

- **EEOC v. Milgard Manufacturing, Inc.**
No. 01-MK-1731 (OES) (D. Col. May 19, 2004)

The Denver District Office filed this Title VII action against a Washington-based window and sliding doors manufacturer, alleging that the company failed to hire African American applicants at its 200-worker plant in the Montbello area of Denver (a neighborhood with a large black population) because of their race. Denver alleged that the plant manager directed the human resources staff not to hire any more black workers on the production line because "black people are lazy and move too slowly." Offended by the manager's directive, charging party, an HR employee responsible for screening and interviewing job applicants, reported the racially derogatory comments to her immediate supervisor. Thereafter, she was harassed by her bosses, taunted by coworkers, and denied a full bonus. CP complained to the general manager about the retaliatory treatment and the discriminatory hiring practices, but he criticized her for coming to him "with problems and no solutions" and told her to decide whether she was a team player. CP resigned and filed a retaliation charge. Denver widened its investigation of the charge to include defendant's racially discriminatory hiring practices and subsequently filed suit alleging hiring discrimination and retaliation. Statistical evidence showed that the Denver facility employed fewer black workers than would be expected given their representation in the area's population.

The case was resolved by a three-year consent decree in which defendant agrees to pay over \$3.3 million: \$750,000 in back pay, compensatory damages, and attorney's fees to CP (who intervened) on her retaliation claim; \$2.35 million in a settlement fund for a class of black job applicants who sought employment at the Denver facility after January 1, 1997 and were not hired; and up to \$250,000 to compensate a Consent Decree Monitor and pay costs incurred by the Monitor and costs incurred in distributing monetary relief to the class. Defendant will appoint an EEO Coordinator, who will be responsible for overseeing defendant's compliance with anti-discrimination laws and the consent decree, and an EEO Consultant, who will be a liaison between defendant and the EEOC and will supervise the Coordinator. Together, the Coordinator and Consultant will revise defendant's hiring policies and procedures to provide equal employment opportunities for black applicants and employees. Defendant also will retain a Consent Decree Monitor who will evaluate and report to EEOC on defendant's compliance with the decree. Within six months of the decree, defendant will publish job advertisements in the Montbello community and publications targeted to black individuals. Further, recruitment and outreach efforts will include Montbello High School and the Urban League. Defendant will report to EEOC every six months on the race and ethnicity of applicants and hires.