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Allied Aviation to pay nearly \$2 Million for harassment of Black and Hispanic Workers

EEOC Resolves Class Case Involving Nooses, Racial Slurs and Graffiti at Airport Facility

The U.S. Equal Employment Opportunity Commission (EEOC) recently announced the settlement of a race and national origin harassment lawsuit for \$1.9 million and significant remedial relief against Allied Aviation Services, Inc. on behalf of African American and Hispanic workers who were the targets of racial slurs, graffiti, cartoons, and hangman's nooses at a facility in the Dallas/Ft. Worth airport. The company identifies itself at the "largest American domestically owned provider of fueling services to the commercial aviation industry."

The EEOC charged in the case that African American and Hispanic employees were subjected to a racially hostile work environment consisting of verbal and other abuse by their co-workers on a daily basis. Racial graffiti, including swastikas and the N-word, were commonplace and in plain sight in employee restrooms, on fuel tanks, and written on aircraft. An offensive cartoon belittling a Hispanic worker was placed under glass on a manager's desk for months. Additionally, there was a so-called "hit list" targeting blacks as well as references to the "back of the bus" and "going back to Africa." Also, a white

In addition to the \$1.9 million in damages to be divided among 15 class members, the three-year consent decree resolving the case includes injunctive relief requiring diversity training for all of Allied Aviation's employees in U.S. facilities and the posting of a notice at all facilities.

The group of 15 employees -- including Eric Mitchel, a former football player for the Oklahoma Sooners and the Dallas Cowboys -- was represented by the EEOC, the New York firm of Valli, Kane and Vagnini LLP, and the Austin firm of DiNovo, Price & Ellwanger LLP. The suit was filed under Title VII of the 1964 Civil Rights Act.

The EEOC has observed a surge of racial harassment cases over the past two decades, some of which involve hangman's nooses and verbal threats of lynching. Racial harassment charge filings with EEOC offices across the country have more than doubled from 3,075 in Fiscal Year 1991 to nearly 7,000 in FY 2007. In addition to investigating

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and voluntarily resolving tens of thousands of race discrimination cases out of court, the EEOC has sued more than three dozen employers this decade in racial harassment cases involving nooses.

Job Bias Charges rise 9% in 2007, EEOC Reports

Discrimination Charges Highest in Five Years; Agency Obtains \$345 Million for workers.

The U.S. Equal Employment Opportunity Commission (EEOC) received a total of 82,792 private sector discrimination charge filings last fiscal year, the highest volume of incoming charges since 2002 and the largest annual increase (9%) since the early 1990s, the agency reported as part of its Fiscal Year 2007 enforcement and litigation statistics. The data also show that the EEOC recovered \$345 million in monetary relief for job bias victims.

“Corporate America needs to do a better job of proactively preventing discrimination and addressing complaints promptly and effectively,” said Commission Chair Naomi C. Earp. “To ensure that equality of opportunity becomes a reality in the 21st century workplace, employers need to place a premium on fostering inclusive and discrimination-free work environments for all individuals.”

According to the EEOC’s FY 2007 data, allegations of discrimination based on race, retaliation, and sex were the most frequently filed charges, continuing a long-term trend. Additionally, nearly all major charge categories showed double digit percentage increases from the prior year -- a rare occurrence. The jump in charge filings may be due to a combination of factors, including greater awareness of the law, changing economic conditions, and increased diversity and demographic shifts in the labor force.

SNAPSHOT OF DISCRIMINATION CHARGE FILINGS WITH THE EEOC NATIONWIDE

Basis of Charge Filing	FY 2007	FY 2006	Percentage Comparison	Increase/Historical
RACE	30,510	27,238	Up 12%	to highest level since FY 1994
RETALIATION	26,663	22,555	Up 18%	to record high level, double since FY 1992
SEX/GENDER	24,826	23,247	Up 7%	to highest level since FY 2002
AGE	19,103	16,548	Up 15%	largest annual increase since FY 2002
DISABILITY	17,734	15,575	Up 14%	to highest level since FY 1998
NATIONAL ORIGIN	9,369	8,327	Up 12%	above 9,000 for second time ever
RELIGION	2,880	2,541	Up 13%	to record high level, double since FY 1992
TOTAL CHARGES	82,792	75,768	Up 9%	largest annual increase since FY 1993

NOTE: Individuals may allege multiple types of discrimination in a single case.

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Last year, for the first time, retaliation was the second highest charge category (behind race), surpassing sex-based charges in total filings with EEOC offices nationwide. Historically, race has been the most frequently filed charge since the EEOC became operational in 1965. In addition to the statutory bases of discrimination, charges filed with the EEOC and state and local Fair Employment Practices Agencies (combined) also trended upward for the high visibility issues of pregnancy discrimination and sexual harassment.

During FY 2007, pregnancy charges surged to a record high level of 5,587, up 14% from the prior fiscal year's record of 4,901. Sexual harassment filings increased for the first time since FY 2000, numbering 12,510 – up 4% from the prior fiscal year's total of 12,025. Additionally, a record 16% of sexual harassment charges were filed by men, up from 9% in the early 1990s. Other year-end statistics released today show that the EEOC:

- Recovered approximately \$345 million in total monetary relief for charging parties, up 26% from the prior year's total of \$274 million. Nearly \$55 million was obtained through EEOC litigation and more than \$290 million through administrative enforcement, including mediation. Additionally, the agency obtained substantial non-monetary relief, such as employer training, policy implementation, reasonable accommodations, and other measures to promote discrimination-free workplaces.
- Resolved 72,442 private sector charges, with a historically high merit factor rate of 23%. Merit factor resolutions include mediation and other settlements and cause findings, which, if not successfully conciliated, are considered for litigation. Most meritorious charges are resolved voluntarily with employers prior to any EEOC litigation.
- Resolved a record 8,649 charges through its voluntary National Mediation Program (up 5% from the prior year's record high), with a user satisfaction rate of 96% indicating that nearly all participants would return to the program in the future. At the end of FY 2007, the EEOC had entered into 1,269 Universal Agreements to Mediate (UAMs) with employers nationwide (154 national/regional UAMs and 1,115 local UAMs) -- a 15% increase from the FY 2006 level.
- Filed 336 merits lawsuits (direct suits, interventions and other enforcement actions), including 116 class cases involving multiple aggrieved parties or victims of discriminatory policies. Significant injunctive and remedial relief was also achieved through litigation settlements, jury trials and court rulings. The agency's litigation program increasingly focused on class and systemic cases as part of its national law firm model.
- Conducted a record 5,658 outreach, education and technical assistance events nationwide, reaching nearly 280,000 people. The EEOC's national outreach initiatives include E-RACE (Eradicating Racism and Colorism from Employment), Youth@Work, and LEAD (Leadership for the Employment of Americans with Disabilities). Other outreach programs focused on EEOC-enforced laws, mediation, and small business.