

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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AL WASHINGTON,)
11155 Terwilligers Hill Court)
Cincinnati, Ohio 45249)

Case No. **1:06 CV 631** **2A**

Plaintiff,)

BECKWITH

J. BLACK

v.)

Racial and Age Discrimination

GENERAL MOTORS CORP.,)
c/o CT Corporation System,)
its statutory agent)
1300 East Ninth Street)
Cleveland, Ohio 44114)

and)

LARRY SPEICHER,)
812 Auburn Avenue)
Napierville, Illinois 60565)

and)

ROY PIKUS)
111 Settlers Drive)
Napierville, Illinois 60565)

Defendants.)

COMPLAINT AND JURY DEMAND

Plaintiff Al Washington, complaining of Defendants General Motors Corporation, Larry Speicher, and Roy Pikus, alleges as follows:

INTRODUCTORY STATEMENT

This is an employment discrimination class action, brought pursuant to the provisions of the Civil Rights Act of 1866, 42 U.S.C. § 1981, as amended by the Civil Rights Act of 1991

(“Section 1981”); Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e, et seq., as amended (“Title VII”); and the Ohio Unfair Business Practices Act.

Plaintiff Al Washington, a 52 year-old African-American man, has been employed by General Motors, the world’s largest automotive manufacturer that employs over 300,000 people, since 1978. Mr. Washington is a graduate of Birmingham Southern College. Since graduation, Mr. Washington has held several positions of responsibility at General Motors (“GM”). From 1989 until the present, Mr. Washington has been working in Fleet Operations. During this time, Mr. Washington’s performance has been stellar. He, of course, has always easily passed his job retention examinations. He has been placed in charge of GM’s largest customer accounts in his region. GM has assigned Plaintiff Washington to help train District Managers and other Fleet Account Executives. In 2000, Mr. Washington was presented with an award for scoring the highest in the nation among all Fleet Account Executives on the All Product Exam. In 2001 Mr. Washington was given the Shining Star Award, which is awarded to the Fleet Account Executive that has the highest percentage of new business in the North Central Region, a fifteen state area. In 2003, Mr. Washington received the Pete Gerosa Award, which is the highest award that can be given to a Fleet Account Executive. In short, Mr. Washington has won virtually every GM award and recognition possible.

In sharp and sad contrast to this outstanding performance, Mr. Washington’s career advancement has been in inverse proportion to his achievements because he has been the victim of intentional and systemic race and age discrimination. This discrimination includes failure to promote, a racially motivated transfer and demotion, harassment, disparate treatment, and retaliation. Mr. Washington has not been promoted since 1989, even though his performance has been outstanding and despite the fact that he has won every award possible. GM routinely

promoted younger, less experienced and less qualified white employees to levels above Mr. Washington, some of whom Mr. Washington had personally helped train.

In January 2005, Defendant Speicher, a white supervisor in the Fleet Division, threatened Mr. Washington using the slur used by racists from the days of slavery and Jim Crow to demean black men. It has always been the slur preferred above all others to remind and keep black men in their place. At a companywide "state of the business" meeting, Defendant Speicher stopped Washington at a company reception and, in front of another Fleet Account Executive, disparagingly called Washington a "boy." Speicher threatened Washington saying, "We have plans for you, boy. We are going to get after you."

In the eleven months since the slur, Defendants Speicher, Pikus and GM have carried out Speicher's threat against Washington with vengeance. From January to May, Speicher and the other defendants schemed to transfer Washington from his position in Cincinnati as a Fleet Account Executive to Naperville, Illinois, and an entirely new position as a Commercial Sales Manager, a demotion. This transfer and demotion was conducted under the pretext of a companywide consolidation. Instead of transferring Washington to another Fleet Account Executive position, GM assigned less qualified white employees to those positions. Mr. Washington was demoted to a lesser position in Naperville, where Defendant Speicher became his immediate supervisor.

Since Defendant Speicher became his supervisor, Mr. Washington has been subjected to constant harassment, humiliation and disparate treatment. This vile conduct has included:

- Speicher and Pikus lying to the Fleet Division senior management and to GM Human Resources about Washington's job performance;

- Refusal to approve Mr. Washington's legitimate expenses that are routinely approved by Speicher and Pikus for white employees, thereby causing these expenses to be deducted from Washington's paycheck;
- Harassing non-business hour telephone calls from Defendant Speicher about insignificant matters that have been made late at night, while Washington was on vacation and while he was on bereavement leave for the funeral of his father-in-law;
- Interfering with and undermining Washington's relationship with customers;
- Imposing higher and different performance goals on Washington than those imposed on white employees;
- Inadequate training for a new position;
- Subjecting Washington to an annual job evaluation in the front seat of a car in the parking lot of a convention center during a 90-degree day in August with no air conditioning;
- Not providing a written job evaluation;
- Threatening Washington with termination in retaliation for complaints about Defendant Speicher's arbitrary and disparate rules for reimbursement of expenses;
- Threatening Washington with termination for filing late expense reports, an infraction committed by thousands of white employees who have never been threatened with termination or even reprimanded for such an infraction; and
- Terminating Washington for the filing of late expense reports, on the same day that his supervisors were served with an Equal Employment Opportunity Commission Discrimination Charge.

Regrettably, this lawsuit has become necessary to redress these wrongs, as more fully articulated below.

JURISDICTION AND VENUE

1. This action arises under Section 1981 of the Civil Rights Act of 1866, 42 U.S.C. § 1981; Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e; Sections 4112.02, 4112.14 and 4112.99 of the Ohio Revised Code; and Ohio common law.

2. Jurisdiction over Counts I and II of this action is conferred upon this Court by 42 U.S.C. § 1981, 42 U.S.C. § 2000e, and 28 U.S.C. § 1331 because these counts arise under the laws of the United States. This Court's jurisdiction over Counts III and IV is based upon supplemental jurisdiction, 28 U.S.C. § 1367. This Court also has jurisdiction over this action under 28 U.S.C. § 1332 because the amount in controversy exceeds \$75,000, exclusive of interest and costs, and is between citizens of different states. After reviewing the facts set forth herein, the Equal Employment Opportunity Commission ("EEOC") issued Plaintiff a notice of right to sue letter on June 27, 2006 (copy attached as Exhibit A).

3. Under 28 U.S.C. § 1391, venue for this action is proper in the Southern District of Ohio, Western Division, because Defendant is doing business in Cincinnati, Ohio and a substantial part of the events or omissions giving rise to the claims herein arose in Cincinnati, Ohio while Plaintiff worked and/or resided here.

THE PARTIES

4. General Motors Corporation ("GM") is the largest automotive manufacturer in the world. GM employs approximately 317,000 people worldwide. GM is a Delaware corporation whose corporate headquarters and principal place of business is located in Detroit, Michigan.

5. GM has manufacturing facilities in thirty-two countries and sells automobiles in 200 countries. In 2004, GM sold 9 million automobiles and trucks worldwide, the second

highest sales total in GM history. Thousands of GM cars are sold annually in Cincinnati, Ohio.

6. GM uses a numerical level-based system to determine the duties and compensation for its corporate employees. The higher the level number, the greater the responsibility for the employee as well as the higher the compensation and other benefits. GM, because of systemic racial discrimination, has kept Washington locked into a Level 7 position for nearly 20 years without one promotion within that time.

7. Al Washington, an African-American, is currently a resident of Cincinnati, Ohio and is 52 years of age. Mr. Washington began work for GM in 1978, shortly after he graduated from college.

8. Larry Speicher, who is white, is a resident of and has worked primarily in Napierville, Illinois at all relevant times.

9. Roy Pikus, who is white, is a resident of and has worked primarily in Napierville, Illinois at all relevant times.

**WASHINGTON'S EARLY CAREER: EXCELLENT JOB
PERFORMANCE AND RAPID PROMOTION THROUGH
LOWER LEVELS OF THE COMPANY**

10. Mr. Washington's first job title at GM in 1978 was "salaried employee in training," and he was based in Milwaukee, Wisconsin. This job was a Level 5 position.

11. Despite his short amount of time with GM, in 1978, Mr. Washington was quickly promoted to the Metro District Service Manager for the Pontiac Division of GM, a Level 6 position.

12. The position of Metro District Service Manager placed Mr. Washington in charge of all automotive-service-related issues for the Pontiac brand in the area designated as the Metro District of Milwaukee, Wisconsin.

13. After excelling in his position as Metro District Service Manager for four years, in 1982, Mr. Washington was promoted to District Sales Manager for the Pontiac Division and was assigned to East Lansing, Michigan.

14. In 1986, Mr. Washington was again promoted by GM to Metro Sales Manager in Detroit, Michigan for the Pontiac Division. This promotion gave Mr. Washington a Level 7 Employee status.

15. While Mr. Washington was in this position, his area was number one in market penetration in the nation for Pontiac. Because GM is based in Detroit, the Metro Sales Manager there is on GM's "home-turf," making the position highly desirable for those employees with great ambition and potential, such as Mr. Washington. Mr. Washington, as Metro Sales Manager, was responsible for all sales related issues for the Pontiac division for Oakland County and Detroit, Michigan.

16. For a period of time before 1989, Mr. Washington, in addition to his job duties as Metro Sales Manager, took on the responsibilities of Metro Service Manager for the Pontiac Division in Detroit, Michigan. This was the first time GM had ever given the dual responsibilities of Service Manager and Sales Manager to the same employee in Metro Detroit. With a Herculean effort, Mr. Washington successfully performed the job duties of two employees.

**EXCELLENT PERFORMANCE CONTINUES BUT NOT ONE
PROMOTION IN 20 YEARS—MR. WASHINGTON HITS ARTIFICIAL
CEILING CREATED BY A PATTERN AND PRACTICE
OF PERVASIVE DISCRIMINATION**

17. In November of 1989, Mr. Washington was transferred to Cincinnati, Ohio as a Level 7 employee and was named Zone Fleet Manager (a job now known as Fleet Account Executive or “FAE”) for the Pontiac Division.

18. As part of Mr. Washington’s new duties, he was in charge of Fleet Operations for most of Kentucky, Indiana, and Ohio for the Pontiac Division. Fleet Operations generally involve the sale of numerous vehicles to companies in need of trucks or automobiles in order to do business. Some of Mr. Washington’s clients have included over the years: Wendy’s Inc., Eli Lilly, NCR Corp., Meade Corporation, Reynolds & Reynolds, ACE Rental Cars, Hertz Rental Cars, Nationwide Insurance, David Joseph Company and others.

19. Mr. Washington was required to maintain existing customer relationships as well as create new accounts with companies that had previously obtained their fleet vehicles from another manufacturer. Mr. Washington, although still a Level 7 employee, was also charged with assisting in the training of District Managers for the Pontiac Division without the commensurate pay.

20. The vast majority of Fleet Account Executives (“FAE”) had an employee status of Level 8. Beginning in 1989, Mr. Washington was assigned the job duties and was expected to perform the job duties of a Level 8 FAE.

21. For more than 16 years, Mr. Washington not only met but exceeded the job performance of a Level 8 FAE, winning virtually every GM Fleet Division award possible. Not one time in these 16 years was Mr. Washington promoted to Level 8.

22. This failure to promote is the result of a pervasive and systemic pattern of racial discrimination within GM.

23. Of twenty-eight Fleet Managers, twenty-five were white in this time frame. All of the twenty-five white Fleet Managers were Level 8 employees. Only one of the three non-white Fleet Managers was a Level 8 employee.

24. On April 20, 1994, Mr. Washington wrote to Jack Losch, his supervisor, about not being promoted. Losch would only provide a verbal response to the letter, stating that a level increase was coming for Mr. Washington if he would only be patient, continue to work hard and “wait”.

25. Mr. Washington continued to work hard, performing the duties of a Level 8 FAE, and waited.

26. In 1996, Bill Affelt and Ray Nathan, representatives from GM’s Corporate Office, and Mr. Washington’s supervisors, each stated that a Level 8 employee status was coming for Mr. Washington if he would just continue to work hard, be patient and wait.

27. Mr. Washington continued to work hard, performing the job duties of a Level 8 employee, and waited.

28. Ed Pascoe was Mr. Washington’s direct supervisor in 1996. In frequent conversations between Mr. Washington and Pascoe regarding Mr. Washington’s Level 8 status, Pascoe routinely responded that a Level 8 status was on the horizon if Mr. Washington would just continue to work hard, be patient and “wait”.

29. Mr. Washington continued to work hard, performing the job duties of a Level 8 employee, and waited.

30. At the same time GM refused to promote Mr. Washington, GM promoted less qualified whites. In 1996, Jerry Meyer was splitting FAE duties for the Cincinnati Region with Mr. Washington.

31. Meyer, who is white, was criticized for having poor writing and communication skills.

32. Because of Meyer's poor communication and customer relation skills, Mr. Washington was assigned to replace Mr. Meyer as FAE on the larger accounts in the Cincinnati Region.

33. In 1998, Dave Grisham, the Fleet Supervisor for Mr. Washington and Meyer, criticized Meyer for his poor skills as an FAE. Shortly after being cited for his poor skills, Meyer was promoted soon after from a Level 7 to a Level 8 employee and moved to Detroit, Michigan. Today he is employed as a Level 8 FAE.

34. Mr. Washington, despite handling the largest accounts in the region and despite being more qualified, was passed over for this promotion.

35. In 2000, GM underwent a corporate consolidation. As part of this consolidation, FAEs were required to be tested in order to retain their positions. Despite already performing all of the duties of a Level 8 FAE, Mr. Washington was not allowed to take the Level 8 job test.

36. The vast majority of the other FAEs were Level 8 employees, and all of the Level 8 FAEs were white.

37. Mr. Washington passed his Level 7 test and assessment of skills with ease.

38. Later in 2000, Joel Sassa was hired as Mr. Washington's supervisor. In his conversations with Mr. Washington, Sassa told Mr. Washington to keep working hard, and that all FAEs would eventually be given Level 8 status.

39. After speaking with Sassa, Mr. Washington spoke with Richard Lee, the Director of Fleet Operations, about failing to be promoted to Level 8 status. Lee told Mr. Washington that all FAEs would be given Level 8 status. Dave Hansen, Lee's successor, told Mr. Washington the same thing.

40. In 1999, GM administered a product test to all Fleet Account Executives at the National GM "Spring Training" in Florida. Mr. Washington won the Product Test Award, scoring higher than all of the FAEs across the nation. Although Mr. Washington scored higher than all white Level 8 FAEs, he has never been promoted to Level 8.

41. In 2001, Mr. Washington received another national GM Fleet Division award called the Shining Star Award. The Shining Star Award is given to the Fleet Account Manager who earned the highest percentage of new business in the North Central Region. Despite receiving this prestigious award, Mr. Washington was not promoted to Level 8.

42. Hansen then proceeded to hire, in 2002, four new white employees, Mr. Resinger, Mr. Corrigan, Mr. Mellon, and Mr. Sturgis, from outside GM. None of these men had either GM experience or FAE experience. Each of these new, white employees was immediately given Level 8 status.

43. Mr. Washington, who continued to excel while performing Level 8 job duties, was never promoted to Level 8.

**GM RE-ASSIGNS WASHINGTON'S MAJOR ACCOUNTS TO WHITE
FAEs AND THEN CITES THE SMALL NUMBER OF HIS ACCOUNTS
AS A REASON FOR NOT PROMOTING WASHINGTON**

44. In 2002, Mr. Washington was made the only FAE in the Cincinnati Region.

45. Shortly thereafter, the regions were arbitrarily realigned, removing portions of Indianapolis, Indiana and all of Columbus, Ohio from Mr. Washington's region, giving him a

much smaller base to work within and dramatically reducing the number of accounts for which he was responsible. The accounts taken from Mr. Washington included some of the largest companies in the country, such as Wendy's, Eli Lilly, SMC Corp., Carolina Health, ACE Rent-A-Car and Nationwide Insurance. Mr. Washington had a long history of working with these accounts.

46. The scheme to take accounts from Mr. Washington was hatched by Defendant Pikus and other senior management at GM.

47. Shortly after realigning the regions and taking accounts from Mr. Washington, Defendant Pikus told Mr. Washington that in order to be considered for a Level 8 promotion, a "new" GM policy required that an FAE have annual 3,000 sales in his accounts.

48. Mr. Washington had significantly more than 3,000 annual sales in his accounts prior to the time Defendant Pikus took accounts from him and gave those accounts to other FAEs, all of whom were white. Afterwards, Mr. Washing had less than 3,000 sales in his accounts, through no fault of his own.

49. The decision by Defendant Pikus to take accounts from Mr. Washington and then announce a new unwritten policy that denied Mr. Washington a promotion because he did not have sufficient sales accounts is an especially pernicious example of the pervasive pattern and practice of race discrimination at GM.

50. In 2003, Mr. Washington had another strong year as an FAE, and received numerous letters of congratulations from his supervisor, as well as letters of appreciation from several national companies that were customers.

51. Despite the ceremonial acknowledgement of his outstanding work, Mr. Washington was still not promoted to Level 8.

52. In late 2003, Mr. Washington was given the Pete Gerosa Award as the highest achieving FAE in the North Central Region. The Pete Gerosa Award is the highest award possible for an FAE.

53. Despite winning the Fleet Division's highest award, Mr. Washington was never promoted to Level 8.

54. In 2004, GM used another corporate consolidation as a pretext for continuing its pattern and practice of race discrimination. During this consolidation, two of Mr. Washington's white peers with less experience and none of the accolades that Mr. Washington has achieved, L.V. Turner and Eric Reich, were promoted to Level 8, while Mr. Washington remained at Level 7.

**DEFENDANT SPEICHER'S RACIAL SLUR AGAINST
MR. WASHINGTON AND HIS PLAN TO "GET" MR. WASHINGTON**

55. In January of 2005, Mr. Washington attended a GM Regional Conference at the Chicago Marriott Hotel. While at the conference, Mr. Washington met Bob Lawler, a fellow Fleet Account Executive, and Defendant Larry Speicher at a company reception. Speicher is the Regional Commercial Manager for the North Central Region. Speicher and Lawler, both white, were Level 8 employees.

56. During this encounter, Speicher disparagingly called Mr. Washington "boy." Mr. Speicher threatened Mr. Washington and said, "We have plans for you, boy. We are going to get after you!"

57. Two days after Defendant Speicher's racial slur, Mr. Washington reported the incident with Speicher to Defendant Pikus, the supervisor for both Mr. Washington and Speicher.

58. Defendant Pikus told Mr. Washington that he had heard about Speicher's racial slur and that those comments could get Speicher into a lot of trouble. Defendant Pikus, however, took no action to investigate, address or remedy the situation.

59. Defendant Pikus' inaction is not surprising because he was part of the plan to "get" Mr. Washington.

**THE PLAN TO "GET" WASHINGTON IS EXECUTED:
HE IS TRANSFERRED AND DEMOTED**

60. From the time Defendant Speicher called Mr. Washington a "boy" and threatened to "get after" him in January 2005, Speicher and Pikus schemed between themselves and with others in GM management to marginalize Mr. Washington by demoting and transferring Mr. Washington to a new city and to a new job that he had not performed in more than 16 years.

61. In May of 2005, Mr. Washington was transferred to the Naperville, Illinois area, where he was made a Level 7 Commercial Sales Manager ("CSM").

62. Not surprisingly, his new supervisor was none other than Defendant Speicher. Washington was required to report directly to the man who, five months earlier, insulted Washington with an ugly and hateful racial epithet. In further perfection of the plan to "get after" Washington, Speicher reported to Pikus. Beginning in May 2005, Washington's two immediate supervisors were Speicher and Pikus.

63. Reassigning Mr. Washington as a CSM from a Fleet Account Executive was a demotion. All CSMs are level 7 or lower. There are no Level 8 CSM's because of the lower level of responsibilities of CSMs compared to FAEs. In transferring Washington to the CSM position, GM, Speicher and Pikus put Mr. Washington into a much smaller role and eliminated any possibility of advancement beyond Level 7.

64. As an FAE, Mr. Washington routinely dealt with major, large, public companies, giving his position a great amount of prestige and opportunity. As a CSM, Mr. Washington deals almost exclusively with automotive dealerships, which offers less prestige and opportunity for advancement.

65. This change in jobs was a functional job change, removing Mr. Washington from a position in which he was extremely successful, and moving him to a smaller-market area (Wisconsin and Central Illinois), where he had no current contacts.

66. The elimination of opportunity and reduction in authority clearly constitutes a demotion and, therefore, an adverse employment action.

67. This transfer and demotion was the first step in Defendants' plan to "get after" Washington. The first step was taken under the pretext of a companywide consolidation carried out in the first half of 2005.

68. During the consolidation planning in early 2005, Mr. Washington learned that the FAE in Minneapolis, Minnesota, was retiring. Washington asked Pikus to assign him to the Minneapolis FAE position. The FAE position in Minneapolis was a Level 8 position. Instead of promoting Washington to the Level 8 position in Minneapolis, GM and Pikus gave it to a less qualified white male, Jeff Hague. Not only had Jeff Hague failed to win any of the awards and recognitions won by Mr. Washington, Hague had absolutely no experience, not even one day, as a Fleet Account Executive. By comparison, Mr. Washington had 16 years of experience in the FAE position, with great success and achievement.

69. Throughout the consolidation in the beginning of 2005, white employees were treated more favorably than Mr. Washington and similarly situated black employees.

70. For example, Clifford Forsythe, a white employee, declined a move to the Naperville, Illinois area. He was permitted to remain in his position in Iowa, an option which was not given to Mr. Washington.

71. Mr. Washington was also told that no employee in the North Central region would be moved to a region different than the North Central region. The truth was to the contrary. A white employee named Susan Smittson was permitted to move from the North Central region to the Denver, Colorado region.

72. Mr. Washington, ironically, was forced to replace Smittson as CSM for the Wisconsin area he now covers. When Defendant Pikus was asked about this disparate treatment, Pikus said he had to speak about it to Mr. Gerosa, the head of GM's entire vehicle sales and service operations.

73. Throughout the consolidation, whites were permitted to remain in their current positions or received their first choice of reassignment. Black employees were given no choice and much less preferential treatment, similar to the treatment Mr. Washington received.

**SPEICHER AND PIKUS ESCALATE THE PLAN TO "GET AFTER"
WASHINGTON BY INSTITUTING A CAMPAIGN TO HARASS
AND THREATEN HIM ON REGULAR AND REPEATING BASIS**

74. On June 6, 2005, within a few days of Mr. Washington first reporting to Defendant Speicher in Naperville, Speicher repeatedly called Mr. Washington's cell phone while Washington was in a sales meeting with a GM client. Speicher knew that Mr. Washington was in an important sales meeting yet still called his cell phone repeatedly. Mr. Washington did not interrupt his client meeting to take the phone calls from Speicher.

75. During a break in the client meeting, Mr. Washington returned Speicher's telephone calls. Speicher then proceeded to scream at Mr. Washington, curse and berate him for not answering his cell phone during the client meeting. Speicher accused Mr. Washington of deliberately removing voicemail from his cell phone in order to avoid Speicher's calls.

76. Mr. Washington's cell phone was given to him by GM at the time of his relocation to Naperville. It previously belonged to Ms. Smittson, who never had voicemail.

77. In addition to being designed to "get after" and harass Mr. Washington, Speicher's calls had the purpose of disrupting Mr. Washington's sales call and to emotionally upset Mr. Washington and divert his attention so that he would not be as effective with the customer. From the very beginning of his supervision over Mr. Washington, Defendant Speicher has been doing whatever it takes to "get after" Mr. Washington in an attempt to make him fail.

78. Shortly after this incident, also in June, 2005, Speicher and Pikus began to harass and discriminate against Mr. Washington over Company expense reports. This harassment includes, but is not limited to: 1) Speicher's practice of timely reviewing the expense reports of white employees, but not Mr. Washington's; 2) denying approval of certain expenses on Mr. Washington's expense report while approving similar expenses for white employees; and 3) imposing rules and restrictions on Mr. Washington that are not imposed on white employees.

79. For example, Mr. Washington presented Speicher with his expense report before a deadline Speicher set prior to his two-week summer vacation. Although Speicher reviewed and approved the expense reports of white employees, he did not review Mr. Washington's expense report before leaving on vacation.

80. Upon his return, Speicher refused to approve Mr. Washington's expense report. Speicher told Mr. Washington that "new" expense report policies did not allow Company

payment for numerous items Washington had submitted. Speicher told Washington that he had to pay for a number of legitimate business expenses out of his relocation stipend.

81. Speicher also told Mr. Washington that any future expenses must be pre-approved by Speicher. This requirement was imposed by Speicher to harass, insult and demean Mr. Washington, a very successful, 27-year employee. It is not and never has been a requirement imposed on Speicher's white supervisees nor other white employees at GM.

82. Mr. Washington asked Defendants Pikus and Speicher for a written copy of these "new" expense report rules. Speicher and Pikus refused to provide the rules in writing.

83. There are other examples of Defendant Speicher using GM's expense reports procedures to harass and humiliate Mr. Washington. Speicher has imposed on Mr. Washington, but not on white employees, a 125 mile radius rule. Pursuant to this rule, Speicher has forbidden Mr. Washington from spending the night in any hotel that is within 125 mile radius of Naperville/Chicago. On November 15, 2005, Mr. Washington and a white employee named Doug Dittrich were meeting with GM customers in Milwaukee. The meeting was in late afternoon followed by dinner. Under GM and Speicher's discriminatory policy, Mr. Dittrich, the white employee, was permitted to stay, at company expense, in a hotel located a few minutes from the dinner meeting with customers. Mr. Washington's only choice was to drive for more than three hours late at night back to the Naperville/Chicago area or to pay for the room out of his own pocket. He paid for the room himself in order to comply with Speicher's mandate. The white employee submitted the room charge as a company expense.

84. In addition to the 125 mile radius rule, Speicher routinely imposes on Mr. Washington other absurd, unwritten rules about travel expenses.

85. For example, Speicher has instructed Mr. Washington that he must ask Defendant Speicher in writing, at least four days in advance, for pre-approval if he plans to spend the night in a hotel at Company expense. Mr. Washington is required to seek this pre-approval with no exceptions for bad weather conditions, dinner meetings with customers that run late into the evening or similar unforeseen events.

86. None of Mr. Washington's white colleagues are subject to this four-day pre-approval rule. It is imposed on Mr. Washington to harass, humiliate and "get after" him.

87. These expense reimbursement rules, as well as Speicher's other outrageous behavior, are all designed to reinforce, underscore and constantly remind Mr. Washington that he is a "boy," incapable of exercising independent judgment, someone that Speicher needs to watch like a child, someone who is unimportant to GM.

88. On September 27 and 28, 2005, Mr. Washington needed to stay in hotels in Madison and Green Bay, Wisconsin, respectively. Mr. Washington requested the "required approval" from Speicher and called the American Express Travel Service, which is used by GM employees to make work-related travel arrangements.

89. GM does not have a maximum hotel room charge in place for the Madison-Green Bay, Wisconsin area. When no charge maximum, or cap, is in place, the employee may stay anywhere, but should use his discretion to keep expenses low.

90. American Express was only able to find one hotel with vacancies for the nights Mr. Washington had requested, and would charge \$140.00 per night. Since there was no hotel room cap in place, and it was the only hotel available, Mr. Washington made his reservation. Mr. Washington requested that American Express make a notation on his bill that he was staying in the only available hotel in the area.

91. Despite American Express' notation, and the lack of a cap, Mr. Washington was still subjected to a verbal reprimand from Speicher for staying in "too nice of a hotel."

92. Since the day Mr. Washington began reporting to him, Defendant Speicher routinely has engaged in many other types of harassment and disparate treatment. On at least eight separate occasions and dates, Speicher has hung up the telephone while in the middle of business-related conversations with Mr. Washington. Speicher does not hang up on white CSMs.

93. Since June 2005, Defendant Speicher has repeatedly refused to provide Mr. Washington with necessary business-related information that is routinely provided to white CSMs. Whenever Mr. Washington asks Speicher a question, the reply is to get the answer from one of the other CSMs, all of whom are white. Again, with this behavior, Speicher is reminding Mr. Washington that he is a "boy," unworthy of Speicher's time, and needing to be schooled by his white co-workers.

94. This pattern of hiding information from Mr. Washington and forcing him to get it from co-workers, all of whom are white, is harassment and humiliation enough. It is particularly egregious in this case because Defendants GM, Speicher and Pikus transferred Washington to a new city and new job, while refusing to provide him with the usual training afforded white employees under the circumstances. He has been required and expected to complete several CSM reports and related tasks with no training. As a result of this lack of training and pattern of harassment, Defendants GM, Speicher and Pikus have created a hostile environment in the hope and expectation that Washington will fail and simply leave GM, a company with whom he has spent his entire adult career—27 years—and for whom he has performed and achieved at the highest levels.

95. Defendant Speicher has also harassed Mr. Washington with frequent telephone calls and emails to Mr. Washington during non-business hours, by calling Mr. Washington's customers, and opening Mr. Washington's mail.

96. The off-hours telephone calls and voicemails from Speicher are of no business importance. The calls came from Speicher not only late at night since June 2005, but also while Mr. Washington was on vacation in August 2005 and while on bereavement leave, attending the funeral of his father-in-law in September 2005.

97. While Mr. Washington was on bereavement leave at his father-in law's funeral, Speicher called to ask about a fact that Washington had already communicated in a memorandum submitted to Speicher immediately before going on bereavement leave.

98. Speicher then called again while Mr. Washington was on bereavement leave to inquire about a presentation that Mr. Washington was previously working on with Roger Beedle. Speicher was told prior to Mr. Washington leaving for bereavement that Mike Wilson would be taking over his portion and assisting Roger Beedle.

99. With these calls, Defendant Speicher is demonstrating to Mr. Washington that even late at night, on vacation and at a father-in-law's funeral, the "man" Speicher is getting after the "boy," Washington.

100. Defendant Speicher has harassed Mr. Washington by interfering directly with Mr. Washington's customers and undermining his effectiveness with them.

101. For example, Speicher has called David Kinnard at Thornstad Chevrolet, Gary Schwind at Holtz Chevrolet, Jim Schnoll at Bob Fish Chevrolet, as well as Mark Towne, Larry Rodema of Frank Boucher, Tony Pirlot of Five Corners, and Mr. Washington's contacts at other dealerships in Wisconsin. Defendant Speicher made these calls without Mr. Washington's

knowledge. Speicher asked these customers to critique Washington's job performance and attempted to solicit unfavorable comments about Mr. Washington.

102. The calls to Mr. Washington's customers were designed to undermine his relationship with them and cause him to fail. In these calls, Speicher portrayed Mr. Washington as an employee who was new and unskilled—a "boy"—who needed to be "watched over" and monitored by his supervisor. He also confused the customers as to whom they should turn and rely upon within GM.

103. Defendant Speicher does not make similar calls to the customers of white CSMs.

104. For the record, all of these customers have spoken highly of Mr. Washington and appreciate his talent and service in ironic contrast to Defendants Speicher, Pikus and GM.

105. Defendants Speicher, Pikus and GM have discriminated against Mr. Washington with respect to how he is evaluated. There are six CSMs supervised by Speicher. During the annual job performance evaluation process conducted in July 2005, Speicher spent a half-day with the new CSM who covers the Chicago area and discussed his performance evaluation with him in a professional setting and manner. As to the other new CSMs, Speicher spent a full day traveling with them and also discussed their performance evaluations in a professional setting and manner. All of these CSMs are white.

106. Speicher conducted Mr. Washington's annual performance evaluation in a parked car between trade shows, at a convention center, during ninety-degree heat without air conditioning. Again, this treatment was meant to reinforce Speicher's slur that Mr. Washington was a "boy"—a lowly and unimportant employee deserving of no respect and having no future at GM.

107. There were more irregularities. Mr. Washington was given high marks in his performance evaluation, but Speicher has refused to give Mr. Washington a copy of the evaluation, against corporate policy, and despite Mr. Washington requesting a copy on numerous occasions. To this day, Defendant Speicher has refused to give Mr. Washington a final copy of his positive evaluation.

**IN OCTOBER 2005, THE PLAN TO “GET” WASHINGTON
ESCALATES: HE IS THREATENED WITH TERMINATION
IN RETALIATION FOR CHALLENGING SPEICHER’S
EXPENSE REPORT POLICIES**

108. From the time Mr. Washington began to report to Speicher in June 2005, he and the other defendants imposed a number of arbitrary and discriminatory rules and restrictions on Washington with respect to company expense reports. These rules and restrictions were not imposed on similarly situated white employees.

109. As a result of this discrimination, many legitimate business expenses incurred by Mr. Washington were disallowed by Speicher, even though similar expenses are routinely approved for white employees.

110. Under GM’s policies, business expenses are charged on a company American Express card. If a supervisor disallows expenses, those disallowed expenses are deducted from the employee’s paycheck. As a consequence of Speicher refusing to permit legitimate business expenses, Mr. Washington received little or no pay for several weeks.

111. After many meetings with both Speicher and Pikus, it became clear to Mr. Washington that they would neither change their decision to disallow past expenses nor change their discriminatory practices going forward. Mr. Washington told them that it was unfair and discriminatory to have policies that applied “only to Al Washington.”

112. On August 15, 2005, Mr. Washington also told Speicher and Pikus that he was going to appeal their decision with respect to expenses through GM's "Open Door Policy." The Open Door program allows an employee to have his or her grievance against a supervisor or other problem heard by an independent manager at GM. Mr. Washington then began making calls within the Company to gather facts and prepare for the grievance.

113. Upon learning of Mr. Washington's plan to use the Open Door Policy to challenge their decision to deny expenses, Speicher and Pikus immediately began planning to pre-empt Mr. Washington's grievance procedure and to retaliate against him.

114. In a classic retaliatory counter attack, they began telling their supervisor, Jim Bunnell, the General Manager of the North Central Region, and O. J. Atkins of GM's Human Resource Department, that they were having job performance issues with Washington. They outright lied to Bunnell and Atkins, telling them, among other lies, that since 1999 Washington's "performance had deteriorated."

115. Speicher and Pikus convinced Bunnell and Atkins that the four of them needed to summon Mr. Washington to a meeting and give him a written warning about his job performance and to threaten Washington with termination.

116. The meeting was scheduled for October 13, 2005. Speicher and Pikus lied to Mr. Washington when they informed him of the meeting. They told him that they had scheduled a meeting between Mr. Washington and Bunnell, Atkins and themselves so that they all could discuss and "straighten out" the issues over expense reports. They misrepresented the purpose of the meeting to keep Washington off balance and to enhance the shock value of the written warning and threat of termination they planned to deliver.

117. At the meeting on October 13, 2005, they handed Mr. Washington an official written warning on General Motors Corporation North Central Region letterhead. The warning was signed by “Jim Bunnell, General Manager,” but actually written by Speicher and Pikus. The first paragraph of the 3-page Memorandum contained lies so outrageous and contrary to the actual recorded facts that they can only be explained by a blind racial animus toward Mr. Washington.

118. The first paragraph states: “Since 1999, your performance has deteriorated. You have received feedback and support from your supervisors, but your performance continues to be inconsistent and unacceptable.”

119. During that time period, Mr. Washington has not received any reprimands, oral or written, for any of these so called “performance” issues.

120. The facts, as documented in GM’s own records, are that since 1999:

- Mr. Washington has received excellent performance evaluations.
- Mr. Washington has passed all job retention examinations.
- In 2000, Mr. Washington received an award for scoring first among all Fleet Account Executives in the North Central Region on the All Product Exam.
- In 2001, Mr. Washington received the Shining Star Award presented to the Fleet Account Executive who developed the highest percentage of new business in the North Central Region.
- In 2003, Mr. Washington received the Pete Gerosa Award given to the top Fleet Account Executive in the North Central Region, the highest award possible for an FAE.

121. The truth is that Mr. Washington has received no support and only negative feedback and harassment from his supervisors, Speicher and Pikus. He has not received appropriate training from them. Since June 2005, they have executed a plan to “get after” the “boy” and make him fail.

122. The only basis of the October 13, 2005, written warning is a trumped up allegation about filing administrative reports, inconsequential “paper work,” late. Most of the late filings concern expense reports. At worst, these late filings are minor infractions committed regularly by thousands of white GM employees with absolutely no negative job action taken against them.

123. Under GM policy, if an employee is so chronically late with expense report filings, his or her company credit card is revoked. Mr. Washington’s company credit card has never been revoked.

124. Within GM’s workforce there are literally thousands of white employees who have filed late expense reports on a more frequent basis than Mr. Washington. None of these white employees, however, received a trumped up written warning like Mr. Washington received nor have these similarly-situated white employees been threatened with termination.

125. On December 7, 2005, Plaintiff Al Washington filed a Charge of Discrimination with the EEOC. This Charge of Discrimination was served upon Bunnell, Speicher, Oliver Adkins, and GM’s Human Resource Department on the same day by facsimile.

126. After having received a copy of the Charge of Discrimination, Bunnell met with and terminated Mr. Washington for filing late expense reports.

127. Defendant GM’s employment practices and systems discriminate against African-Americans and employees over the age of forty in all divisions below Level 8. The discriminatory practices engaged in by GM are intentional and systematic in nature, and adversely affect Plaintiff and other members of the class with respect to the opportunities for hiring, promotion, transfer, job assignment, compensation, and other terms and conditions of employment, as specifically summarized below.

128. According to GM's 2004 annual report, the upper level of management is comprised almost exclusively of whites. Level 7 is a glass ceiling for African-American employees and employees over the age of forty.

129. The homogenous racial composition of GM's management is reflected not only at the highest levels of management, but also at every level above Level 7 (where there is only a sprinkling of African-Americans). The percentage of African-Americans in each level decreases as the levels increase. The percentage of African-American employees at Level 8 drops off precipitously.

130. When GM has an upper level position to fill, they "tap" their white employees for the promotions. Supervisors make subjective and biased decisions to fill Level 8 and other high level positions with white employees. Most of the time, an open supervisory or managerial position is filled by hiring a white employee or promoting a white employee, and those positions are largely unknown to African-American employees who are not given the opportunity to apply and compete for the positions.

131. African-American employees are discriminated against in the scope and extent of their job assignments as a result of subjective and biased decisions made by predominantly white managers. African-Americans are frequently given less desirable work assignments. For example, in all divisions where a geographic area is assigned, desirable territories in which to work, such as sales and leasing, are given to whites. When African-Americans excel in a given territory, in many instances, that territory is taken from them and reassigned to white employees.

132. African-Americans are rarely, if ever, hired into Level 8 positions while whites are hired in at the Level 8 position with no prior GM experience and no prior experience in that position.

COUNT I

(42 U.S.C. § 1981 – Failure to Promote)

133. Plaintiff fully incorporates the preceding paragraphs as if fully set forth below.

134. Mr. Washington is an African-American.

135. Despite Mr. Washington's excellent performance in handling a position where the duties are normally completed by a Level 8 employee, Mr. Washington has repeatedly been denied a promotion from Level 7 to Level 8.

136. While Mr. Washington was not being promoted to a Level 8 status, younger, less experienced non-African American people were made Level 8 employees despite handling the same job duties.

137. This failure to promote Mr. Washington to Level 8 status has resulted in Mr. Washington receiving less compensation and fewer benefits than his contemporaries who are white.

138. In light of Mr. Washington's exemplary record, there is no reasonable explanation for him not being promoted to an employee status of Level 8, except for illegal, racially discriminatory reasons.

139. Defendants violated 42 U.S.C. § 1981 by discriminating against Mr. Washington when he was not promoted. Defendants' discriminatory actions were taken against Mr. Washington because of his race and violated 42 U.S.C. § 1981. Mr. Washington is entitled to damages for lost wages, damages for lost benefits, out-of-pocket expenses, punitive damages, and costs, including reasonable attorney's fees.

COUNT II

(42 U.S.C. § 1981 – Disparate Treatment)

140. Plaintiff fully incorporates the preceding paragraphs as if fully set forth below.

141. Mr. Washington is an African-American.

142. Despite Mr. Washington's excellent performance in handling a position where the duties are normally completed by a Level 8 employee, Mr. Washington has repeatedly been denied a promotion from Level 7 to Level 8.

143. While Mr. Washington was not being promoted to a Level 8 status, younger, less experienced non-African American people were made Level 8 employees despite handling the same job duties.

144. This failure to promote Mr. Washington to Level 8 status has resulted in Mr. Washington receiving less pay and fewer benefits than his contemporaries that are white.

145. In light of Mr. Washington's exemplary record, there is no reasonable explanation for him not being promoted to an employee status of Level 8, except for illegal, discriminatory reasons.

146. Defendants violated 42 U.S.C. § 1981 by discriminating against Plaintiff when he was not promoted while white employees of lesser ability were. Defendant's discriminatory actions were taken against Plaintiff because of his race and violated 42 U.S.C. § 1981. Plaintiff is entitled to damages for lost wages, damages for lost benefits, out-of-pocket expenses, punitive damages, and costs, including reasonable attorney's fees.

COUNT III

(Racial Discrimination—42 U.S.C. § 2000e)

147. Plaintiff fully incorporates the preceding paragraphs as if fully set forth below.

148. Despite Mr. Washington's excellent performance in handling a position where the duties are normally completed by a Level 8 employee, Mr. Washington has repeatedly been denied a promotion from Level 7 to Level 8.

149. While Mr. Washington was not being promoted to a Level 8 status, younger, less experienced whites were made Level 8 employees despite handling the same job duties and other whites with no experience were hired in at Level 8.

150. This failure to promote Mr. Washington to Level 8 status has resulted in Mr. Washington receiving less pay and fewer benefits than his contemporaries who are white.

151. In light of Mr. Washington's exemplary record, there is no reasonable explanation for him not being promoted to an employee status of Level 8, except for illegal, discriminatory reasons.

152. Defendants violated 42 U.S.C. § 2000(e) by discriminating against Mr. Washington because of his race. As a result of Defendants' discriminatory actions against him, Mr. Washington is entitled to a sum equal to his back pay plus interest, damages for lost future wages, damages for lost benefits, out-of-pocket expenses, punitive damages, and costs, including reasonable attorney's fees.

COUNT IV

(Racial Discrimination—Ohio Rev. Code § 4112.99)

153. Plaintiff fully incorporates the preceding paragraphs as if fully set forth below.

154. Defendants' discriminatory treatment of Mr. Washington because of his race violates sections 4112.01(A) and 4112.99 of the Ohio Revised Code.

155. As a result of Defendants' discriminatory conduct, Plaintiff is entitled to lost wages from a lack of promotion, damages for lost benefits, out-of-pocket expenses, punitive damages, including costs and attorney's fees.

COUNT V

**(Age Discrimination—29 U.S.C. §§ 622 et seq. (ADEA) and Ohio Rev. Code § 4112.99 –
Failure to Promote)**

156. Plaintiff fully incorporates the preceding paragraphs as if fully set forth below.

157. Mr. Washington is over 40 years of age.

158. Despite Mr. Washington's excellent performance in handling a position where the duties are normally completed by a Level 8 employee, Mr. Washington has repeatedly been denied a promotion from Level 7 to Level 8.

159. While Mr. Washington was not being promoted to a Level 8 status, younger, less experienced people were made Level 8 employees despite handling the same job duties and younger people with no experience were hired in at Level 8.

160. In light of Mr. Washington's exemplary record, there is no reasonable explanation for him not being promoted to an employee status of Level 8, except for illegal, discriminatory reasons.

161. Defendants' discriminatory treatment of Mr. Washington because of his age violates sections 4112.14 and 4112.99 of the Ohio Revised Code.

162. As a result of Defendants' discriminatory conduct, Mr. Washington is entitled to lost wages from lack of promotion, damages for lost benefits, out-of-pocket expenses, punitive damages, including costs and attorney's fees.

COUNT VI

(Intentional Infliction of Emotional Distress—Common Law of Ohio)

163. Plaintiff fully incorporates the preceding paragraphs as if fully set forth below.

164. Defendants owed to Mr. Washington a duty to refrain from intentional injury to him.

165. Defendants breached their duty to Mr. Washington.

166. Defendants' intentional actions as set forth above and relating to Plaintiff's employment and terms of employment with Defendant proximately caused injury to Plaintiff in the form of embarrassment, mental anguish, loss of reputation, loss of self-esteem, fear and other emotional distress.

167. As a direct and proximate result of Defendants' actions Plaintiff suffered damages.

COUNT VII

(Retaliation based on Race)

168. Plaintiff fully incorporates the preceding paragraphs as if fully set forth below.

169. Mr. Washington was subjected to a different set of parameters and requirements for his expenses and expense reports than his white peers.

170. Mr. Washington attempted to resolve the differences in his expense reporting procedures by following the standard corporate policies for complaints, which is to notify a supervisor.

171. As a direct result of this action taken by him, Mr. Washington was retaliated against by his supervisors because he is African-American. Mr. Washington was provided with an October 13, 2005 memorandum threatening his termination for his behavior.

172. On December 7, 2005, Mr. Washington filed a Charge of Discrimination with the EEOC. This Charge of Discrimination was served upon Bunnell, Speicher, Oliver Adkins, and GM's Human Resource Department on the same day by facsimile.

173. After having received a copy of the Charge of Discrimination, Bunnell met with and terminated Mr. Washington for filing late expense reports.

174. As a result of Defendants' discriminatory conduct, Plaintiff is entitled to lost wages from a lack of promotion, damages for lost benefits, out-of-pocket expenses, punitive damages, including costs and attorney's fees.

COUNT VIII

(Wrongful Termination)

175. Plaintiff fully incorporates the preceding paragraphs as if fully set forth below.

176. Mr. Washington is an African-American male over the age of fifty.

177. Despite Mr. Washington's excellent performance in handling a position where the duties are normally completed by a Level 8 employee, Mr. Washington has repeatedly been denied a promotion from Level 7 to Level 8.

178. From 1999 until December of 2005, Mr. Washington received numerous corporate awards for his performance and was routinely praised by both his customers and his supervisors.

179. Mr. Washington was subjected to a different set of parameters and requirements for his expenses and expense reports than his younger, white peers.

180. Within GM's workforce there are literally thousands of white employees who have filed late expense reports on a more frequent basis than Mr. Washington. None of these white employees, however, received a trumped up written warning like Mr. Washington received nor have these similarly-situated white employees been threatened with termination.

181. After having received a copy of the Charge of Discrimination on December 7, 2005, Bunnell met with and terminated Mr. Washington for filing late expense reports.

182. In light of Mr. Washington's exemplary record, there is no reasonable explanation for him being terminated, except for illegal discriminatory reasons.

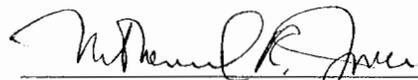
183. Defendants violated 42 U.S.C. § 1981, 42 U.S.C. § 2000(e), and sections 4112.01(A), 4112.14 and 4112.99 of the Ohio Revised Code by discriminating against Mr. Washington when he was terminated. Defendants' discriminatory actions were taken against Mr. Washington because of his race and violated 42 U.S.C. § 1981. Mr. Washington is entitled to damages for lost wages, damages for lost benefits, out-of-pocket expenses, punitive damages, and costs, including reasonable attorney's fees.

WHEREFORE, Plaintiff prays as follows:

- (a) Judgment finding that Defendant has violated federal and Ohio law as set forth above;
- (b) An order that Defendant pay to Plaintiff all wages and benefits due and owing as a result of Defendant's discriminatory acts;
- (c) An award of compensatory and punitive damages to Plaintiff, in an amount to be determined at trial;
- (d) An award of Plaintiff's costs and reasonable attorney's fees in this action; and
- (e) Any such other and further relief as may be just and necessary.

Respectfully submitted,

BLANK ROME LLP



Nathaniel R. Jones, Esq. (0026866)

Michael L. Cioffi, Esq. (0031098)

Counsel for Plaintiff

1700 PNC Center

201 East Fifth Street

Cincinnati, OH 45202

Telephone: (513) 362-8700

Facsimile: (513) 362-8702

jones-n@blankrome.com

cioffi@blankrome.com

Jury Demand

Plaintiff hereby gives demands a trial by jury on all issues triable of right by a jury.



Attorney for Plaintiff

EEOC Form 161-B (3/98)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

RECEIVED

To: Al Washington
11155 Terwilligers Hill Court
Cincinnati, OH 45249

From: Cincinnati Area Office - 473
John W. Peck Fed. Bldg
550 Main St Room 10-019
Cincinnati, OH 45202

JUN 28 2006

On behalf of person(s) aggrieved whose identity is CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No. 221-2006-00497
EEOC Representative Deborah B. Curtis, Enforcement Supervisor
Telephone No. (513) 684-2843

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA): This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice or your right to sue based on this charge will be lost.

- X More than 180 days have passed since the filing of this charge.
Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of the charge.
X The EEOC is terminating its processing of this charge.
The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

- X The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.
The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of your charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit based on this charge, please send a copy of your court complaint to this office.

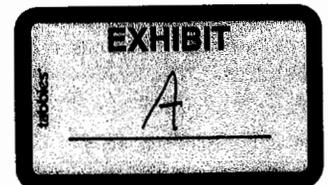
On behalf of the Commission

Signature of Wilma L. Javey, Director

June 27, 2006 (Date Mailed)

Enclosure(s)

- Chief Executive Officer GENERAL MOTORS CORPORATION 155 Tri-County Parkway Cincinnati, OH 45249
David Johnston EEO Consultant 1616 S. Voss Suite 300 Houston, TX 77057
Ms. Sharon Zealey, Attorney 1700 PNC Center 201 E. Fifth Street Cincinnati, OH 45202



Form 2.2 EEOC Charge of Discrimination Form

| | | | |
|---|--|--|--|
| CHARGE OF DISCRIMINATION | | AGENCY | CHARGE NUMBER |
| This form is affected by the Privacy Act Of 1974; See Privacy Act Statement before completing this form. | | <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC | 221-2006-00497 |
| Ohio Civil Rights Commission | | and EEOC | |
| <i>State or local Agency, if any</i> | | | |
| NAME (Indicate Mr., Ms., Mrs.) Mr. Al Washington | | HOME TELEPHONE (Include Area Code) (513) 489 - 8602 | |
| STREET ADDRESS 11155 Terwilligers Hill Court | | CITY, STATE AND ZIP CODE Cincinnati, Ohio 45249 | DATE OF BIRTH 11/04/1953 |
| NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.) | | | |
| NAME General Motors Corporation | | NUMBER OF EMPLOYEES, MEMBERS 300,000 + | TELEPHONE NUMBER (Include Area Code) (800) 762 - 2737 |
| STREET ADDRESS 155 Tri-County Parkway | | CITY, STATE AND ZIP CODE Cincinnati, Ohio 45246 | COUNTY Hamilton |
| NAME | | TELEPHONE NUMBER (Include Area Code) | |
| STREET ADDRESS | | CITY, STATE AND ZIP CODE | COUNTY |
| CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es)) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input checked="" type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify) | | DATE DISCRIMINATION TOOK PLACE EARLIEST LATEST 11/ 1 / 1989 11/ 14 / 2005 <input checked="" type="checkbox"/> CONTINUING ACTION | |
| THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)): | | | |
| <p>I have been constantly and repeatedly harassed on the basis of my race by my immediate supervisor, Larry Speicher. He has used offensive, racial slurs against me, and subjects me to rules different than those rules applied to my white peers. In addition, despite having won numerous corporate awards over the past six years, I have repeatedly been denied a promotion, while younger, less experienced, white employees have been promoted above me. GM has also retaliated against me for disputing the manner in which my expenses and expense reports are processed.</p> | | | |