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Bank of the West to Pay \$48,000 to Settle EEOC Sex Bias Hiring Lawsuit

Banking Giant Failed to Hire Oklahoma City Woman Because of Gender, Federal Agency Charged

Bank of the West, one of the nation's largest banks, will pay \$48,000 and furnish other relief to settle a sex discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC), the agency announced recently.

The lawsuit was filed on July 22, 2011, and settled only five days later. In addition to the \$48,000 payment, Bank of the West has agreed to take specified actions designed to prevent future discrimination, including the posting of notices to employees, re-dissemination of antidiscrimination policies and providing anti-discrimination training to employees.

In its lawsuit, the EEOC charged that Bank of the West refused to hire an Oklahoma City woman for the position of branch manager of its Quail Creek branch because of her gender. Although the managers with hiring authority acknowledged that she was the best-qualified candidate for the job, they claimed they denied her the job because she stated she needed two weeks before starting to make child care arrangements. They then hired a male applicant despite his having informed them that he also needed two weeks before starting to make child care arrangements. Bank of the West denies that it discriminated against the female applicant.

Title VII of the Civil Rights Act of 1964 prohibits discrimination on the basis of sex. The EEOC filed suit (Case No. 11-cv-0834-D) in U.S. District Court for the Western District of Oklahoma after first attempting to reach a voluntary settlement out of court through its conciliation process.

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Cavalier Telephone Pays \$1 Million to Settle EEOC Age Discrimination Lawsuit

Company Engaged in Unlawful Age Discrimination, Including Refusing to Hire Older Workers, Federal Agency Charged

Cavalier Telephone Company Inc. will pay \$1 million and furnish other significant relief to settle an age discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC), the agency announced recently.

According to the EEOC's suit, from around May 2003 and continuing, Cavalier Telephone's mid-Atlantic region had a practice of not hiring applicants age 40 or older for sales account executive positions. The EEOC charged that Cavalier indicated both verbally and in writing that the company was looking for candidates for its sales positions who were "recent college graduates," and in their "early 20s or 30s." Cavalier offered its employees a \$500 bonus for referral of a "friend's younger brother and sister." The EEOC alleged that as a result of the discriminatory recruitment and hiring practices, Cavalier maintained a work force that underrepresented people age 40 or older in its sales positions within its mid-Atlantic region. The company's mid-Atlantic region includes five states – Virginia, Maryland, Pennsylvania, Delaware and New Jersey – as well as Washington, D.C.

The EEOC's complaint also included individual claims of retaliation against two former Cavalier Telephone employees. The complaint alleged that two former employees were demoted for complaining about the company's discriminatory hiring practices. One of the demoted employees resigned from Cavalier while the other continued to complain about age discrimination and was ultimately fired, the EEOC charged.

Age discrimination violates the Age Discrimination in Employment Act of 1967 (ADEA). Persons age 40 or older are protected from employment discrimination by the act. It is also unlawful under the ADEA to retaliate against an employee who complains about age discrimination because of his or her complaint. The EEOC filed suit (Equal Employment Opportunity Commission v. Cavalier Telephone Company, Inc.; Civil Action No. 3:10-cv-664 in U.S. District Court for the Eastern District of Virginia, Richmond Division) after first attempting to reach a pre-litigation settlement through its conciliation process.

Pursuant to the consent decree resolving the litigation, Cavalier agreed to pay \$1 million in monetary relief. The money will be distributed to the two individuals who were allegedly retaliated against for complaining about the discriminatory practices and to a class of individuals age 40 or older who, the EEOC determined, were not hired because of their age.

In addition to the monetary relief, the three-year consent decree resolving this case provides significant injunctive relief covering Cavalier Telephone's locations in its mid-Atlantic region. For example, the decree:

- ◆ prohibits Cavalier from further discriminating against job applicants or employees because of age and retaliating against any of its employees or applicants;
- ◆ requires Cavalier to use an applicant tracking system for persons hired and for any person who submits an application, and to provide specific information about its hiring of applicants by age; and
- ◆ mandates that Cavalier provide training to staff, post a notice about its commitment to equal opportunity and a diverse work force and report compliance to the EEOC.

The decree also requires Cavalier to provide jobs to qualified applicants age 40 or older who were denied hire because of the alleged discriminatory hiring practices.

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Stowe Associates
Employee Benefits and HR Compliance

3084 Mercer University Drive Suite 210 Atlanta, Georgia 30341 770-451-6222 800-533-7896

Fax Numbers: Front Office 770-216-4013 Sales/Marketing 770-936-2638

www.stoweassociates.com