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## Schott North America, Inc. to pay \$1.45 Million to Settle EEOC Sex Bias Suit

*EEOC claims Company Laid Off Class of Women Workers Based on Gender.*

The U.S. Equal Employment Opportunity Commission (EEOC) recently announced a major settlement of a sex discrimination lawsuit for \$1,450,000 and significant equitable relief against Schott North America, a multinational developer and manufacturer of special glass and specialty materials, components and systems, based in Elmsford, N.Y.

The EEOC charged that Schott laid off women because of their sex after a company reorganization in October 2004 of its specialty glass plant in Duryea, Pa. Prior to the reorganization, glass production at the plant was generally divided into two parts, the “hot end” and the “cold end”; 95.3% of the hot-end workers were male and 76.6% of the cold-end workers were female.

As part of the reorganization, the company created a new position of “melting line operator” and used a “skills matrix” to determine who would obtain these new positions. The glass company laid off employees whom it did not select for the melting line operator position. In its lawsuit, the EEOC charged that the skills matrix system benefited male employees, did not accurately measure the skills truly needed to perform the melting line operator job and had an adverse impact on female applicants – who were selected for layoff at a significantly higher rate than male employees. The EEOC contended that six plaintiff intervenors and five class members were not selected for melting line operator positions and were laid off because of their sex, in violation of Title VII of the Civil Rights Act of 1964.

In addition to the \$1.45 million in monetary relief, the three-year consent decree provides substantial equitable relief, including: injunctive relief enjoining Schott from engaging in unlawful discrimination under Title VII or retaliation; annual anti-discrimination training of all supervisors and managers at the Duryea, Pa. facility; and the posting of a notice about the settlement.

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### **U.S. Department of Labor's OSHA proposes \$105,000 in penalties against Orlando manufacturer for workplace safety and health violations**

The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) has proposed \$105,000 in penalties against Trussway Ltd.'s Orlando, Fla., plant. An OSHA inspection in December 2008 revealed three repeat, nine serious and seven other-than-serious violations of OSHA standards.

The three repeat violations with \$70,000 in proposed fines address hazards associated with improperly guarded radial arm saws; radial arm saws extending past the table edge; and a radial arm saw not returning to its starting position when the handle was released. OSHA cited the company's Acworth, Ga., plant in 2007 for failing to adequately guard the radial saw blades, and it cited the Chandler, Ariz., plant in 2006 for the other two hazards.

The nine serious violations, carrying \$35,000 in proposed penalties, address hazards associated with hearing conservation, lockout/tagout of accidental energy start-up, machine guarding, electricity and hazard communication.

The other-than-serious violations address OSHA recordkeeping, personal protective equipment, respiratory protection and lockout/tagout. The agency determined that neither death nor serious physical harm was likely to result from these hazards, so no monetary penalties have been proposed, but the company is required to make the required changes to bring it into compliance with OSHA standards.

### **Extra Space Management to Pay \$95,000 for Disability Bias against Employee with Cosmetic Disfigurement.**

A Gaithersburg, Md.-based storage facility will pay \$95,000 and furnish other substantial relief to settle a disability discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC), the federal agency announced recently.

In its suit, filed in U.S. District Court for the District of Maryland, Southern Division, the EEOC said that Extra Space Management, Inc. unlawfully fired James L. Hill II, a maintenance worker, because of a disability. Hill, who has a visible disfigurement as a result of sustaining severe burns to his body in a house fire, began working for the company in June 2006. Although he was physically capable and willing to perform all his job duties, Hill was fired after meeting the acting district manager, who said that he "noticed he was handicapped, deformed or something," and "it's clear he can't get the job done."

The Americans with Disabilities Act (ADA) makes it unlawful to discriminate in employment against a qualified individual with a disability. The EEOC filed suit after first attempting to reach a settlement out of court. Extra Space Management did not admit liability in the consent decree resolving the case, which is pending judicial approval.

In addition to the monetary relief to Hill, the consent decree provides that all employees and management staff at the Gaithersburg facility as well as 14 additional locations in Maryland and northern Virginia will have at least two hours of training on the requirements and prohibitions of the ADA. Additionally, all newly hired managers and supervisory personnel will receive ADA training within 30 days after their employment commences. The EEOC will closely monitor the

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quality and content of all training and will require the employer to post a notice affirming its commitment to complying with the ADA. The company agreed to submit to further monitoring of their premises and records and the EEOC may interview employees concerning compliance for the decree's two-year duration.