

- **EEOC v. Ford Motor Co. and United Automobile Workers of America**
No. 1:04-CV-00845 (S.D. Ohio June 16, 2005)

In this nationwide Title VII action, the Cleveland District Office alleged that defendants used a written test for skilled trades apprentice positions (electrical, millwright, plumber-pipefitter, machine repair, and tool and die) that had a disparate impact on African-American applicants. The case was consolidated with a private class action filed in conjunction with EEOC's suit, and was resolved through a settlement agreement approved by the court through a consent order entered following a fairness hearing. The class consists of current and former Ford employees of African descent who took the Apprentice Training Selection System test between January 1, 1997, and the date of preliminary approval of the settlement (Feb. 9, 2005), and were not placed on a Ford apprenticeship eligibility list. Ford ceased using the test in August 2004.

The settlement, which was reached during conciliation of 13 charges, provides that an industrial organizational psychologist selected by the parties will design and validate an apprenticeship selection instrument(s) consistent with the Uniform Guidelines on Employee Selection Procedures and professional standards within the field of industrial organizational psychology. If after reviewing the expert's validation report any party believes the proposed selection instrument(s) does not comply with applicable law or professional standards, the parties will attempt to resolve the dispute through a procedure established in the settlement agreement, with the court retaining jurisdiction to enforce the agreement if voluntary resolution efforts fail.

The settlement also provides that Ford will select 280 class members for apprentice positions: 50% within 6 months of final approval of the settlement; an additional 25% no later than 6 months thereafter; and the final 25% no later than 12 months thereafter. The 13 charging parties will receive \$30,000 each in monetary relief, and approximately 3,400 additional class members will receive \$2,400 each, for a total recovery to the class of approximately \$8.55 million. In addition, counsel for the private class will receive \$1.1 million in fees and expenses for work through final approval of the settlement and \$567,000 in fees and expenses for work to be performed in implementing and monitoring the settlement.