

The U.S. Equal Employment Opportunity Commission

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NATIONAL EDUCATION ASSOCIATION AND ALASKA AFFILIATE TO PAY \$750,000 FOR HARASSMENT OF WOMEN

Female Former Employee in EEOC Case Said Male Boss was 'a Ticking Time Bomb'

SAN FRANCISCO -- The U.S. Equal Employment Opportunity Commission (EEOC) announced today at a press conference the \$750,000 settlement of a sex discrimination lawsuit against the National Education Association (NEA) and its affiliate NEA-Alaska on behalf of three female former employees who were subjected to persistent verbal abuse and intimidation by a belligerent high-level male manager. In addition to the monetary relief, the unions agreed to make policy changes to address any future discrimination.

EEOC's suit (Civil Action No. A01-0225-CV (JKS)), filed in July 2001, charged that manager Thomas Harvey, then interim assistant executive director for NEA-Alaska, subjected Carol Christopher, Carmela Chamara and Julie Bhend to abusive treatment on a daily basis. Harvey targeted the female staff by screaming and yelling at them with little or no provocation, often using profanity and frequently berating them in public, the EEOC said. The women described Harvey as turning bright red with bulging neck veins as he screamed, coming so close they often felt his saliva spit on their faces. He also physically intimidated the women by sneaking up behind them and watching over their work for no apparent reason. Further, Harvey would shake his fists at the women and come within striking distance, raising fears that he would physically attack the women.

The Alaska Federal District Court had dismissed the EEOC's case on the ground that the behavior was not overtly sexual and thus not unlawful sex harassment. The EEOC appealed that ruling and in September 2005, the San Francisco-based Ninth Circuit Court of Appeals reinstated the lawsuit, stating that it was wrong for the lower court to dismiss the case because harassing conduct does not have to be motivated by lust or blatant misogyny to be illegal sex discrimination.

The Ninth Circuit quoted Chamara describing her work environment as, "working with a ticking time bomb because you're sitting by and you're waiting for your turn to be next. You know its going to happen when you hear the sound of his feet walking towards your area. It... raises the hairs on your neck because you just don't know what you're going to get."

Although top NEA-Alaska management officials, such as the president and previous executive director, personally witnessed some of Harvey's behavior and received complaints about him, they failed to take action to stop the harassment. In fact, despite the complaints, Harvey was subsequently promoted to be NEA-Alaska's executive director.

After filing the lawsuit against NEA-Alaska, the EEOC uncovered evidence that the national NEA helped place Harvey at the Alaska affiliate, despite knowing of his lengthy record of targeting women for abuse (including his behavior while working at NEA's Mississippi affiliate). As a result, the EEOC added the national teachers union as a defendant to the lawsuit.

After the Ninth Circuit reversed and remanded the case to the lower court, the unions and the EEOC engaged in mediation resulting in the settlement. In addition to the monetary relief to be shared by the three women, both NEA-Alaska and NEA agreed to review their employment policies, provide effective means to address discrimination complaints, and educate their employees about their rights and responsibilities in the workplace.

EEOC Regional Attorney William Tamayo said, "More and more women are in the workforce and may work for less enlightened but nevertheless powerful supervisors. These facts were all about the abuse of power. This lawsuit and \$750,000 settlement send the message that abusive behavior targeted at women is unlawful and will not be tolerated by the EEOC. We're glad that the Ninth Circuit's decision not only gave these women a chance to press their claims against the NEA and its Alaska affiliate, but affirmed that abuse targeting one gender is illegal. We commend the unions for working with us to resolve this matter. "

EEOC San Francisco District Director Joan Ehrlich stated, "It is shocking that a union dedicated to representing the rights of teachers and other public school employees would permit this harassment to happen in its own backyard.

This case sends an important message to millions of working women nationwide: abusive behavior targeted against women or any other protected group is illegal, and employers will be held accountable for it."

According to www.nea.org, the NEA is the nation's largest professional employee organization, representing 2.7 million elementary and secondary teachers, higher education faculty, education support professionals, school administrators, retired educators and students preparing to become teachers. On its web site www.neaalaska.org, NEA-Alaska claims more than 11,000 members in 65 local affiliates throughout the state, and has 26 staff working in offices in Anchorage, Juneau and Fairbanks.

The EEOC enforces the nation's laws in the private and federal sectors prohibiting employment discrimination based on race, color, gender, religion, national origin, age and disability. The San Francisco District's jurisdiction includes Northern California, Northern Nevada, Alaska, Idaho, Montana, Oregon, and Washington. Further information about the EEOC is available on its web site at <http://www.eeoc.gov>.

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