for commissions
- Employer allegedly refused the reasonable accommodation of a sign language interpreter, and failed to engage Employee in an interactive dialogue re an accommodation

EEOC v. United Airlines, Inc. (N.D. Cal.) (Feb. 23, 2009) (ADA)

- Employer allegedly maintained policy of prohibiting Employee and others from earning overtime while on light duty or limited duty, in violation of the ADA

EEOC v. Celestica Corporation (M.D. Tenn.) (Sept. 4, 2009) (ADA)

- Employee allegedly is substantially limited in the major life activities of standing, walking and breathing due to lupus, cardiomyopathy and COPD
- Employee allegedly was employed by Malone, a placement company, and placed at a warehouse operated by Defendant
- Employee allegedly worked as an Order Management Specialist for Defendant, who relocated her office in their warehouse in order to save walking time for her and the forklift drivers who worked to fulfill computer orders

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- Employee's physician allegedly wrote a note requesting that Employee be allowed the use of an electric wheelchair, due to her health conditions and because of the distance from the warehouse entrance to her desk
- Malone allegedly approved the request, but Defendant denied it, citing liability concerns
- Employee allegedly further requested handicapped parking near the entrance she used, but Defendant insisted it was not necessary, due to handicapped parking available elsewhere
- Employee allegedly renewed her request for an electric wheelchair, which Defendant again denied
- Employee allegedly suffered medical flare-ups on the job, and at one point collapsed at on the warehouse floor and had to be carried to her desk at other times, Employee was carried on forklifts until Defendant told her to stop
- Subsequently, Employee allegedly collapsed and was unable to continue working, was hospitalized, and could no longer work at the warehouse on account of Defendant's failure to accommodate her request

Hiring

EEOC v. Schwan's Global Supply Chain, Inc. (E.D. Ky.) (July 14, 2009) (ADA)

- Employer allegedly refused to hire individual because of his disability/visual impairment

EEOC v. US Steel Corp. (N.D. Ind.) (Apr. 8, 2009) (ADA)

- Employer allegedly refused to hire/rescinded an offer due to disability (type of disability not alleged)

EEOC v. Hibbing Taconite Co. (D. Minn.) (Mar. 31, 2009) (ADA)

- Alleged disability was impairment that substantially limits him in the major life activities of hearing and speaking
- Employer allegedly initially refused to interview Employee because of his disability
- After Employee filed a Charge of Discrimination, Employer interviewed Employee but administered tests that allegedly were not job-related or consistent with business necessity
- Employer allegedly refused the reasonable accommodation of additional time to take the test and refused to engage Employee in an interactive dialogue re his ability to perform essential functions of the job
- Employer allegedly refused to hire Employee because of his disability

EEOC v. Glenn O. Hawbaker, Inc. (M.D. Pa.) (July 1, 2009) (ADA)

- Employer allegedly withdrew its conditional offer of employment to Charging Party on account of his alleged disability (diabetes mellitus)

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EEOC v. Gravlee's Sonic of New Iberia, Inc. d/b/a Sonic Drive-In (W.D. La.) (Apr. 13, 2009) (ADA)

- Employer allegedly refused to hire individual for a car hop position on account of her alleged disability (severe speech impediment), and refused also to consider individual for any other open position for the same reason, or engage in interactive process with individual to determine whether a reasonable accommodation could be provided

EEOC v. Arbonne International, LLC (S.D. Ind.) (Mar. 23, 2009) (ADA)

- Employer allegedly refused to hire individual on account of her disability (hearing impairment)

EEOC v. AT&T Services, Inc., d/b/a Southwestern Bell Telephone Company, L.P. (W.D. Tex.) (Sept. 23, 2009) (ADA)

- Employer allegedly refused to hire Individual on account of his disability (diabetes) and because it regarded him as disabled

EEOC v. Starbucks Corporation d/b/a Starbucks Store 11743 (E.D. Ark.) (Sept. 2, 2009) (ADA)

- Employer allegedly refused to hire Individual on account of his disability (multiple sclerosis), despite Individual meeting the requirements of the barista position and informing Employer he would use his cane, not his wheelchair, while at work

EEOC v. Garden Ridge Corporation (W.D. Tex.) (Sept. 25, 2009) (ADA)

- Failure to hire two deaf applicants, and failing to reasonably accommodate the disability of one of the applicants during the application process

Harassment

EEOC v. Alstrun, LLP d/b/a McDonald's (E.D. Pa.) (Sept. 24, 2009) (ADA)

- Employee, who is mentally retarded, allegedly was hired Employer in 2004, and performed his duties successfully
- Around 2008, Employee allegedly was subjected to harassment by management and co-workers, who called him "dumb," "retarded," "stupid," and was told he was too slow Employee allegedly was shoved and grabbed and threatened with a box cutter, and forced by Employer to perform duties outside of his job description, such as removing a raccoon from the trash and picking up a dirty needle with bare hands
- On occasion, Employer allegedly deprived Employee of food and beverages, a benefit to which he was entitled
- Employee's mother allegedly complained of harassment to management, but Employer failed to take action
- As a result of the above, Employee allegedly was constructively discharged

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EEOC v. The Picture People (D. Colo.) (Sept. 29, 2009) (ADA)

- Employer allegedly hired Employee as a photographer, aware of her hearing impairment
- Employer allegedly refused Employee's request for an American Sign Language (ASL) interpreter for the new employee training she was to undergo, forcing Employee to delay training for 3 weeks and to provide her own ASL interpreter
- Employer allegedly subsequently scheduled additional training, but did not inform Employee in advance, nor provide an ASL interpreter for her
- Employee allegedly requested from Employer an interpreter for all staff meetings and trainings, and provided Employer a list of interpreters in the area, but Employer denied and did not discuss her requests
- Employer's managers allegedly treated Employee differently from other employees, criticizing and picking on her
- Employer's district manager allegedly directed Employee's supervisor to assign Employee work in the lab, "away from the public," rather than photograph customers
- Employer allegedly stopped assigning work to Employee although her name remained on the work schedule
- When Employee complained, she allegedly was issued a "Final Warning" for insubordination, despite having never received any other warnings, and her request for an interpreter at the warning meeting was denied Employee allegedly requested that managers then write their comments, but the managers refused and conducted the meeting orally
- Employee allegedly requested and was denied scheduled work hours, and was terminated approximately 10 months following this meeting

EEOC v. 99 West Inc. (E.D. Pa.) (Sept. 29, 2009) (ADA)

- Employee allegedly had speech impairments and a protruded underbite that left him unable to completely close his mouth
- Employee allegedly was hired by Employer in June 2006, and received exemplary performance evaluations until he was transferred to a new location in February 2007
- Employee's new manager allegedly referred to Employee as slow and retarded, and used sign language gestures that referred to Employee as "f----- Retard," and "slow mother f----- Retard"
- Employee allegedly complained and Employer responded with unjustified written reprimands from Employee's manager
- Employer allegedly terminated Employee in retaliation for complaining of harassment

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Medical Inquiries

EEOC v. Economy Finance Co. (S.D. Tex.) (July 29, 2009) (ADA)

- Employer allegedly required Employee, as a condition of continued employment, to undergo medical testing for Hepatitis C and submit negative results to Employer, which Employee refused to do
- Employer allegedly also made disability-related inquiries of Employee and discharged Employee because it regarded her as disabled and/or because her husband was disabled

Other

EEOC v. United Air Lines, Inc. (N.D. Cal.) (June 3, 2009) (ADA)

- Employer allegedly maintains and institutes policies that fail to accommodate disabled individuals and which require disabled employees to compete for vacant positions for which they are minimally qualified, in order to accommodate their disabilities

EEOC v. Presbyterian Village, Inc. and Presbyterian Village Foundation, Inc. (E.D. Ark.) (Sept. 24, 2009) (ADA)

- Employer allegedly engaged in disparate treatment of Employee on account of his disability (cerebral palsy and epilepsy), after first accommodating and then ceasing to accommodate his disability
- Employer next allegedly subjected Employee to adverse and unjustified disciplinary write-ups, and reduced his work hours after Employee complained to Human Resources personnel as a result, Employee suffered lost pay and health insurance coverage
- Employee's mother allegedly wrote to Employer's CEO requesting an accommodation for her son and complaining of illegal employment actions, and Employer allegedly further reduced Employee's work hours in retaliation for his mother's actions

No factual allegations made in the following cases:

EEOC v. Store Opening Solutions, Inc. (N.D. Ga.) (June 15, 2009) (ADA)

EEOC v. Sentry Credit, Inc. (W.D. Wash.) (Feb. 2, 2009) (ADA)

EEOC v. K1Speed, Inc. (W. D. Wash.) (Feb. 2, 2009) (ADA)

EEOC v. Indiana Motel Developers Inc. d/b/a Holiday Inn Conference Center, et al. (S.D. Ind.) (Sept. 17, 2009) (ADA)

EEOC v. S.C.C., Inc. d/b/a Attrell's Newberg Funeral Chapel (D. Or.) (Aug. 26, 2009) (ADA)

EEOC v. Cottonwood Financial LTD, d/b/a Cottonwood Financial LTD Partnership (E.D. Wash.) (Aug. 19, 2009) (ADA, discrimination and retaliation)

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EEOC v. Supervalu, Inc. and Jewel-Osco (N.D. Ill.) (Sept. 4, 2009) (ADA)

EEOC v. The Pepsi Bottling Group, Inc. (N.D. Cal.) (Sept. 29, 2009) (ADA)

EEOC v. Balance Staffing and Balance Staffing d/b/a Balance Financial, Inc. (N.D. Ill.) (Sept. 25, 2009) (ADA)

EEOC v. Tricore Reference Laboratories (D.N.M.) (Sept. 29, 2009) (ADA)

EEOC v. SSHI LLC, a subsidiary of D.R. Horton, Inc. (W.D. Wash.) (Sept. 30, 2009) (ADA)

EEOC v. Moore & Moore, Inc. and Clayton Ranch Market, Inc., d/b/a Clayton Ranch Market (D.N.M.) (Sept. 29, 2009) (ADA)

EEOC v. Health Delivery, Inc. (E.D. Mich.) (Sept. 29, 2009) (ADA)

NATIONAL ORIGIN

Class Actions

EEOC v. Propak Logistics, Inc. (W.D.N.C.) (Aug. 12, 2009) (Nat'l Origin class)

- Reverse national origin discrimination (non-Hispanic)
- Employer allegedly refused to hire non-Hispanic individuals and instead hired predominantly Hispanic applicants, to the exclusion of the non-Hispanic applicants

EEOC v. Mitsuwa Corporation, d/b/a Mitsuwa Marketplace (D.N.J.) (Sept. 14, 2009) (Nat'l Origin class)

- National origin discrimination (Hispanic)
- Employer allegedly paid Employee and other Hispanic employees less than non-Hispanic (mostly Asian) employees, due to their national origin.

EEOC v. Mount Vernon Holdings, LLC, d/b/a Best Western-Mount Vernon (E.D. Va.) (Sept. 30, 2009) (Nat'l Origin class)

- Upon a change in ownership of hotel, new employer allegedly informed employees of the need to reapply for their jobs. Non-Hispanic employees allegedly were discharged in favor of hiring of equal or less qualified Hispanics

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EEOC v. Fireside West, LLC d/b/a Hilton Lisle/Naperville (N.D. Ill.) (Sept. 25, 2009) (Nat'l Origin class)

- Employer allegedly subjected Employees and a class of Hispanic employees to harassment by making comments such as “stupid Mexicans,” “f----- Mexicans,” “f----- wetbacks,” etc.
- Employees allegedly complained, but the harassment continued

Individual Plaintiff Cases

EEOC v. Odyssey Healthcare, Inc. F/D/B/A Vistacare, Inc. (W.D. Tex.) (Sept. 29, 2009) (Nat'l Origin)

- No factual allegations made

EEOC v. Aerotek, Inc. (N.D. Ill.) (Dec. 14, 2009) (Nat'l Origin)

- Employees, who held Recruiter I positions, filed Charges of Discrimination with the Commission alleging that Defendant segregated them, denied them training and promotions, and constructively discharged them on account of their national origin and in retaliation for filing Charges
- Commission Investigator Lamb allegedly wrote Defendant's other Recruiters requesting information relevant to the Charges. Defendant's counsel allegedly left the Investigator a voicemail message conveying that he was “very disappointed” in the Investigator's efforts to speak with other Recruiters and that management had directed Recruiters not to speak with the Investigator but rather to suggest that the Investigator contact counsel
- An employee of Defendant allegedly contacted Investigator Lamb to discuss his investigation shortly thereafter. The employee conveyed to Lamb that Defendant had prohibited her from speaking to him
- Investigator Lamb allegedly scheduled a conference call among Commission investigative staff and attorneys and Defendant's counsel, during which counsel explained that Defendant's Recruiters were supervisors and thus not permitted to speak with the Commission in response, the Commission allegedly obtained employee declarations refuting Defendant's characterization of Recruiters as supervisors
- The Commission filed an application for preliminary injunction, to enjoin Defendant's efforts to obstruct the Commission's investigation and to prevent retaliation against employees who participate in the investigation

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RACE

Class Actions

EEOC v. Phillip Services Corporation n/k/a Phillip Holdings, LLC (S.D. Tex.) (May 28, 2009) (Race class)

- Defendant and EEOC conciliated the charges of race discrimination, and Defendant agreed, among other things, to pay compensation to Charging Parties and the class of African American employees
- Defendant allegedly breached the Conciliation Agreements by failing to pay monetary relief to any of the Charging Parties or the class

EEOC v. Great Lakes Chemical Corporation (W.D. Ark.) (Sept. 4, 2009) (Race class)

- Employees allegedly were terminated on account of their race following discriminatory and subjective evaluations

EEOC v. McGrief Industries, Inc. and McGriff Transportation, Inc. d/b/a McGriff Transportation (N.D. Ala.) (Sept. 30, 2009) (Race class)

- Employees allegedly subjected to racially derogatory insults, offensive jokes, racially charged threats of violence, and/or racially charged harassment and intimidation
- Employer allegedly failed to take corrective action
- Retaliation allegedly included harassment, intimidation and one employee's constructive discharge

EEOC v. Ralph Jones Sheet Metal, Inc. (W.D. Tenn.) (Sept. 29, 2009) (Race class)

- Employer's management and Caucasian employees allegedly subjected Employees to unwelcome racial harassment, including referring to Employees as "n-----," and other racial slurs, and tolerating racial graffiti in common work areas, which created an abusive working environment
- Employees allegedly complained to Employer's owner and a superintendent, who failed to take effective action

EEOC v. Ready Mix USA d/b/a Couch Ready Mix USA LLC (M.D. Ala.) (Sept. 30, 2009) (Race class)

- Employer's supervisors allegedly subjected Employees to racially derogatory insults, offensive racial comments and jokes, and displays of racially offensive symbols, including use of the "N" word and the display of a noose
- Employees allegedly complained, but Employer failed to take effective action to correct the racially hostile work environment

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EEOC v. Bimbo Bakeries USA, Inc. and Stroehmann Bakeries, L.C. (M.D. Pa.) (Sept. 29, 2009) (Race class)

- Employer hired Employee in 2003. In 2006 Employer allegedly permitted a racially hostile work environment against Employee and other black employees by a white co-worker's use of remarks such as "n-----," "n-----rigged," "plant n-----," etc.
- Employee allegedly complained of harassment to Employer, who advised that the situation would be addressed, but it was not, and Employee was constructively discharged

EEOC v. Yellow Transportation, Inc. and YRC, Inc. (N.D. Ill.) (Dec. 10, 2009) (Race class)

- Employees allegedly were subjected to harassment and different terms and conditions on account of their race, such as hangman's nooses, racially derogatory comments and epithets, racist graffiti and more difficult and time-consuming assignments, greater scrutiny and more restrictive work rules, greater discipline, lower pay

EEOC v. John Wieland Homes and Neighborhoods, Inc. (N.D. Ga.) (Apr. 30, 2009) (Race class)

- Employer allegedly selected and placed African American sales agents in assignments based on race, resulting in these employees earning less than non-African American employees
- Employer allegedly subjected one employee to a hostile work environment by requiring her to engage in discriminatory practices against African Americans and retaliating against her for opposing the practices, culminating in her constructive discharge

EEOC v. Yates Construction Company (M.D.N.C.) (Sept. 9, 2009) (Race class)

- Employee allegedly was subjected to racial comments such as "n-----," "dumb m-----f----- boy," and other racial epithets and jokes by his direct supervisor, by the General Superintendent, and by a co-worker, all of whom are Caucasian
- Employee allegedly complained about the harassment to various levels of management, but Employer failed to take action to stop it
- Employer allegedly terminated Employee in retaliation for his complaints. Employee allegedly requested a transfer to a different work crew, but Employer never returned Employee to work

EEOC v. WRS Infrastructure and Environment, Inc. (N.D. Ill.) (July 15, 2009) (Race class)

- Race discrimination (hostile work environment based on race and association of race, and subjecting employees to different terms and conditions of work on account of race) and retaliation
- Employer allegedly subjected black employees to harassment and different terms and conditions of employment such as different discipline, different pay, and assigning them more demanding work and less desirable equipment, and subjected white employees to harassment for associating with employees of another race

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- Employer allegedly discharged employees in retaliation for opposing discriminatory behavior

EEOC v. Papermoon-Stuart, Inc and Imaginary Images, Inc. d/b/a Papermoon (S.D. Fla.) (Sept. 16, 2009) (Race class)

- Employer allegedly subjected Employees to racially derogatory remarks, by referring to blacks as “n-----,” “monkey f-----,” and instructing management to “get those n-----s out of here,” creating a hostile work environment
- Employer allegedly subjected Employees to different terms and conditions of employment due to their race by reducing their hours and forcing them to work in the back of the club where they were not seen by customers
- Employees allegedly complained of the conduct, and Employer allegedly retaliated against the Employees by reducing their hours and terminating or constructively terminating Employees

EEOC v. Complete Vacuum and Rental, Inc. (E.D. Ark.) (Sept. 30, 2009) (Race class)

- Employer allegedly subjected Employee and other black employees to racial harassment and unfair work assignments, calling employee “n-----” and making derogatory racial jokes and comments, and giving them fewer work assignments, and therefore making less money, than their white counterparts
- Employee allegedly complained about the conduct, but Employer failed to take action to remedy the conduct, and even further reduced Employee’s work assignments
- Employer allegedly terminated Employee, in retaliation for complaining about Employer’s conduct

EEOC v. Milwaukee Forge (E.D. Wis.) (Sept. 30, 2009) (Race class)

- Employer allegedly subjected Employee and other African-American employees to a hostile work environment that included racial epithets, harsher discipline than their white counterparts (*e.g.*, terminating Employee for the same conduct that resulted in a one-day suspension of a white employee giving African-American employees less time off than white employees)
- Employer allegedly retaliated against Employees for complaining of racial harassment and for complaining of hearing a racial epithet

Individual Plaintiff Cases

Termination

EEOC v. Benedict College (D.S.C.) (Apr. 8, 2009) (Reverse race)

- Employer, an historically black college, allegedly discriminated against three Caucasian employees by failing to promote/discharging the employees

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EEOC v. Silgan Containers Manufacturing Corporation (E.D. Wis.) (Aug. 12, 2009) (Race)

- Employer allegedly required Employee to undergo a physical examination approximately seven months prior to being hired, whereas white individuals who applied later were interviewed, had physicals and were hired prior to Employee
- Employee allegedly was terminated weeks after being hired, for reasons not applied to white employees

EEOC v. TRC Global Solutions, Inc. (E.D. Wis.) (Sept. 28, 2009) (Race)

- Employee allegedly filed a Charge of Discrimination with the EEOC, and Employer terminated her the following day, in retaliation for her complaint

Harassment

EEOC v. Professional Building Systems of NC, LLC (M.D.N.C.) (Aug. 13, 2009) (Race)

- Employer/managers allegedly subjected aggrieved black Employees and other similarly situated black employees to daily or nearly daily racial comments and conduct such as creating and displaying nooses made of electrical wire around the facility, including around the necks of cardboard cutouts, creating and distributing drawings depicting blacks and the KKK, referring to blacks as n-----s, and allowing racially offensive graffiti on premises
- Employees allegedly complained of conduct, but Employer failed to take action to stop it

EEOC v. Spartan Plumbing, Inc. (D. Ariz.) (Sept. 28, 2009) (Race)

- Employee allegedly subjected to racial slurs from supervisors and fellow employees. Given less desirable work assignments based on race, racist symbols displayed on the floor of the worksite and creating and displaying a noose at the worksite. Despite complaints to Employer about the race harassment, Employer allegedly took no corrective action
- Employee terminated in retaliation for complaints of race harassment

EEOC v. Four States DOTY, Inc. d/b/a Chicken Express of Texarkana (E.D.Tex.) (Sept. 29, 2009) (Race)

- Employee allegedly was subjected to racially offensive jokes and remarks about African Americans by 2 other employees of Defendant

EEOC v. The Crom Corporation, et al. (N.D. Fla.) (June 2, 2009) (Race)

- Employer allegedly subjected Employee and others to racially hostile work environment by locking Employee in shed painted with word "Jail," hanging a noose around his neck and in his work area, and by threatening to decapitate Employee
- Employee complained of harassment, and Employer allegedly retaliated by suspending his employment

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EEOC v. Mike Hooks, Inc. (W.D. La.) (Mar. 25, 2009) (Race)

- Employee allegedly was called “n-----” by his white co-worker. Employee reported the incident to his Employer. Co-worker continued to use derogatory language toward Employee despite counseling by supervisor
- Employee allegedly complained again to management, and requested that co-worker be disciplined. Employer allegedly purportedly terminated co-worker
- Employer allegedly terminated Employee in retaliation for his having opposed co-worker’s conduct
- Employer allegedly rehired co-worker, but did not rehire Employee

EEOC v. WNC Pallet and Forest Products Co. (W.D.N.C.) (July 23, 2009) (Race)

- Two Employees (Caucasian female and African American male) allegedly were subjected to racial slurs and comments – the female Employee on account of her association with her African American co-worker, and the male Employee on account of his race
- Both Employees allegedly complained of the conduct, which created a racially hostile work environment, but the Employer failed to take effective action
- The female Employee allegedly resigned/was constructively discharged. The male Employee allegedly was discharged in retaliation for complaining about harassment

EEOC v. Regency Nursing Center Partners of Pearsall, LTD, d/b/a Pearsall Nursing and Rehabilitation, Inc. (W.D. Tex.) (Sept. 23, 2009) (Race)

- Employer allegedly subjected Employee to racial harassment, creating a hostile work environment based on racial slurs and derogatory comments, and retaliated against Employee by discharging her for complaining of discriminatory treatment

EEOC v. Mountaire Farms of North Carolina Corp. (E.D.N.C.) (Sept. 16, 2009) (Race)

- Employee allegedly complained to Employer about racially offensive comments made by her white supervisor (*e.g.*, calling Employee “Monkey”) the supervisor allegedly made comments about African-Americans and Hispanics generally, about which Employee complained
- After complaining, Employee received a negative performance evaluation from her supervisor, who allegedly was directed by management to give the unfavorable evaluation
- Employee filed a Charge of Discrimination, and Employer allegedly retaliated, terminating Employee shortly after receiving notice of the Charge

EEOC v. Dollins Construction Company (E.D. Mo.) (Sept. 30, 2009) (Race)

- Defendant allegedly racially harassed 3 African American Employees by racial epithets and placed a noose around one of the Employee’s neck. After one of the Employees’ complained of the racial discrimination to Employer, on behalf of himself and the two other Employees, Employer stopped calling them for work

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EEOC v. Salisbury Motor Company, Inc. (M.D.N.C.) (Sept. 30, 2009) (Race)

- Employee allegedly was regularly subjected to severe and pervasive racial comments (“n-----” and “token”) by Employer’s President and Dealer Principal. Employee allegedly was required to perform menial and non-job related tasks not required of white employees
- Employee allegedly was required to perform personal tasks for Dealer Principal or was threatened with discharge. These tasks sometimes interfered with employee’s performance of his job duties. Some of these tasks allegedly included cleaning out the Dealer Principal’s chicken coop, running errands, and landscaping work at Dealer Principal’s home
- After allegedly informing employer that employee resigned effective in two days because of racial harassment, employer fired employee the following day after confronting employee about his complaint of discrimination

EEOC v. Sunbelt Rentals, Inc. (M.D. Fla.) (Sept. 30, 2009) (Race)

- Employer allegedly engaged in “brandishing a hangman’s noose in the workplace making threatening, abusive and discriminatory statements
- Employer allegedly failed to take correction action once informed of the racial harassment
- Failed to promote employee (who was qualified) but employer selected others outside employee’s protected class.
- Once EEOC charge was filed, employee allegedly was transferred to another location which deprived him of favorable employment opportunities, including promotion and terminated employee

EEOC v. Structural Contracting Services, Inc. (S.D.N.Y.) (Sept. 30, 2009) (Race)

- Employer’s foreman, who is white, allegedly made racially derogatory workplace remarks, such as “n-----” and “curry boy”
- The foreman allegedly called Employee “n-----” and “stupid” and other racial epithets
- Employee allegedly complained and, upon returning to work in the following days, was told to leave the site and never allowed to work for Employer again

Termination

EEOC v. Vanguard Group, Inc. (E.D. Pa.) (Sept. 29, 2009) (Race)

- Individual allegedly applied for a Financial Planning Manager position with Defendant, advancing through the hiring process and participating in 13 in-person interviews. Individual allegedly was told throughout the process that she was qualified for the position
- Other three applicants allegedly were white males. Defendant allegedly offered the position to two white males with less qualifications and experience than Individual

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Other

EEOC v. Conmed Corp. (N.D. Ill.) (Apr. 8, 2009) (Race)

- No factual allegations made

EEOC v. Sunny Farms Landfill, LLC (N.D. Ohio) (Sept. 29, 2009) (Race)

- No factual allegations made

EEOC v. S & H Thomson, Inc. d/b/a Stokes-Hodges GM of Thomson (S.D. Ga.) (Apr. 27, 2009) (Race)

- No factual allegations made

RELIGION

Class Actions

EEOC v. Lodging Enterprises, LLC of Arizona (FN), a Delaware Corporation, dba Oak Tree Inn (D. Ariz.) (Sept. 30, 2009) (Religion class)

- Employees allegedly subjected to harassment and hostile work environment because of their religion
- Employer allegedly failed to accommodate religious beliefs and practices

EEOC v. One Communications Corp. (E.D. Pa.) (Sept. 30, 2009) (Religion class)

- Employees, all of whom were Jewish, were employed as Account Executives
- Employer's Vice President of Sales allegedly made anti-Semitic remarks to Employees, such as "Matzo Ballers," "Jewy Spinners," and referred to their doing their "Jewy thing"
- Employees allegedly complained to management about the harassment, which continued
- One Employee allegedly was constructively discharged

Individual Plaintiff Cases

Reasonable Accommodation

EEOC v. Abercrombie & Fitch Stores, Inc., d/b/a Abercrombie Kids (N.D. Okla.) (Sept. 16, 2009) (Religion)

- Individual wears a head scarf in accordance with her religious beliefs (Muslim); allegedly she applied for employment with Employer, who allegedly refused to hire Individual, claiming the headwear was prohibited by its Look Policy

EEOC v. Alliance Rental Center, LP. (N.D. Tex.) (Sept. 22, 2009) (Religion)

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- Employee allegedly requested to be excused from wearing a red uniform shirt on Fridays, because the gesture, a symbol of support by Employer for U.S. troops, violated his religious beliefs (Jehovah's Witness)
- Employer allegedly denied the request, and terminated Employee when he continued to refuse to wear the red shirt

EEOC v. Cinram Wireless, L.L.C. (N.D. Tex.) (Sept. 24, 2009) (Religion)

- Employer allegedly refused to accommodate Employee's (a Christian) religious beliefs when it failed or refused to resolve a schedule change that required Employee to work during the observance of her Sabbath, despite Employee giving notice of the conflict to her Employer
- Employer allegedly terminated Employee for not complying with company's schedule requirements

EEOC v. Community Transport Services, LLC (D.S.C.) (Sept. 10, 2009) (Religion)

- Employee's (Jehovah's Witness) religious belief requires that she not celebrate holidays, including Halloween
- Employee, an EMT, allegedly refused to participate in a Halloween carnival as requested by her Employer and was terminated

EEOC v. GKN Driveline North America, Inc. (M.D.N.C.) (Aug. 26, 2009) (Religion)

- Employer allegedly requested that Employee (Santeria) provide a saliva sample for random drug testing
- Employee allegedly refused the request due to his religious beliefs, and was discharged on account of his refusal, despite his offer to submit to alternative forms of drug testing

EEOC v. Hospital Auxilio Mutuo (D.P.R.) (Aug. 12, 2009) (Religion)

- Employer's policy allegedly required Employee (Santeria) to cut his hair short
- Employer allegedly failed to reasonably accommodate Employee's religious belief, although the policy allowed female employees to wear hair of any length
- Employer allegedly retaliated against Employee by terminating his employment

EEOC v. Drumheller Bag Corp. (N.D. Miss.) (Sept. 29, 2009) (Religion)

- Prior to taking position, Employee allegedly told Employer that his religious beliefs required he observe the Sabbath. When Employee refused to work on Saturday (the Sabbath), he was terminated

Harassment

EEOC v. T-N-T Carports, Inc. (M.D.N.C.) (Jan. 12, 2009) (Religion)

- Religious discrimination (Christianity) (hostile work environment)

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- Co-workers allegedly made “constant derogatory remarks to [plaintiff, a Christian] or in her presence about her church and religious beliefs” by calling her church a “cult” and her a “devil worshipper”
- Employee allegedly complained to her supervisors about the harassment and they failed to take effective action

EEOC v. Administaff, Inc. and Conn-X, LLC (D. Md.) (Oct. 27, 2009) (Religion)

- Religious discrimination (Judaism) hostile work environment
- Defendant joint employers allegedly subjected Employees to a religiously-hostile work environment by subjecting them to name calling and anti-Semitic slurs such as “dirty Jew,” “stupid Jew,” and “f----- Jew”
- Employers allegedly subjected one Employee to physical abuse such as pushing, pouring water on him, throwing him into a dumpster, tying him to a fence and shooting BBs at him, and hitting him. Employer allegedly taped to Employee’s car red swastikas, and placed a dead mouse in the driver’s seat
- Employees allegedly complained to Employers, who failed to correct the conduct

RETALIATION

Individual Plaintiff Cases

EEOC v. Golden State Mutual Life Ins. Co. (W.D.N.C.) (Mar. 16, 2009) (Retaliation)

- Employer allegedly demoted Employee because he reported a sexual harassment complaint regarding his supervisor that he had received from a female employee he supervised

EEOC v. Bane Specialty Services, Inc. (S.D. Ind.) (March 23, 2009) (Retaliation)

- Employer allegedly filed a lawsuit against Employees within 30 days of them filing a Charge of Discrimination/testifying, assisting, or participating in an investigation, proceeding and hearing under Title VII

EEOC v. Management Solutions, Inc. (W.D. Tex.) (Aug. 12, 2009) (Retaliation)

- Employee allegedly was demoted after he hired a qualified black applicant for a Leasing Agent position

EEOC v. Sara Lee Corporation d/b/a Sara Lee Foodservice (S.D. Tex.) (Sept. 3, 2009) (Retaliation)

- Employee allegedly complained of sexual harassment by her Supervisor, and the harassment stopped
- Employee thereafter allegedly was retaliated against by her Supervisor. Employee allegedly complained to HR, who failed to discipline the Supervisor

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- Supervisor allegedly yelled at Employee in connection with repairs made to a machine she operated on the job and Employee filed a grievance about the behavior with her union. The Supervisor allegedly responded to the grievance by writing up Employee, charging her with disobedience, suspending and then terminating Employee for violating Employer's plant work rules

EEOC v. M&N Equipment (D. Wy.) (Sept. 30, 2009) (Retaliation)

- After Employee allegedly complained orally and in writing to Employer, that she was being sexually harassed, Employer's managers retaliated against Employee. They allegedly reduced her hours, removed the company vehicle from her possession failed to provide a transfer that had been earlier promised to her and finally discharged her
- After Employee's discharge, she worked for another Employer. Her former direct supervisor at the previous Employer allegedly contacted the new Employer and falsely maligned Employee's work performance. Employee was terminated by the new Employer

EEOC v. Rock Concrete Construction Corp. (S.D. Ind.) (Sept. 29, 2009) (Retaliation)

- Employer allegedly informed employee that "it would be bad for him" if he didn't drop an EEOC charge he filed against a former employer. The former employer and current employer's principals allegedly had a close relationship
- Employer allegedly failed to provide employee with additional work after he refused to drop the EEOC charge

EEOC v. Greystar Holdings, Inc. d/b/a Greystar Real Estate Partners and Greystar Properties. (D. Ariz.) (Sept. 29, 2009) (Retaliation)

- Employee had filed a charge of Sex Discrimination against her former Employer (Fairfield Properties, now Greystar). Complaint was settled through conciliation
- When Employee applied for another job, former Employer allegedly recommended that the employee not be hired as she had filed a charge of discrimination

EEOC v. Allsup's Convenience Stores, Inc. (D.N.M.) (Sept. 25, 2009) (Retaliation)

- Employer allegedly terminated Employee on account of his cooperation in EEOC's investigation of another employee's charge of disability discrimination

Other

EEOC v. Seymour ZX, LLC (E.D. Tenn.) (Sept. 30, 2009) (Retaliation)

- No factual allegations made

EEOC v. Cascade Food Incorporated (D. Or.) (Sept. 30, 2009) (Retaliation)

- No factual allegations made

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SEX DISCRIMINATION

Class Actions

EEOC v. Monroe Motors, Inc. d/b/a Wally-Mo Trailers (E.D. Tenn.) (Aug. 20, 2009) (Sex class)

- Individual allegedly applied for welder/fabricator job with Employer, passed the welding test, was commended on her skills by Employer's foreman, and was qualified for the position
- Individual allegedly was told by Employer's General Manager that she could not do the lifting work required by the job when Individual allegedly replied she could operate both a crane and a forklift, the General Manager said he would find out if the "guys in the shop" were "willing to work with a girl;" Employer's owner allegedly acknowledged the guys would have to help her with the work, and informed Individual there were no jobs for a woman
- Two male applicants allegedly were subsequently hired by Employer for welder/fabricator positions, including one male who did not pass the welding test.

EEOC v. Digital Cable & Communications South, Inc. (N.D. Ohio) (Sept. 1, 2009) (Sex class)

- Employer allegedly refused to hire females for Cable Technician positions, despite their qualifications for the job

Individual Plaintiff Cases

Hiring

EEOC v. Fifth Ward Enrichment Program, Inc. (S.D. Tex.) (Nov. 19, 2009) (Sex)

- Individual allegedly applied on-line for a job with Defendant, which position was advertised as applying only to adult males
- Individual allegedly complained about the qualification to Defendant via email, advising that it was discriminatory, and that she could perform the job
- Defendant allegedly defended the limitation, and made clear that it would not hire the Individual

Pay

EEOC v. The Health Management Group, Inc., et al. (N. D. Ohio) (July 29, 2009) (Sex, EPA)

- Sex discrimination under Title VII and Equal Pay Act
- Employer allegedly paid two female employees substantially less than it paid a male employee, despite all three employees performing substantially equal work requiring equal skill, effort and responsibility

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Pregnancy

EEOC v. Tepanyaki of Clearfield, LLC (D. Utah) (Mar. 31, 2009) (Sex)

- Employee alleged that Employer hired her and, when it learned she was pregnant during the initial training period, it terminated her employment

EEOC v. Greenforest McCalep Christian Academy Center (N.D. Ga.) (May 8, 2009) (Sex)

- Employer allegedly violated Title VII when it rescinded its offer of employment and failed to hire Employee due to her sex and pregnancy

EEOC v. White Way Cleaners (D. Minn.) (Aug. 5, 2009) (Sex)

- Employer allegedly maintained a policy that bars pregnant employees from working in its plant
- Employer allegedly transferred Employee from her plant position because she was pregnant, resulting in the loss of a raise for Employee
- Employer allegedly discharged Employee because she was pregnant

EEOC v. Decker Transport Co. (E. D. Mich.) (Aug. 7, 2009) (Sex)

- Employer allegedly discharged Employee from her truck driving job on the basis of sex, pregnancy

EEOC v. The ServiceMaster Company and the Terminix International Company, L.P. d/b/a Terminix (E.D. Ark.) (Aug. 17, 2009) (Sex)

- Employee was employed as a pest technician after becoming pregnant, Employee's physician restricted her from working with pesticides
- Employer allegedly permitted Employee to conduct re-inspections for one month that did not expose her to pesticides, but then placed her on a medical leave of absence early in her pregnancy, claiming that there were not sufficient numbers of re-inspections to be performed
- Employer's medical leave policy provided a six-month leave, thus allegedly depriving Employee of returning to work following the birth of her child
- Within three weeks of Employee taking medical leave of absence, Employer allegedly hired two male employees to conduct re-inspections, despite Employee's qualifications to perform the inspections, which did not conflict with her medical restrictions
- Employer allegedly terminated Employee's employment when she did not return to work within the six-month leave, as required by Employer's policy

EEOC v. Lane Hotel Management, LLC, d/b/a Capitol Inn-Four Seasons Restaurant (M.D. Ala.) (Aug. 13, 2009) (Sex)

- Employer allegedly terminated Employee when she returned to work following an unpaid maternity leave, and replaced Employee with a individual who was not pregnant

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EEOC v. Better Family Life, Inc. (E.D. Mo.) (Sept. 24, 2009) (Sex)

- Employer allegedly rescinded job offer after learning individual was pregnant

EEOC v. Hilton Grand Vacations Company, LLC (M.D. Fla.) (Sept. 29, 2009) (Sex)

- Employee hired in 2007 as recruiter; Employee allegedly informed employer of pregnancy and that because of a medical condition, her physician recommended work restrictions. Employer allegedly persuaded employee to resign her position in exchange for promise to rehire her once she gave birth. When employee sought reemployment, employer did not rehire her for her former position or for other positions. Employer allegedly hired less qualified individuals who were outside employee's protected category

EEOC v. Riverview Animal Clinic, P.C. (N.D. Ala.) (Sept. 30, 2009) (Sex)

- Employee allegedly terminated 4 days after employer's managers found out about pregnancy

EEOC v. M&R Children's Wear, Inc., Raquel Discount Stores, Inc., and Duav Children's Wear, Inc. (all d/b/a Happy Days Children's Wear) (E.D.N.Y.) (Sept. 30, 2009) (Sex)

- Employee allegedly worked for Employer since July 2001 and in May 2008 she informed Employer that she was pregnant Employee allegedly was terminated two months later
- Employer allegedly asserted inconsistent pretextual explanations for the termination, including that the termination was part of a downsizing (when other cashiers were hired before and after Employee's termination) and that it was the result of a missing inventory problem among cashiers (when Employee was terminated over five months after the problem was discovered and no other cashiers were terminated at this time)

EEOC v. Intermountain Management, L.L.C. (N.D. Tex.) (Sept. 29, 2009) (Sex)

- Employer allegedly learned of Employee's pregnancy and subsequently forced her to submit to a medical clearance, lengthened her probationary period, and then terminated Employee despite Employee having provided appropriate documentation from her physician

EEOC v. U.S. Security Associates, Inc. (N.D. Ga.) (Sept. 30, 2009) (Sex)

- Sex discrimination (female and pregnancy), retaliation and association
- No factual allegations made

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Promotion

EEOC v. Polycon Industries, Inc. and Crown Packaging Int'l, Inc. (N.D. Ind.) (May 13, 2009) (Sex)

- Employer allegedly maintained sex-segregated job classifications and failed to promote Employee and other female employees into male classified jobs, depriving them of higher pay rates

Termination

EEOC v. Gilco Contracting, Inc. (N.D. Ala.) Sept. 30, 2009) (Sex)

- Female employees allegedly terminated at worksite when observed by a visiting manager of employer
- Termination allegedly was not due to performance reasons
- Positions allegedly were replaced by male employees

EEOC v. Zachry Industrial, Inc. d/b/a Zachry Construction Corp. (W.D. Tex.) (Sept. 29, 2009) (Sex)

- Employee allegedly was fired after filing a charge of sexual discrimination with the EEOC
- Employer allegedly failed to rehire employee at other employer locations

Other

EEOC v. Greenforest McCalep Christian Academy Center (N.D. Ga.) (Sept. 30, 2009) (Sex)

- No factual allegations made

EEOC v. Advanced Diagnostics Management, L.L.P., et al. (S.D. Tex.) (Sept. 29, 2009) (Sex)

- No factual allegations made

EEOC v. Patton Archery Manufacturing, Inc. (W.D. Mich.) (Sept. 18, 2009) (Sex)

- Sex discrimination (female, sexually hostile work environment)
- No factual allegations made

EEOC v. LaPianta, LLC d/b/a Frenchman hills Vineyard, L.L.C., (E.D. Wash.) (Sept. 30, 2009) (Sex)

- Sex discrimination (hostile work environment)
- No factual allegations made

EEOC v. B&B Drive-In, LLC d/b/a Sonic of Kokomo (S.D. Ind.) (Sept. 28, 2009) (Sex)

- Sex discrimination (female) and retaliation
- No factual allegations made

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SEX HARASSMENT

Class Actions

EEOC v. EPI Advanced, LLC (N.D. Miss.) (June 30, 2009) (Sex class)

- Employer allegedly sexually harassed Employee on an almost daily basis, making lewd and obscene comments, unwelcomed sexual propositions, requests for dates, sexual jokes, and comments about genitalia, unwelcomed intimate, physical touching, threatening to sexually assault, and making quid pro quo requests of Employee and other women

EEOC v. Carter Behavior Health Services, Inc. (E.D.N.C.) (July 10, 2009) (Sex class)

- Employer allegedly subjected employees to unwelcome sexual comments and conduct, including requests for sex, unwelcome sexual comments, physical groping, inappropriate sexual touching, and kissing

EEOC v. U.S. Security Associates, Inc. (N.D. Ala.) (Mar. 25, 2009) (Sex class)

- Employer allegedly sexually harassed employees by making sexual inquiries and comments on a routine basis which articulated his desire to have sex with female employees and other females touching female employees in a sexually inappropriate manner, regularly engaging in unwelcome sexual conduct, routinely calling female employees sexually demeaning names and requiring female employees to watch porn with him, propositioning female employees for sex

EEOC v. Luihn Food Systems, Inc. (E.D.N.C.) (Aug. 20, 2009) (Sex class)

- Sex discrimination/harassment (female sexually hostile work environment)
- Female Employees allegedly were subjected to unwelcome sexual conduct by male co-workers that included touching and grabbing of females' breasts, buttocks, and genitalia, brushing hands and pelvis against buttocks, and simulating a sexual act with a soft drink bottle; one male employee allegedly entered the women's bathroom while a female employee was using the toilet, and allegedly stared and laughed
- Female Employees allegedly complained of the conduct to their supervisors, but the Employer failed to take action and the harassment continued, in violation of their rights

EEOC v. Dolgencorp, LLC d/b/a Dollar General (M.D.N.C.) (Sept. 11, 2009) (Sex class)

- Sex discrimination (female sexually hostile work environment)
- A male store manager, outside of Employee's line of supervision, allegedly subjected Employee to unwelcome sexual comments about her breasts and buttocks, and similar comments about female customers; the manager asked to see Employee's breasts and

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subjected her to unwelcome touching, including poking her buttocks with a Playboy magazine and popping her bra strap

- Employee allegedly complained about the harassment to Employer but the conduct continued
- The same male store manager in a second Employee's line of supervision allegedly subjected Employee to frequent unwelcome sexual touching and sexual comments about sexual positions, asking for her girls to dance for him, asking for sex and for a threesome with his girlfriend; the manager also allegedly promised Employee a raise or promotion in return for having sex with him
- A third female Employee allegedly was subjected to sexual harassment by this same male store manager, who was in the Employee's line of supervision, that was virtually identical to the comments made to other female Employees, thus depriving Employees of equal employment opportunity

EEOC v. Cobra Pavers & Engineering, Inc. and Cobra Construction Inc. (S.D. Fla.) (Aug. 25, 2009) (Sex class)

- Sex discrimination (female and sexually hostile work environment)
- Employer's managers allegedly subjected Employees to a sexually hostile work environment by telling accounts of sexual exploits, making derogatory remarks and inappropriate comments about females, and engaging in unwelcome touching and harassment, by, *e.g.*, such conduct as one manager's threats to pull out his penis, saying females should be at home "with their legs in the air" instead of working, and another manager's request for an employee to get naked with him, discussing oral sex, and physically attacking an employee in a sexual manner
- Employer's conduct allegedly resulted in the constructive discharge of Employees

EEOC v. George C. Shumate, Inc. (W.D.Va.) (Oct. 5, 2009) (Sex class)

- Sexual discrimination (sexually hostile work environment and retaliation)
- Employee alleges that president/owner told sexually explicit jokes, attempted to put his hands under her shirt attempted to kiss Employee
- A few weeks after Employee complained to the Office Manager (daughter of president/owner) and the Office Manager informed Defendant's wife (officer and manager), Employee was fired, allegedly for absenteeism

EEOC v. Obcopanies, LLC and Double J Simply Storage, LLC d/b/a Simply Self Storage (S.D. Ind.) (Sept. 29, 2009) (Sex class)

- Sex discrimination (female sexual harassment by employer's property manager)
- No factual allegations made

EEOC v. High-Tech Institute, Inc. d/b/a Anthem College Online (D. Ariz.) (Sept. 29, 2009) (Sex class)

- Sex discrimination (female created hostile work environment)

SMITH ANDERSON

- Female employees allegedly subjected to sexual comments and touching/rubbing

EEOC v. Fisher Sand & Gravel Co. (D.N.M.) (Mar. 30, 2009) (Sex class)

- Employer allegedly sexually harassed Employees verbally
- Employer allegedly retaliated against Charging Party by falsely accusing Charging Party of fighting with a co-worker, attempting to strike Charging Party's vehicle, and threatening to fire Charging Party, culminating in constructive discharge

EEOC v. Willamette Tree Wholesale, Inc. (D. Or.) (June 18, 2009) (Sex class)

- Employer allegedly sexually harassed Employees and retaliated against them for their complaints about the sexual harassment by terminating their employment

EEOC v. 5042 Holdings Limited d/b/a The Country Inn at Berkeley Springs (N.D.W. Va.) (Sept. 16, 2009) (Sex class)

- Two male employees allegedly made demeaning, sexually offensive, rude and derogatory comments to female employees and engaged in offensive touching, including hugs, slaps on the buttocks, kissing, humping, grabbing breasts one employee allegedly dropped his pants
- Employees and managers allegedly reported the conduct to Employer's owner, a female, but Employer failed to take timely or effective action in response
- Employer allegedly retaliated against female employees who complained by reducing work hours or otherwise negatively altering terms and conditions of employment, up to discharging/constructively discharging female employees

EEOC v. J.P. Morgan Chase (S.D. Ohio) (Sept. 29, 2009) (Sex class)

- Sex discrimination and retaliation (created a sexually hostile work environment)
- Employer allegedly subjected female employees to terms and conditions that negatively affected their ability to earn commissions and bonuses
- Employer allegedly failed to investigate allegations
- Employer allegedly failed to take corrective action once employer received notice of the sexually hostile work environment
- Employer allegedly caused various forms of harm to female employees, including economic harm

EEOC v. Prestige Home Centers, Inc. (M.D. Fla.) (Sept. 29, 2009) (Sex class)

- Sex discrimination and retaliation (male) (created sexually hostile work environment)
- Sexual harassment – allegedly unwelcome sexual advances, offensive remarks, touching on the buttocks and/or groin; memo sent that stated "I fuck on the first date: referring to the length of a male penis, comments about male nipples, and unwelcomed requests for sexual relations"

SMITH ANDERSON

EEOC v. Prologix Distribution Services (East), LLC (M.D. Fla.) (Sept. 30, 2009) (Sex class)

- Sex discrimination (female) and retaliation (created sexually hostile work environment)
- Employer allegedly engaged in unwelcome sexual contact, offensive remarks about female anatomy. Groping females, touching females on the buttocks, making unwelcome remarks about women's "asses" and "nipples"
- Employer allegedly was put on notice and failed to take corrective action

EEOC v. Arizona Logistics, Inc. d/b/a DSI Arizona, Inc. and Diligent Delivery Systems (D. Ariz.) (Sept. 30, 2009) (Sex class)

- Employer allegedly engaged in repeated verbal sexual harassment and egregious physical sexual harassment, sexual assaults (including rape of one female Employee)
- Allegedly constructively discharging female employees because of their sex

EEOC v. Hilltown Packing Co. (N.D. Cal.) (Sept. 30, 2009) (Sex class)

- Sex discrimination (female sexually hostile work environment) and retaliation
- No factual allegations made

EEOC v. Genesco Inc., d/b/a Journeys (D.N.M.) (Sept. 29, 2009) (Sex class)

- Sex discrimination (female hostile work environment) and retaliation
- Employer allegedly subjected Employee and other female employees to verbal and physical harassment, and retaliated against Employee and others for opposing the conduct by reducing Employee's hours and offering different terms, conditions and privileges of employment

EEOC v. New Bern Imports and Trucks, LLC d/b/a New Bern Mazda-Suzuki (E.D.N.C.) (Sept. 24, 2009) (Sex class)

- Defendant's owner allegedly subjected Employee to unwelcome sexual touching and comments, including rubbing her shoulders, commenting about her breasts and buttocks and those of other female employees, and asking her to have sex with him
- Defendant's owner allegedly made similar unwelcome sexual comments to other female employees, including asking an employee to see her naked and to touch her
- Employee and other female employees allegedly complained to Defendant's owner and to Defendant's General Manager, but the harassment continued, creating a sexually hostile work environment

EEOC v. Finch Air Conditioning and Heating, Inc. (S.D. Tex.) (Sept. 30, 2009) (Sex class)

- Employer/owner allegedly engaged in sexually harassing, verbally and physically abusive acts towards Employee and other female employees
- Employer/owner allegedly made comments to Employee about his sexual preferences, asked for oral sex, and placed Employee's hand on his erect penis; Employer/owner subjected other female employees to unwelcome inappropriate touching and obscene comments

SMITH ANDERSON

- Employer's other male employees allegedly engaged in similar conduct which was condoned in the workplace
- Employee and other female employees allegedly opposed the conduct, but Employer allegedly had no sexual harassment policy or avenue for females to complain of harassment management; allegedly was aware of harassment but did not take any action to prevent or correct it
- Employee allegedly was constructively terminated; other female employees allegedly were subjected to a hostile work environment and different terms and conditions of employment than male employees

EEOC v. Napoli's Italian Restaurant (W.D. Mo.) (Sept. 30, 2009) (Sex class)

- Sexual harassment (female sexually hostile work environment)
- No factual allegations made

EEOC v. Pacific Airport Services, Inc. and Doe Defendants 1-10 (N. Mar. I.) (Sept. 29, 2009) (Sex class)

- Defendants allegedly subjected female employees to harassment, including sexually suggestive speech (for example, one supervisor asking "can I do you," "can I touch your breast" and commenting that an employee had a "nice ass" and suggesting she sit on his lap) and unwelcome physical touching (for example, supervisor placed his pelvic area near employee's face, and slapped employees' buttocks)
- One female employee allegedly complained, but Defendant took no action against supervisor, forcing employee to resign

EEOC v. Sidal, Inc. d/b/a Rally's Hamburgers (S.D. Ind.) (Sept. 28, 2009) (Sex class)

- No factual allegations made

EEOC v. College View Donuts LLC d/b/a Dunkin' Donuts (N.D.N.Y.) (Nov. 25, 2009) (Sex class)

- Employees were 16 and 17 years old; Employees' manager allegedly subjected Employees to verbal sexual harassment, making frequent comments of a sexual and lewd nature, such as asking Employees about their sex lives, describing in detail the types of sexual acts he wanted to perform on them, and warning them not to tell anyone what he said
- Employees' manager allegedly subjected Employees and other female employees to physical sexual harassment by grabbing, touching, hugging, rubbing, lifting, tickling and attempting to kiss them
- Employees allegedly complained of conduct, but Employer failed to remedy

EEOC v. Alternative Staffing, Inc. and Clancy & Theys Construction Co. (D.S.C.) (Aug. 6, 2009) (Sex class)

- Sexual harassment (hostile work environment) and constructive discharge

SMITH ANDERSON

- Defendant Alternative Staffing provided temporary laborers to client Defendant Clancy & Theys
- Defendant Alternative Staffing allegedly subjected three Employees and other similarly situated females to severe or pervasive sexual harassment such as unwelcome sexual comments, requests, and touching, creating a hostile work environment on account of their sex Defendant Clancy & Theys' foreman and a third-party contractor allegedly perpetuated the harassment
- Employees allegedly complained to both Defendants, but harassment continued, resulting in the Employees' constructive discharges

EEOC v. Mid-American Specialties, Inc. (W.D. Tenn.) (Apr. 6, 2009) (Sex class)

- Sexual harassment (female abusive working environment) and retaliation
- Employer allegedly subjected three Employees and other similarly situated females to pervasive and severe sexual harassment
- Employees allegedly complained of unwelcome sexual harassment to Employer's Human Resources and management personnel, but Employer failed to act appropriately
- Employer allegedly terminated two of the Employees (one while on approved medical leave) and constructively terminated the third Employee after the Employees complained of harassment

EEOC v. Jack Marshall Foods, Inc. d/b/a Kentucky Fried Chicken (S.D. Ala.) (Mar. 25, 2009) (Sex class)

- Sex harassment (female sexually hostile work environment) and retaliation
- Employer allegedly subjected Employees to unwelcome sexual harassment, such as describing sex acts with females and their sexual desires and interests, sexual touching and propositioning touching, groping, joking and gesturing and discussing genitals and physical characteristics of female Employees
- Employer allegedly constructively discharged one Employee and others in the class, and allegedly retaliated against another Employee by reducing her hours and constructively discharging her

EEOC v. Mason County Forest Products, LLC (W.D. Wash.) (Sept. 30, 2009) (Sex class)

- Sexual harassment (female) and retaliation
- No factual allegations made

EEOC v. Berry Services, Inc. (E.D. La.) (Sept. 30, 2009) (Sex class)

- Sexual harassment (female sexually hostile work environment) and retaliation
- Employee allegedly was sexually harassed by Employer's owner, who inappropriately touched Employee and offered Employee tangible benefits for acquiescing to his requests for sex, offered to pay Employee for engaging in oral sex, used inappropriate, sexually explicit language in Employee's presence, and, on one occasion pulled down Employee's pants and tried to touch Employee

SMITH ANDERSON

- Employee allegedly was terminated for not calling owner to discuss having sex, as he had requested of her
- Another female employee allegedly resigned because of the sexually hostile work environment, created by the owner's constant hugging and rubbing of employee; other female employees allegedly were subjected by the owner to the same sexually hostile work environment

EEOC v. Sonic Drive-In of Los Lunas, LTD and B&B Consultants, Inc. (D.N.M.) (Sept. 29, 2009) (Sex class)

- Sexual harassment (female and sexually hostile work environment) and retaliation
- No factual allegations made

EEOC v. Los Indios, Inc. d/b/a Alamos Verdes Restaurante (D. Colo.) (Sept. 29, 2009) (Sex class)

- Sexual harassment (female sexually hostile work environment) and retaliation
- Employee allegedly was hired by Employer in 2003 as a cashier and hostess when she was 16 years of age, and became a waitress when she turned 18
- Employer's owner allegedly inappropriately touched Employee, touching her buttocks, crotch and breast, and made sexual jokes and comments
- Employee allegedly complained of conduct to other owners, all of whom were related to one another, and suffered retaliation as a result (*e.g.*, given the worst section of the restaurant with the least potential for tips, and given more side work)
- One owner allegedly told Employee she would have to pay the bill of a customer who walked out without paying, in violation of state law, and never required of any other server
- Employee allegedly began crying when she was told to pay the customer's bill, and was terminated
- Owner allegedly ridiculed female waitresses by making sexist comments; another female employee allegedly complained of sexually harassing treatment by owner that was similar to the Employee's treatment, and to the on-going treatment experienced by the restaurant's female employees generally

Male Complainants Cases

EEOC v. Michael Cetta, Inc. d/b/a Sparks Steak House, Inc. (S.D.N.Y.) (Dec. 30, 2009) (Sex class)

- Sexual harassment (male hostile and abusive work environment) and retaliation
- Employee and other male employees allegedly were subjected to unwelcome physical harassment based on their sex, such as Employer's managers grabbing or pinching employees' buttocks, pushing their penises against employees' buttocks, and attempting to grab employees' genitals

SMITH ANDERSON

- Employee and other male employees allegedly were subjected to unwelcome verbal harassment based on their sex, such as a male co-worker asking Employee “would you like to f--- me?” and a manager attempting to touch Employee’s buttocks and penis and remarking “let me see how big it is”
- Employee allegedly was subjected to retaliation by Employer, such as being given less desirable job assignments, being told to “keep quiet” and threatened with termination if he continued to complain, and finally terminated for an error that normally would not have led to termination

Individual Plaintiff Cases

EEOC v. Universal Brixius, LLC (E.D. Wis.) (Aug. 11, 2009) (Sex)

- Employer allegedly denied Employee overtime, placed conditions on her vacation time, instructed male employees to avoid her, and subjected her to derogatory epithets for females

EEOC v. HD Supply, Inc. (D. Wy.) (Mar. 11, 2009) (Sex)

- Employees were allegedly subjected to sexual harassment and sex-based harassment in the form of verbal harassment, sexually explicit language, unwelcome sexual advances, and inappropriate and unwelcome touching

EEOC v. Elks BPOE, Jerseyville, IL Lodge No. 954 (S.D. Ill.) (Mar. 12, 2009) (Sex)

- Employer allegedly subjected Employees to unwelcome sexual harassment
- Employer allegedly retaliated against Employees for complaining about sexual harassment by subjecting them to abusive comments and threats, reducing the number of hours of their work, and assigning them to the least desirable shifts and days of work, and discharging/constructively discharging them from employment

EEOC v. Tuscarora Yarns, Inc. (M.D.N.C.) (Mar. 30, 2009) (Sex)

- Employer allegedly propositioned Employee for sex, made unwelcome sexual comments to her, inappropriately touched her and sexually assaulted her.
- Employer retaliated against Employee for complaining of sexual harassment by disciplining and suspending her

EEOC v. Luxottica Retail d/b/a Lenscrafters, Inc. (E.D. Mich.) (July 8, 2009) (Sex)

- Sex discrimination (male) and sexually hostile work environment
- No factual allegations made

EEOC v. Southeastern Telecom Inc. (M.D. Tenn.) (Sept. 22, 2009) (Sex)

- Employee allegedly complained to her sales manager about the allocation of sales commissions and accounts between herself and a male co-worker, and referred to Employer as a “good old boy” company

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- Employee allegedly complained of sex discrimination to Employer's human resources personnel
- Employee allegedly subsequently was denied access to the building, her email and her computer, and was placed on a forced 3-day leave of absence by HR
- Upon her return to work, Employee allegedly renewed her complaints of discrimination, but nothing was resolved; she allegedly continued to call on her accounts and perform her work, but was terminated the following day via a voicemail message from her sales manager, in retaliation for complaining of unequal pay on account of her sex

EEOC v. Sangrias Mexican Restaurant (N.D. Ga.) (Sept. 18, 2009) (Sex)

- Sex discrimination (female sexually hostile work environment) and retaliation
- Employer's male cook allegedly subjected Employee to verbal and physical harassment that resulted in a sexually hostile work environment
- Employee allegedly complained about harassment, and filed a charge of discrimination, and was terminated in retaliation for these actions
- Employee's mother and aunt and uncle, who also worked for Employer, allegedly were terminated in retaliation for complaining about Employee's harassment

EEOC v. Pizza & Sub Express, Inc. (M.D. Ga.) (July 9, 2009) (Sex)

- Sex discrimination (female) (discriminatory practices and hostile work environment)
- No factual allegations made

EEOC v. Educominc, LLC d/b/a Pizza Pub, Core Curriculum of America, Inc., Curriculum Solutions, Inc., and Active Learning Academy, Inc. (W.D. Okla.) (Sept. 29, 2009) (Sex)

- Employer/owner allegedly subjected Employee to lewd, vulgar sexual comments and unwelcome touching and sexual offers
- Employee allegedly complained to owner, but harassment continued, creating intolerable working conditions that resulted in Employee's constructive discharge

EEOC v. The Standard Register Company (M.D. Pa.) (Sept. 29, 2009) (Sex)

- Employee allegedly was hired in February 2005, and transferred to a new department in July 2006, where all of her co-workers were male
- In the new department, Employee allegedly was subjected to sex-based harassment that included being told she was "not as good as the guys," was "stupid," was denied of assistance and made to work alone on a two-person machine, and was left anonymous, crude notes to mock and intimidate her
- Employee allegedly reported the conduct, but Employer failed to take action
- Employee allegedly was constructively discharged

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EEOC v. Nunez, Inc. d/b/a La Pantera Rosa Gwinnett, La Pantera Rosa Marietta, and Calua Grill (N.D. Ga.) (Sept. 28, 2009) (Sex)

- Employer allegedly subjected Employees to verbal and physical harassment with crude, unwelcome comments of a sexual nature
- One Employee allegedly was forced to perform sexual acts with the owner, and to perform an erotic dance for co-workers and customers; other Employees allegedly were subjected to various sexually harassing conduct (which included being forced to perform sexual acts with the owner, and to remove her shirt and engage in inappropriate touching with another employee)
- Employees allegedly did not know to whom they could report the owner's conduct and they resigned

EEOC v. Alternative Staffing, Inc. and Clancy & Theys Construction Co. (D.S.C.) (Aug. 6, 2009) (Sex)

- Defendant Alternative Staffing provided temporary laborers to client Defendant Clancy & Theys
- Defendant Alternative Staffing allegedly subjected three Employees and other similarly situated females to severe or pervasive sexual harassment such as unwelcome sexual comments, requests, and touching, creating a hostile work environment on account of their sex Defendant Clancy & Theys' foreman and a third-party contractor allegedly perpetuated the harassment
- Employees allegedly complained to both Defendants, but harassment continued, resulting in the Employees' constructive discharges

EEOC v. Pawnmart, Inc. (N.D. Ga.) (Sept. 30, 2009) (Sex)

- Sexual harassment (female) and retaliation
- No factual allegations made

EEOC v. Juidicy Inc. d/b/a Labor Finders (N.D. Ga.) (Sept. 28, 2009) (Sex)

- Sexual harassment (female) and retaliation
- No factual allegations made

EEOC v. Trinity Products, Inc. (E.D. Mo.) (Sept. 29, 2009) (Sex)

- Sexual harassment (female) and retaliation
- Employer allegedly subjected Employee to sexual harassment in the form of requests for sexual favors, offensive language and gestures, and terminated her for not complying with her supervisor's sexual requests

Male Complainants Cases

EEOC v. Haydon Brothers Contracting, Inc. (W.D. Ky.) (June 17, 2009) (Sex)

- Sexual harassment (male)

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- No factual allegations made

EEOC v. Festiva Resorts Services, Inc. (D.S.C.) (Sept. 15, 2009) (Sex)

- Sexual harassment (male hostile work environment)
- Employee, a sales representative, allegedly was harassed by his female manager on an almost daily basis, including unwelcome touching of his legs, thighs, groin and buttocks
- Employee allegedly complained to his management, which failed to take action to stop the harassment and instead threatened to fire Employee if his complaints continued
- Employee allegedly resigned when the unwelcome sexual contact continued

EEOC v. McDonald's USA, LLC (D.N.J.) (Sept. 30, 2009) (Sex)

- Sexual harassment (male sexually hostile work environment)
- Employee, 16-17 years of age, allegedly was subjected to unwelcome comments and touching, including grabbing, spanking, hugging and pinching, by his female supervisor
- Employer allegedly failed to take action to remedy or prevent the sexual harassment

EEOC v. BOH Bros. Construction Co., L.L.C. (E.D. La.) (Sept. 23, 2009) (Sex)

- Sexual harassment (male, sexually hostile work environment) and retaliation
- Employer's Superintendent allegedly subjected Employee to unwelcome verbal and physical sexual taunting, innuendo and sexual advances, including accusing the Employee of being homosexual, calling Employee names associated with homosexuality, feigning having anal sex with Employee, and urging Employee to look at the Superintendent's penis
- Employee allegedly complained about the harassment, and in retaliation for his complaints was involuntarily transferred to a location where Employee earned less and had a longer commute
- Employee allegedly was terminated shortly thereafter

MULTIPLE

Class Actions

EEOC v. Phil Vinar Furniture, Inc. d/b/a Ashley Furniture Homestore (C.D. Ill.) (July 23, 2009) (Class)

- Disability, sex, race and national origin discrimination, and retaliation
- Employer allegedly discriminated against Charging Party and other females by subjecting them to harassment on account of their sex retaliated against Charging Party for complaining about sexual harassment and discriminated against a class of African American and Hispanic applicants by refusing to hire them on account of their race and national origin

SMITH ANDERSON

- Employer allegedly subjected Charging Party to harassment on account of her alleged disability and refused to provide reasonable accommodation denied Charging Party and another employee health insurance benefits on account of their alleged disabilities retaliated against Charging Party by firing her after complaining about the above
- Employer allegedly commingled employee medical and personnel records

EEOC v. Scrub, Inc. (N.D. Ill.) (July 14, 2009) (Class)

- Race (African American) and national origin discrimination
- Employer allegedly failed or refused to hire or recruit African Americans on account of their race and national origin, resulting in a disparate impact on African Americans

EEOC v. Nurse One/Team One, LLC (E.D. Tenn.) (Sept. 2, 2009) (Class)

- Sexual harassment (female sexually hostile work environment) and disability discrimination
- Employee, a certified nursing assistant, provided care to Employer's client, who allegedly sexually harassed and inappropriately touched Employee, by grabbing her breast, groping her genitalia, asking for sexual favors, and throwing a dildo at Employee
- Employee allegedly complained to Employer, who continued to assign Employee to client for a ten-month period, creating an abusive work environment
- Employee allegedly warned another certified nursing assistant of client's conduct, leading Employer to require Employee to write client a letter of apology
- Employer allegedly terminated Employee in retaliation for complaining of sexually hostile work environment and refusing to tolerate actions of client
- A class of female employees allegedly was also subjected to sexual harassment by the client, similar to the conduct directed at Employee the employees complained to Employer who allegedly failed to take action to stop harassment
- Employees further allege unlawful employment practices by Employer, who made inquiries of job applicants that violated the ADA

EEOC v. LFC Agricultural Services, Inc., Six L's Packing Company, Custom Pak, Inc. (M.D. Fla.) (Sept. 24, 2009) (Class)

- Race (black) and/or national origin (Haitian) discrimination (hostile work environment) and retaliation
- Employees allegedly were subjected to harassment by co-workers that included references to "f----- Haitian," "carbon," "lazy," "stupid," "cannibals," and "slaves," as well as physical abuse
- Employer's supervisors and managers also allegedly subjected Employees to harassment, including mocking the Creole language, telling Employees they were unwanted and should leave, and threatening unwarranted discipline
- Employer allegedly was notified of harassment but failed to take action to stop it
- As a result of the hostile work environment, Employees allegedly were subjected to disciplinary action, denied compensation, denied employment opportunities, subjected to

SMITH ANDERSON

different terms and conditions in job assignments, constructively discharged, and were retaliated against

EEOC v. Knouse Foods Cooperative, Inc. (M.D. Pa.) (Sept. 21, 2009) (Class)

- Sexual harassment (female hostile and offensive work environment), national origin discrimination (Mexican), and retaliation
- Male employees and a male supervisor of Employer allegedly subjected Mexican female Employees to sexually offensive conduct, including singing vulgar songs and verses, whistling and making animal noises, making sexual advances and asking for sex or other sexual acts, using derogatory anti-Mexican terms toward the females, and insulting the female Employees by using sexual and derogatory terms and phrases
- Employer allegedly mistreated female Mexican Employees by yelling, cursing, and calling them “dumb Mexican” or “stupid Mexican”
- Female Employees allegedly complained about the harassment, but Employer allegedly failed to take action and the harassment continued and/or intensified
- Employer allegedly retaliated against female Employees for complaining of harassment by disciplining them, reassigning one Employee to more physically demanding work, and terminating another Employee

EEOC v. Autotainment Partners Limited Partnership d/b/a Planet Ford and Worldwide Autotainment, Inc. (S.D. Tex.) (Sept. 24, 2009) (Class)

- Age, sex and race (male and white) discrimination and retaliation
- Employee was supervised by a black male, who allegedly harassed Employee daily on account of his age (50), race and gender
- Supervisor allegedly accused Employee, who is heterosexual, of engaging in homosexual acts, of being racist, and being “too old” and “washed up” for the job
- Supervisor allegedly interfered with Employee’s sales efforts, depriving him of compensation
- Employee allegedly complained to two managers about the harassment, both of whom failed to take action, and one of whom retaliated against Employee as a result, Supervisor’s harassment and interference allegedly increased
- Employee allegedly was forced to transfer to a different department, resulting in a substantial loss in compensation Supervisor allegedly retained authority over Employee and continued to undermine Employee’s sales efforts and harass Employee
- Employee allegedly complained again to a different manager, who failed to take action Supervisor’s harassment of Employee and interference with his sales efforts allegedly continued, and Employee allegedly was subjected to different, more stringent sales and financing criteria than other employees
- Employee allegedly undertook more formal channels of complaining, but Employer allegedly failed to take action
- Another employee allegedly was similarly harassed by Supervisor on account of his age and sex, complained, and also suffered retaliation

SMITH ANDERSON

- Employee allegedly was constructively discharged by Employer

EEOC v. Cintas Corporation and Cintas Corporation No. 2, both d/b/a Cintas Fire Protection (E.D. Pa.) (Sept. 30, 2009) (Class)

- Sex and race discrimination (male and African-American sexually and racially hostile work environment) and retaliation
- Employees allegedly were supervised by Employer's white male Supervisor, who subjected Employees to harassment by calling them "sparkles," "delicious," and "boner boy," slapping or fondling their buttocks, exposing himself to Employees and grabbing his own genitalia, and recounting his sexual adventures with other men
- Supervisor allegedly invited Employees to a local motel for weekend sex, and offered them money for beer; Supervisor also allegedly offered one Employee a raise and promotion if Employee would engage in oral sex with Supervisor, an offer Supervisor allegedly referred to as "playing by the rules" of the workplace
- Supervisor also allegedly subjected Employees to racial harassment by using pet names that were derived from the word "chocolate" and discussing the black Employees' penises
- Employees allegedly complained about the harassment and as a result were intimidated and threatened by Supervisor, who issued disciplinary documentation to Employees

EEOC v. ABM Industries Inc. (N.D. Cal.) (Sept. 23, 2009) (Class)

- Race and national origin discrimination (Hispanic) and retaliation
- No factual allegations made

EEOC v. Michoacan Seafood Group, L.L.C. d/b/a Ostioneria Michoacan #8 Restaurant, Inc. (S.D. Tex.) (Sept. 30, 2009) (Class)

- Race and national origin discrimination (African-American and Vietnamese, and class of non-Hispanics)
- Individuals and class members allegedly were provisionally hired by Employer, but the job offers were rescinded when management learned they were not fluent in Spanish
- Employer allegedly made the ability to speak Spanish a prerequisite of employment, which adversely affected Individuals and class, on account of race or national origin

EEOC v. Marinette Marine Corporation (E.D. Wis.) (Sept. 29, 2009) (Class)

- Race, national origin and sex discrimination (black, Hispanic and female and hostile work environment), sexual harassment and retaliation
- Employer allegedly permitted offensive graffiti to be posted throughout its facility, creating a hostile work environment
- Employer allegedly subjected one Employee to unwelcome verbal and physical conduct by co-workers and supervisors, and to disparate discipline and constructive discharge in retaliation for complaining of sexual harassment

SMITH ANDERSON

EEOC v. Arapahoe Motors, Inc., d/b/a Ralph Schomp Automotive (D. Colo.) (Dec. 18, 2009) (Class)

- Sex discrimination (female) and age discrimination
- Employees (five females alleging sex discrimination, five males alleging age discrimination) allegedly were discriminated against on the basis of their gender or age
- No factual allegations made

EEOC v. M. Slavin and Sons, Inc. (E.D.N.Y.) (Dec. 7, 2009) (Class)

- Sex, race, and/or national origin discrimination (male, African-American, African) hostile work environment retaliation
- Employees allegedly were subjected to unwelcome physical harassment on the basis of their sex by Defendant's owners and managers, such as grabbing or pinching Employees' buttocks pushing their penises against Employees' buttocks, and jabbing fish hooks into Employees' buttocks
- Employees allegedly were subjected to unwelcome verbal harassment based on their sex by Defendant's owners and managers, such as describing a sexually explicit dream involving three black penises, telling Employees to "suck my dick," and referring to Employees as "bitch" or "cocksucker"
- Employees allegedly were subjected to offensive racial comments by Defendant's owners and managers, such as referring to Employees as "nigger" and commenting "I didn't know you knew how to read"
- Employees allegedly were subjected to offensive national origin comments by Defendant's manager, such as referring to Employees as "African bastard," and asking "do you f--- the elephants or the rhinos"
- Employee Charging Party allegedly was subjected to retaliation for having filed a Charge when he was more closely monitored than his counterparts, and when his counterparts were afraid to associate with him; Defendant allegedly communicated to Charging Party that his complaints would not be believed, and allegedly communicated to Employees that they should not complain to the Commission, and that the Charging Party's case would cause problems for the Employees
- Defendant's owner allegedly commented to Charging Party "I'm not going to kill you yet," while his Charge was pending
- Defendant's conduct allegedly created a hostile work environment that resulted in Employees' constructive discharges

Individual Plaintiff Cases

EEOC v. Delta Family Health and Fitness for Children Inc. (W.D. Ark.) (Dec. 29, 2009) (Sex)

- Sexual harassment (female), race (black) and pay discrimination and retaliation
- Four employees, all hired as Behavior Coaches, allegedly were subjected to sexual harassment, or observed sexual harassment, or were paid less than their white male counterparts

SMITH ANDERSON

- Two Employees allegedly complained of/observed harassment and were terminated within days of reporting conduct remaining two Employees allegedly filed Charges of Discrimination alleging race and pay discrimination and were terminated thereafter one Employee allegedly amended her Charge to include retaliation

EEOC v. Gordon Gaming Corporation, d/b/a Sahara Hotel & Casino, et al. (D. Nev.) (July 30, 2009)

- National origin discrimination (hostile work environment) and retaliation
- Employee allegedly was subjected to discrimination on account of his national origin (Egyptian) when he allegedly was harassed by supervisors and co-workers who called him “Bin Laden,” “Taliban,” and other things, and was targeted with graffiti
- Employee allegedly complained of harassment, but Employer allegedly failed to stop it and instead took disciplinary action (including write-ups and suspension) against Employee

EEOC v. Koper Furniture, Inc. (D.P.R.) (June 22, 2009)

- Color discrimination (hostile work environment) and retaliation
- Employer/manager allegedly subjected Employee to offensive harassment by making derogatory comments about his skin color
- Employee allegedly complained of treatment and was terminated as a result

EEOC v. City Concrete (W.D. Tenn.) (Apr. 7, 2009)

- National origin and age discrimination and harassment (abusive working environment), and retaliation
- Employee allegedly worked for Employer’s predecessor company in mechanic and, later, sales positions for 11 years before the companies merged; his supervisor left employment and thereafter Employee allegedly was removed from his sales position; Employee allegedly subsequently was offered and reluctantly accepted a driver position
- Employee allegedly was the only sales person removed from the sales department after the merger; his former sales position was filled by a younger white male
- Employer allegedly removed Employee because of a “language barrier” and his status as a “foreigner” and referred to Employee as a “Jap;” management allegedly made fun of his accent and considered him incompetent because of his national origin
- Employee allegedly complained to Human Resources personnel, but no action was taken
- Employer allegedly threatened to terminate Employee after he complained of harassing treatment, which included his being assigned trucks with mechanical problems
- Employee allegedly was berated, disparaged and blamed for the trucks’ problems, but his complaints were ignored, resulting in his quitting his job

EEOC v. Austin Foam Plastics, Inc. (W.D. Tex.) (Mar. 11, 2009)

- Race (Black) and sex (male) (hostile work environment) discrimination, and retaliation

SMITH ANDERSON

- Employer's white managers and employees allegedly subjected Black Employees to discriminatory intimidation, insults and ridicule, including derogatory emails, jokes and cartoons that denigrated Black persons
- Employer's supervisor (female) allegedly made unwelcome sexual comments, requests and physical contact to male employees, and conditioned favorable terms and conditions of employment on acquiescence to her sexual advances
- One Employee allegedly complained of discriminatory conduct and was terminated two other Employees and others similarly situated were likewise discriminated against

EEOC v. Affordable Care, Inc. and Nelson Wood, DMD, PC (D. Mass.) (Mar. 25, 2009)

- Race and sex discrimination (hostile work environment) and retaliation
- Employer dentist allegedly subjected Employees (one black, one white) to offensive racially and sexually harassing conduct, including sexual advances and sexual and racial comments, creating sexually and racially hostile work environment
- Both Employees allegedly complained about harassing conduct; black Employee allegedly was terminated as a result, and white employee allegedly was constructively discharged

EEOC v. Pace Airlines, Inc. (M.D.N.C.) (Sept. 23, 2009)

- Race and/or national origin (Asian) discrimination and retaliation
- Employer allegedly failed to promote Employee to a Lead Flight Attendant position because of her race and/or national origin
- Employee allegedly complained of discrimination via emails to Employer's management and HR representative; allegedly during a meeting to discuss her claims, Employee was discharged, in retaliation for her complaints