

- **EEOC v. Performance Food Group d/b/a Carroll County Foods, Inc.**

No. MJG-03-cv-1698 (D. Md. June 3, 2004)

The Baltimore District Office filed this Title VII gender discrimination case alleging that a food service distributor in the Baltimore-Washington, DC area refused to hire women as delivery drivers. In 2001, defendant hired 44 men and 1 woman as drivers at its New Windsor, Maryland facility. Defendant's Transportation Manager told the female driver that her performance would determine whether any other women would be hired to drive. The woman had difficulties and ultimately quit in November 2001. That same month, charging party saw the vacancy advertised and applied for the position. Although CP had a commercial drivers license, prior delivery experience, and satisfied other posted criteria associated with the job, the Transportation Manager told her he would not be hiring any women because of a past bad experience with a female driver. Instead, he offered CP a lower-paying position in the warehouse, which she declined. Evidence corroborating this anti-female stance surfaced in the form of an email from the company's president to the Transportation Manager and HR Manager, which stated "I think we have experience that tells us female drivers will not work out. Making an offer (for driver or helper) to a female is not appropriate."

During the course of the lawsuit, defendant extended unconditional job offers to charging party and six other female applicants. The case was resolved by a three-year consent decree that requires defendant to pay a total of \$350,000 in back pay and compensatory damages to seven class members. The decree enjoins defendant from refusing to hire female applicants for employment because of their sex and from utilizing disparate qualifications for male and female applicants. Defendant will develop defined, uniform, objective job-related qualifications for the driver and helper positions; implement objective hiring procedures; implement consistent job application, recordkeeping, and record retention procedures, including the development of applicant flow data; and affirmatively recruit qualified females to enhance the number of female driver and helper applicants. Defendant will submit quarterly reports to the EEOC detailing the results of its recruitment and hiring of male and female employees for the driver and helper positions. EEOC in turn can conduct unannounced audits of defendant's facilities and records to monitor compliance with the decree.