

The U.S. Equal Employment Opportunity Commission

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EEOC SETTLES RACIAL HIRING CASE AGAINST MILGARD WINDOWS FOR \$3.37 MILLION

DENVER - The U.S. Equal Employment Opportunity Commission (EEOC) announced today that it has reached agreement with Seattle-based window manufacturer, Milgard Manufacturing, Inc. (Milgard) to resolve a lawsuit alleging that Milgard engaged in racially discriminatory hiring practices at its Colorado facility and retaliated against a human resource assistant, Leigh Ann Ornelas (Ornelas), who complained about the unlawful practices. Ms. Ornelas, who was also a named plaintiff in the lawsuit, was represented by Tom Arckey of the law firm Arckey & Reha, LLC.

While Milgard has denied engaging in any wrongful conduct, the company has agreed to pay a total of \$3.1 million to resolve the lawsuit, plus up to \$270,000 in expenses for administering the costs of the settlement. From the settlement, a fund will be established to provide payments to African Americans or other black individuals who have applied for work at Milgard since 1997 and were not offered jobs. The EEOC anticipates that the settlement fund will be ready to accept claims by July 1, 2004. In the meantime, individuals who believe they are entitled to receive payment from the settlement fund may contact the EEOC at (303) 866-1346.

In addition to the monetary settlement, Milgard has agreed to undertake a comprehensive review of its policies and procedures to ensure compliance with federal anti-discrimination laws; to provide increased training to its Colorado employees and managers regarding workplace discrimination issues; and to engage in recruitment and outreach programs to increase the proportion of African Americans and blacks in its applicant pool. Milgard has also agreed that its current operation in Colorado, and any future operations that might be opened in Colorado, will be under continued monitoring by the EEOC for a period of three years.

The lawsuit arose out of events in 1998, when Leigh Ann Ornelas was the person responsible for conducting initial interviews of job applicants at Milgard Windows' plant, then located in the Montebello area of Denver. The EEOC and Ms. Ornelas maintained that the then Plant Manager of the Montebello facility told Ms. Ornelas not to hire or refer black applicants for certain positions in the plant. Ms. Ornelas and the EEOC also have alleged that when Ms. Ornelas complained to various managers concerning these instructions, no action was taken against the Plant Manager and Ms. Ornelas was subjected to retaliatory harassment and eventually forced to resign. The EEOC also asserted that a statistical analysis of the job applications submitted to Milgard's Colorado facility since 1997 shows that Milgard hired significantly fewer African Americans and blacks than would be predicted based on the

demographics of the areas where applicants lived.

Joseph H. Mitchell, Regional Attorney for the EEOC's Denver District Office, said, "We are pleased to resolve this case and commend Milgard for acknowledging the importance of preventing discriminatory hiring practices and the importance of not retaliating against employees like Leigh Ann Ornelas, who risked her job to champion the rights of the black applicants who were being denied jobs."

In addition to enforcing Title VII, the EEOC enforces the Age Discrimination in Employment Act of 1967, which protects workers age 40 and older from discrimination based on age; the Equal Pay Act of 1963, which prohibits employment discrimination against people with disabilities in the federal sector; Title I of the Americans with Disabilities Act, which prohibits employment discrimination against people with disabilities in the private sector and state and local governments; and sections of the Civil Rights Act of 1991. Further information about the Commission is available on the agency's web site at www.eeoc.gov.

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