

- **EEOC v. Roswell Radio, Inc.**

No. CIV 04 0729 (D.N.M. April 13, 2006)

The Phoenix District Office filed this Title VII case alleging that defendant, which operates five radio stations in Roswell, New Mexico, subjected three female charging parties to a sexually hostile work environment, subjected one of the CPs to harassment based on her pregnancy, constructively discharged two CPs due to the sexual and pregnancy harassment, and discharged the third CP for opposing sexual harassment and participating in the first CP's EEOC charge.

The President, owner, and operator of Roswell Radio directed crude sexual comments at the three CPs and also frequently looked at pornography on the computer in his office, which employees could see when they came into the office. After he learned that one of the CPs (an Account/Executive Salesperson) was pregnant, the President began making derogatory comments about her pregnancy to her (for example, "Since you went and got knocked up, you've been nothing but lazy") and also in front of customers. These comments increased as the employee's pregnancy progressed, and in April 2003, he significantly reduced her compensation. The employee resigned in May 2003 due to the reduced compensation and continuing harassment. A second CP (a Sales Manager) resigned in August 2003 due to the President's lewd sexual comments. In September 2003, the president accused the third CP (an Office Manager/Human Resources Director) of putting the first CP up to filing an EEOC charge, which he had just received; he discharged several days later, allegedly because of her "belligerent" attitude and bookkeeping errors.

Under the 3-year consent decree resolving this case, the three CPs will receive \$280,000 in monetary relief. The decree enjoins defendant at its New Mexico facilities, for the duration of the decree, from subjecting any employee to sex discrimination (including harassment based on sex or on pregnancy) and from retaliating under Title VII. All owners, stockholders, managers, supervisors, and employees at defendant's New Mexico facilities must attend annual 2-hour training sessions on sex discrimination, sexual harassment, pregnancy harassment, and retaliation. In addition to attending the sexual harassment training required for all employees, defendant's President will attend at least six individual counseling sessions with a qualified counselor, therapist, or psychologist to acquaint him with the effects of actual or perceived sexual harassment upon the victim.