

- **EEOC v. Clifford B. Finkle Jr., Inc.**

No. 03-4404 (D.N.J. May 16, 2005)

The Philadelphia District Office alleged that the Clifton, New Jersey-based trucking company Clifford B. Finkle Jr., Inc., discriminated against charging party, a female trucker working out of defendant's Indianapolis facility, by failing to correct gender-based harassment. Between July and December 2001, charging party's truck was repeatedly sabotaged, jeopardizing her safety. For example, the air hose was removed from her truck, the truck's antifreeze was drained, and the air seal on the truck's brakeline was removed. Charging party complained repeatedly to the Director of Operations. Subsequently a male coworker witnessed charging party's male supervisor and a male coworker sabotaging her truck and overheard them calling her "the bitch." The coworker warned charging party and in October 2001 reported the conduct to the Director of Operations. Defendant did not conduct an investigation until after charging party filed a discrimination charge in December 2001. Defendant then concluded that the conduct had occurred and fire both perpetrators at the end of January 2002.

Under the 2-year consent decree resolving this case, charging party will receive \$225,000 in monetary relief. The decree enjoins defendant from discriminating against employees on the basis of sex in violation of Title VII, allowing harassment on the basis of sex, permitting the existence of a hostile work environment based on sex, and engaging in any practices deemed retaliatory under Title VII. Defendant will take the following corrective actions at its facilities in Indianapolis, Indiana and Clifton and Ocean, New Jersey: (1) post a notice regarding the consent decree's terms and Title VII's requirements on bulletin boards used for communicating with employees; (2) create policies prohibiting harassment and retaliation and disseminate them to all employees; (3) provide annual training to all employees (including temporary employees) and supervisors regarding employees' rights and employer's obligations under Title VII and the comparable New Jersey law; (4) provide training to all managers and supervisors, and to all Human Resources employees, on how to investigate complaints of discrimination; and (5) maintain records on complaints of discrimination and harassment, prepare reports on how the complaints are resolved, make these reports available to the EEOC upon request, and make available to the EEOC all employees whom the Commission wishes to interview to verify compliance with the decree.