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AT&T Pays \$1.3 Million to Satisfy Judgement in Religious Discrimination Lawsuit

EEOC Prevails in Jury Verdict and Subsequent Appeal for Two Customer Service Technicians Fired for Attending Jehovah's Witness Convention

The U.S. Equal Employment Opportunity Commission (EEOC) recently announced that a Satisfaction of Judgment was entered in U.S. District Court for the Eastern District of Arkansas, Jonesboro Division, in a religious discrimination lawsuit brought by the federal agency against communications giant AT&T, Inc. on behalf of two male customer service technicians who were suspended and fired for attending a Jehovah's Witnesses Convention. AT&T paid a total of \$1,307,597 pursuant to the judgments entered in the case.

In October 2007, a jury of nine women and three men awarded the two former employees, Jose Gonzalez and Glenn Owen (brothers-in-law), \$296,000 in back pay and \$460,000 in compensatory damages under Title VII of the Civil Rights Act. During the four-day trial, the jury heard evidence that both men had submitted written requests to their manager in January 2005 for one day of leave to attend a religious observance that was scheduled for Friday July 15 to Sunday July 17, 2005. Both men testified that they had sincerely held religious beliefs that required them to attend the Jehovah's Witness convention each year. Both men had attended the convention every year throughout their employment with AT&T. Gonzalez worked at the company for more than eight years and Owen was employed there for nearly six years.

Gerber Products Co. in Fort Smith, Arkansas, Agrees to Pay \$900,000 to Minorities and Females for Hiring Discrimination

The U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) announced Gerber Products Co. has agreed to settle findings of hiring discrimination against 1,912 rejected minority and female applicants for entry-level positions. The agreement settles the department's allegations that Gerber engaged in hiring discrimination against minority and female applicants for one year.

"This administration is committed to ensuring that all Americans are hired, promoted, and compensated fairly, without respect to their race, gender, ethnicity, disability, religion, or veterans' status," said Secretary of Labor Hilda L. Solis. "This settlement of \$900,000 on behalf of more

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than 1,912 minorities and females should put all federal contractors on notice that the Labor Department is serious about eliminating systemic discrimination."

During a scheduled compliance evaluation of Gerber Products in Fort Smith, OFCCP investigators found the hiring disparity was in part caused by inconsistent selection procedures for entry-level positions. Additionally, OFCCP found that Gerber used pre-employment tests that negatively impacted minority applicants and determined that there was insufficient evidence of validity to support Gerber's use of the test. Gerber has discontinued its use of the test in the hiring process for entry-level positions. The company is headquartered in Florham Park, N.J.

Under the terms of the conciliation agreement, Gerber will not only pay 1,912 minority and female applicants \$900,000 in back pay and interest, but will provide 61 entry-level positions, 11 of whom have already been hired. The company has also agreed to undertake extensive self-monitoring measures to ensure that all hiring practices fully comply with the law and immediately correct any discriminatory practice. In addition, Gerber will ensure compliance with Executive Order 11246 recordkeeping requirements.

The Office of Federal Contract Compliance Programs enforces Executive Order 11246 and other laws that prohibit employment discrimination by federal contractors. The agency monitors federal contractors to ensure that they provide equal employment opportunities without regard to race, gender, color, religion, national origin, disability or veterans' status.