

*The U.S. Equal Employment Opportunity Commission*

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CONTACT: H. Joan Ehrlich  
(202) 663-4900  
(713) 817-0991

Jim Sacher  
(713) 209-3398

Javier Chacon  
(713) 209-3395

TTY: (713) 209-3439

## EEOC MOVES TO INTERVENE IN QUIETFLEX LAWSUIT

### *Commission Says Employer Intentionally Segregated Hispanics into 'Ethnic Jobs'*

WASHINGTON - The U.S. Equal Employment Opportunity Commission (EEOC) filed a motion to intervene in an employment discrimination class action lawsuit against Quietflex Manufacturing Co. (QuietFlex) and Goodman Manufacturing Company (Goodman), both based in Houston, Texas. The suit alleges that the companies violated Title VII of the Civil Rights Act of 1964 by intentionally failing to hire and recruit Hispanic employees and intentionally segregating them into lower paying jobs because of their national origin. QuietFlex is a major provider of air duct and accessories with manufacturing facilities in Atlanta, Houston and Phoenix, and distributors nationwide. Its parent company, Goodman, manufactures air conditioning units which are distributed nationwide.

The Commission alleges that Quietflex and Goodman prevented Hispanic employees from working in a higher paying and safer department that was overwhelmingly Asian - despite the fact that the skill level in both departments was entry level. The Commission alleges that unnecessary English-fluency requirements were used as a means of preventing Hispanic workers from being hired into or transferring into the higher paying department.

The two departments, 910 and 911, were adjacent to one another and required no special skills. However, Hispanic applicants were routinely sent to work in department 911. Once there, the Hispanic workers were forced to clean the lunchroom and were not allowed to leave their areas for breaks - unlike their counterparts in department 910.

Noting that it is rare for the EEOC to intervene in a private lawsuit, Commission Chair Cari M. Dominguez said: "This is an important case and the EEOC is seeking to intervene in the public interest.

"It is unlawful for employers to maintain segregated workforces based on national origin. All individuals deserve the freedom to compete and advance in the workplace without discriminatory barriers to mobility and opportunity."

The lawsuit was initiated by 75 Hispanic workers on October 10, 2001. The workers filed charges of discrimination with the EEOC's Houston District Office in January 2000, alleging, among other things, adverse terms and conditions of employment based on national origin and retaliatory discharge under Title VII.

"This case is a classic example of egregious discrimination against low-wage immigrant workers," said H. Joan Ehrlich, District Director of the EEOC's Houston District Office. "There is no justification for abusing and exploiting any group of employees or applicants on the basis of national origin or any other discriminatory factor. It is unlawful for any employer to maintain a segregated workforce and place employees in so-called 'ethnic jobs.' "

The EEOC's Complaint, filed in the U.S. District Court for the Southern District of Texas (*Fermin Colindres, et al. and EEOC v. Quietflex Manufacturing Co., LP, and its GP Quietflex Holding Co., & Goodman Manufacturing Co., LP d/b/a Quietflex Manufacturing Co., LP and its GP Goodman Holding Co.*, Civil Action No. H-01-4319), alleges that since at least January 1, 1995, Quietflex has engaged in unlawful employment practices including:

- Failing to recruit and hire qualified Hispanics for operator positions in department 910;
- Utilizing a policy and practice of requiring Hispanic employees to speak English as a prerequisite to hiring into department 910 and/or transferring into department 910 while, at the same time, exempting non-Hispanic applicants and employees from the English language prerequisite for entry into department 910;
- Maintaining segregated job classifications/departments which adversely impact Hispanic employees by depriving them of more lucrative positions; and
- Failing to hire, transfer and/or promote Hispanics to positions in department 910 because of their national origin.

Jim Sacher, Regional Attorney of the EEOC's Houston office, said: "When hardworking employees are stripped of promotional opportunities because they speak Spanish, the EEOC will help restore a level playing field. In this case, the English-fluency requirement was neither job-related nor consistent with business necessity for the positions in question."

The EEOC seeks a permanent injunction against Quietflex prohibiting it from engaging in employment practices that discriminate on the basis of national origin. The EEOC also asks the Court to order back wages plus interest, compensatory damages, and punitive damages for Mr. Fermin Colindres and other Hispanics. The EEOC filed suit after, investigating the case, finding discrimination took place, and exhausting its conciliation efforts to reach a voluntary pre-litigation settlement. Commission interventions represent less than 1% of all annual agency litigation.

EEOC enforces Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based on race, color, religion, sex, or national origin; the Age Discrimination in Employment Act; the Equal Pay Act; Title I of the Americans with Disabilities Act, which prohibits discrimination against people with disabilities in the private sector and state and local governments; sections of the Rehabilitation Act of 1973, which prohibit disability discrimination in the federal government; and sections of the Civil Rights Act of 1991. Further information about the Commission is available on its web site at [www.eeoc.gov](http://www.eeoc.gov)

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