

corporation doing business in the State of Texas and Calhoun County, Texas, and has continuously had at least 15 employees.

5. At all relevant times, Defendant U.S. Contractors has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Elva Griffin, Anita Herriges, Lynn Stoebner and Aniyeritza Velazquez filed charges with the Commission alleging violations of Title VII by Defendant U.S. Contractors.

7. All conditions precedent to the institution of this lawsuit have been fulfilled.

8. Since at least June 2001, Defendant U.S. Contractors has engaged in unlawful employment practices at a project site in Calhoun County, Texas, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. §2000e-2(a)(1) by:

- a. subjecting Elva Griffin, Lynn Stoebner, Aniyeritza Velazquez and other similarly situated females, to sexual harassment from male supervisors, co-workers, and other males on the job site;
- b. disparately discharging Elva Griffin, Anita Herriges, Lynn Stoebner, Aniyeritza Velazquez, and other similarly situated females based on their sex; and
- c. discharging Elva Griffin, Lynn Stoebner, Aniyeritza Velazquez and other similarly situated females after they complained about sex discrimination.

9. Since at least June 2001, Defendant U.S. Contractors has engaged in unlawful employment practices at a project site in Calhoun County, Texas, in violation of Section 704(a) of

Title VII, 42 U.S.C. §2000e-3(a) by:

- a. subjecting Elva Griffin to a retaliatory demotion; and
- b. discharging Elva Griffin, Anita Herriges, Lynn Stoebner, Aniyeritza Velazquez, and other similarly situated females after they complained about sex discrimination, or for otherwise participating in a protected activity under Title VII.

10. The effect of the practices complained of in paragraphs eight and nine above has been to deprive Elva Griffin, Anita Herriges, Lynn Stoebner, Aniyeritza Velazquez and other similarly situated females of equal employment opportunities and to otherwise adversely affect their status as employees, because of their sex and retaliation.

11. The unlawful employment practices complained of in paragraphs eight and nine above were and are intentional.

12. The unlawful employment practices complained of in paragraphs eight and nine above were and are done with malice or with reckless indifference to the federally protected rights of Elva Griffin, Anita Herriges, Lynn Stoebner, Aniyeritza Velazquez and other similarly situated females.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant U.S. Contractors, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in retaliation and from any other employment practice which facilitates, condones, or encourages retaliation, and from any other employment practice which discriminates on the basis of retaliation;

B. Grant a permanent injunction enjoining Defendant U.S. Contractors, its officers, successors, assigns, and all persons in active concert or participation with it, from subjecting its

of enjoyment of life, in an amount to be determined at trial;

G. Order Defendant U.S. Contractors to pay Elva Griffin, Anita Herriges, Lynn Stuebner, Aniyeritza Velazquez and other similarly situated females punitive damages for its malicious and reckless conduct described in paragraphs eight and nine above, in an amount to be determined at trial;

H. Grant such further relief as the Court deems necessary and proper in the public interest; and

I. Award the Commission its costs of this action.

JURY TRIAL DEMAND

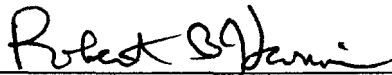
The Commission requests a jury trial on all questions of fact raised by its complaint.


Respectfully submitted,

ERIC S. DREIBAND
General Counsel

JAMES L. LEE
Deputy General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel


ROBERT B. HARWIN
Regional Attorney
District of Columbia Bar No. 076083


JUDITH G. TAYLOR
Supervisory Trial Attorney
Texas Bar No. 19708300
Federal I.D. No. 14850



DAVID C. RIVELA
Attorney-in-Charge
Texas State Bar No. 00797324
Federal I.D. No. 32914

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

San Antonio District Office
5410 Fredericksburg Rd., Ste 200
San Antonio, TX 78229-3555
Telephone: (210) 281-7619
Telecopier: (210) 281-7669

ATTORNEYS FOR PLAINTIFF

CHARACTER DISCRIMINATION

AGENCY

CHARGE NUMBER

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

FEPA
 EEOC

360A11272 - 2200

Texas Commission on Human Rights and EEOC
State or local Agency, if any

NAME (Indicate Mr., Ms., Mrs.) HOME TELEPHONE (Include Area Code)
Elva Griffin (361) 758-7522

STREET ADDRESS CITY, STATE AND ZIP CODE DATE OF BIRTH
302 W. Forrest, Victoria, TX 77902 01/01/1959

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 NUMBER OF EMPLOYEES, MEMBERS TELEPHONE (Include Area Code)
U S Contractors Inc Cat C (201-500)

STREET ADDRESS CITY, STATE AND ZIP CODE COUNTY
301 Formosa Dr., Point Comfort, TX 77978 057

NAME TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS CITY, STATE AND ZIP CODE COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es)) DATE DISCRIMINATION TOOK PLACE

RACE COLOR SEX RELIGION NATIONAL ORIGIN
 RETALIATION AGE DISABILITY OTHER (Specify)

EARLIEST LATEST
12/20/2000 03/25/2001

CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):

From on or around December 20, 2000 to on or around March 25, 2001, I was subjected to sexual and sexist comments from male Respondent officials.

On or around February 15, 2001, I was subjected to unwelcome touching of a sexual nature from one of these officials.

On or around February 16, 2001, I complained to upper management about sexual and sexist harassment.

On March 7, 2001, I was bumped down/ demoted from Foreman.

On or around March 13, 2001, I again complained to upper management about the sexual and sexist harassment.

On March 25, 2001, I was discharged. I was told that I was discharged due to a reduction in force. Males in my position were not discharged in the reduction in force.

I believe that I have been discriminated against because of my sex, female, and in retaliation for protesting harassment, both in violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.	NOTARY - (When necessary for State and Local Requirements)
I declare under penalty of perjury that the foregoing is true and correct.	I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
Date 6-29-01 Elva C. Griffin Charging Party (Signature)	SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Month, day and year)

CHARGE OF DISCRIMINATION

AGENCY

CHARGE NUMBER

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

 FEPA
 EEOC

360A11271

Texas Commission on Human Rights and EEOC
State or local Agency, if any

NAME <i>(Indicate Mr., Ms., Mrs.)</i> Anita Herriges	HOME TELEPHONE <i>(Include Area Code)</i> (979) 323-7918
---	---

STREET ADDRESS 302 W. Forrest, Victoria, TX 77902	CITY, STATE AND ZIP CODE	DATE OF BIRTH 07/09/1955
--	--------------------------	-----------------------------

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 U S Contractors Inc	NUMBER OF EMPLOYEES, MEMBERS Cat C (201-500)	TELEPHONE <i>(Include Area Code)</i>
-----------------------------	---	--------------------------------------

STREET ADDRESS 301 Formosa Dr., Point Comfort, TX 77978	CITY, STATE AND ZIP CODE	COUNTY 057
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NAME	TELEPHONE NUMBER <i>(Include Area Code)</i>
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STREET ADDRESS	CITY, STATE AND ZIP CODE	COUNTY
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CAUSE OF DISCRIMINATION BASED ON <i>(Check appropriate box(es))</i> <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER <i>(Specify)</i>	DATE DISCRIMINATION TOOK PLACE EARLIEST LATEST 04/05/2001 04/05/2001 <input type="checkbox"/> CONTINUING ACTION
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THE PARTICULARS ARE *(If additional space is needed, attach extra sheet(s)):*

On April 5, 2001, I was discharged from my position as boilermaker. I was told that I was discharged due to a reduction in force, yet a male holding the same position as I, who was hired after I was, was not discharged in the reduction in force. Males were hired in the position of boilermaker after I was discharged.

I believe that I have been discriminated against because of my sex, female, in violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.	NOTARY - (When necessary for State and Local Requirements) I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
I declare under penalty of perjury that the foregoing is true and correct.	SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Month, day and year)
Date 5-1-01	Charging Party <i>(Signature)</i> Anita D. Herriges

CHARGE OF DISCRIMINATION

AGENCY FEPA
 EEOC

CHARGE NUMBER

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

360A11299

Texas Commission on Human Rights and EEOC
State or local Agency, if any

JUL 16 2001

NAME (Indicate Mr., Ms., Mrs.) **Ms. Lynn Stuebner** HOME TELEPHONE (Include Area Code) **(361) 579-0644**
STREET ADDRESS **1505 Hood Road, Inez, TX 77968** CITY, STATE AND ZIP CODE **INEZ, TX 77968** DATE OF BIRTH **08/12/1961**

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 **U S Contractors Inc** NUMBER OF EMPLOYEES, MEMBERS **Cat D (501 +)** TELEPHONE (Include Area Code) **(361) 552-2147**
STREET ADDRESS **301 Formosa Drive, Point Comfort, TX 77978** CITY, STATE AND ZIP CODE **POINT COMFORT, TX 77978** COUNTY **057**

NAME _____ TELEPHONE NUMBER (Include Area Code) _____
STREET ADDRESS _____ CITY, STATE AND ZIP CODE _____ COUNTY _____

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))
 RACE COLOR SEX RELIGION NATIONAL ORIGIN
 RETALIATION AGE DISABILITY OTHER (Specify) _____
 DATE DISCRIMINATION TOOK PLACE
 EARLIEST **02/01/2001** LATEST **04/04/2001**
 CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):

In or around February 2001, I made an oral complaint about Joe Frank Rodriguez digging through my purse and harassing me because I was a female.

On March 27, 2001, I, and a friend of mine, complained to Speedy Wells that Severo Lopez and Joe Frank Rodriguez picked on the women that were out there. On March 30, 2001, I complained to the Human Resources department.

On April 4, 2001, I was discharged. I was told that I was discharged due to a reduction in force. Male employees were hired for jobs I was qualified to perform near the time of my termination.

I believe that I have been discriminated against because of my sex, female, and for having complained about being discriminated against, in violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.	NOTARY - (When necessary for State and Local Requirements) I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
I declare under penalty of perjury that the foregoing is true and correct.	SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Month, day and year)

Date **7-11-01** *Lynn Stuebner*
 Charging Party (Signature)

CHARGE DISCRIMINATION

AGENCY

CHARGE NUMBER

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

 FEPA
 EEOC

360A11300

Texas Commission on Human Rights
State or local Agency, if anyand EEOC **16 2000**NAME (Indicate Mr., Ms., Mrs.) /
Ms. Aniyerita VelazquezHOME TELEPHONE (Include Area Code)
(361) 553-5810STREET ADDRESS CITY, STATE AND ZIP CODE
409 Bauer Drive, Apt. #2, Port Lavaca, TX 77979DATE OF BIRTH
04/16/1962NAMED 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
U S Contractors IncNUMBER OF EMPLOYEES, MEMBERS
Cat D (501 +)TELEPHONE (Include Area Code)
(361) 552-2147STREET ADDRESS CITY, STATE AND ZIP CODE
301 Formosa Drive, Point Comfort, TX 77978COUNTY
057

NAME TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))
 RACE COLOR SEX RELIGION NATIONAL ORIGIN
 RETALIATION AGE DISABILITY OTHER (Specify)
Equal PayDATE DISCRIMINATION TOOK PLACE
EARLIEST LATEST
12/27/2000 03/25/2001
 CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):

From on or about December 27, 2000 to on or about March 25, 2001, I was subjected sexual and sexist comments.

Although I complained to the General Foreman that I felt that I was being discriminated against, the comments still continued and the General Foreman would still not let me do certain jobs because there were too many men.

On March 19, 2001, I took and passed the boilermaker test and was given a raise to \$11.36 per hour. Other employees who passed the boilermaker test were usually started at \$12.20 per hour. Male employees would receive raises without having to take the boilermaker test.

On March 25, 2001, I was discharged. I was told that I was discharged due to a reduction in force. After my termination, my job responsibilities were fulfilled by male employees hired around the time that I was discharged.

I believe that I have been discriminated against because of my sex, female, and for having complained to management about their practices which I considered to be discriminatory, in violation of the Equal Pay Act, and Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - (When necessary for State and Local Requirements)

I declare under penalty of perjury that the foregoing is true and correct.

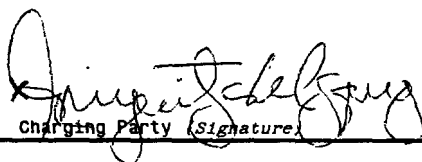
I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

Date

* 7-11-01

Charging Party (Signature)

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(Month, day and year)



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
San Antonio District Office

5410 Fredericksburg Road, Suite 200
San Antonio, TX 78229-3555
(210) 281-7600
TTY (210) 281-7610
FAX (210) 281-2512

Charge No.: 360 A1 1272

Elva Griffin
c/o William L. Sciba, III
Cole, Cole & Easley, P.C.
302 West Forrest, P.O. Drawer 510
Victoria, Texas 77902-0510

Charging Party

U.S. Contractors, Inc.
301 Formosa Drive
Point Comfort, Texas 77978

Respondent

DETERMINATION

I issue the following determination on the merits of this charge.

Respondent is an employer within the meaning of Title VII of the Civil Rights Act of 1964, as amended (Title VII), and timeliness, and all other requirements for coverage have been met.

Charging Party alleged that she was discriminated against because of her sex, female, in violation of Title VII of the Civil Rights Act of 1964, as amended, in that she was subjected to sexist and sexual comments from management, as well as inappropriate physical contact. Charging Party further alleged that she complained about the harassment and no action was taken, and instead she was demoted and discharged as a result of her complaints.

Respondent contends that it has no record of Charging Party making any such complaints, and that she was demoted because her work performance deteriorated. Respondent also stated that the Charging Party was laid off as a result of a reduction in workforce, and it retained the best qualified employees, regardless of gender.

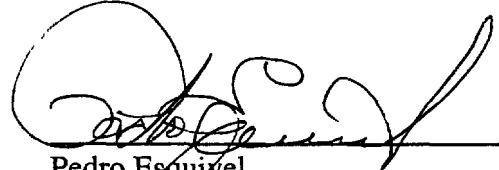
Examination of the evidence indicates that the Charging Party complained to Respondent's management about sexist comments and sexual harassment on several occasions. Shortly after her initial complaints, the Charging Party was demoted. A few days after her demotion, Charging Party complained again about the on-going harassment, and less than two weeks later, her employment was terminated. Additionally, the Respondent failed to provide evidence to show that the male employees retained were better qualified than the Charging Party.

Based on the evidence obtained, there is reasonable cause to believe Respondent discriminated against the Charging Party, and a class of females because of their sex, in that they were subjected to sexist comments, and sexual harassment. There is also reasonable cause to believe Respondent discriminated against the Charging Party and a class of females because of their sex, and because they complained about discrimination, in that their employment was terminated. Evidence further shows that there is reasonable cause to believe that the Charging Party was also retaliated against for having participated in protected activity, in that she was demoted.

Upon finding that there is reason to believe that violations have occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, the Commission now invites the parties to join with it in reaching a just resolution of this matter. The confidentiality provisions of Title VII and Commission Regulations apply to information obtained during conciliation.

If the Respondent declines to discuss settlement or when, for any other reason, a settlement acceptable to the office Director is not obtained, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission. A Commission representative will contact each party in the near future to begin conciliation.

Sincerely,



Pedro Esquivel
District Director

January 16, 2003
Date



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
San Antonio District Office

5410 Fredericksburg Road, Suite 200
San Antonio, TX 78229-3555
(210) 281-7600
TTY (210) 281-7610
FAX (210) 281-2512

Charge No.: 360 A1 1271

Anita Herriges
c/o William L. Sciba, III
Cole, Cole & Easley, P.C.
302 West Forrest, P.O. Drawer 510
Victoria, Texas 77902-0510

Charging Party

U.S. Contractors, Inc.
301 Formosa Drive
Point Comfort, Texas 77978

Respondent

DETERMINATION

I issue the following determination on the merits of this charge.

Respondent is an employer within the meaning of Title VII of the Civil Rights Act of 1964, as amended (Title VII), and timeliness, and all other requirements for coverage have been met.

Charging Party alleged that she was discriminated against because of her sex, female, in violation of Title VII of the Civil Rights Act of 1964, as amended, in that she was discharged.

Examination of the evidence indicates that the Charging Party was laid off from her position as boiler maker. Respondent stated that the best qualified employees were retained, regardless of gender. However, the Respondent failed to show that the male employees retained were better qualified than the Charging Party.

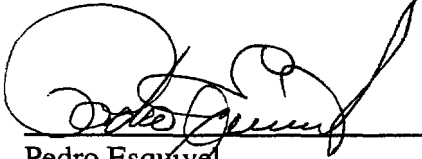
Based on the evidence obtained, there is reasonable cause to believe Respondent discriminated against the Charging Party, and a class of females because of their sex, in that their employment was terminated.

Upon finding that there is reason to believe that violations have occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, the Commission now invites the parties to join with it in reaching a just resolution of this matter. The confidentiality provisions of Title VII and Commission Regulations apply to information obtained during conciliation.

Charge No.: 360 A1 1271
Page 2 of 2

If the Respondent declines to discuss settlement or when, for any other reason, a settlement acceptable to the office Director is not obtained, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission. A Commission representative will contact each party in the near future to begin conciliation.

Sincerely,



A handwritten signature in black ink, appearing to read "Pedro Esquivel", is written over a horizontal line.

Pedro Esquivel
District Director

January 16, 2003
Date



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
San Antonio District Office

5410 Fredericksburg Road, Suite 200
San Antonio, TX 78229-3555
(210) 281-7600
TTY (210) 281-7610
FAX (210) 281-2512

Charge No.: 360 A1 1299

Lynn Stuebner
c/o William L. Sciba, III
Cole, Cole & Easley, P.C.
302 West Forrest, P.O. Drawer 510
Victoria, Texas 77902-0510

Charging Party

U.S. Contractors, Inc.
301 Formosa Drive
Point Comfort, Texas 77978

Respondent

DETERMINATION

I issue the following determination on the merits of this charge.

Respondent is an employer within the meaning of Title VII of the Civil Rights Act of 1964, as amended (Title VII), and timeliness, and all other requirements for coverage have been met.

Charging Party alleged that she was discriminated against because of her sex, female, in violation of Title VII of the Civil Rights Act of 1964, as amended, in that she was subjected to harassment because of her sex. Charging Party further alleged that she complained about the harassment and no action was taken, and instead she was discharged as a result of her complaints.

Respondent contends that it has no record of Charging Party making any such complaints, and that she was laid off as a result of a reduction in workforce, and it retained the best qualified employees, regardless of gender.

Examination of the evidence corroborates that the Charging Party complained to Respondent's management about harassment based on her sex. The last time she complained about the harassment was in March of 2001 and less than one week later her employment was terminated. Additionally, Respondent failed to show that the male employees retained were better qualified than the Charging Party.

Based on the evidence obtained, there is reasonable cause to believe Respondent discriminated against the Charging Party, and a class of females because of their sex, in that they were subjected to sex harassment. There is also reasonable cause to believe Respondent discriminated against the Charging Party, and a class of females because of their sex, and because they complained about discrimination, in that their employment was terminated.

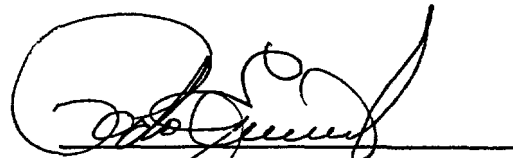
Charge No.: 360 A1 1299

Page 2 of 2

Upon finding that there is reason to believe that violations have occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, the Commission now invites the parties to join with it in reaching a just resolution of this matter. The confidentiality provisions of Title VII and Commission Regulations apply to information obtained during conciliation.

If the Respondent declines to discuss settlement or when, for any other reason, a settlement acceptable to the office Director is not obtained, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission. A Commission representative will contact each party in the near future to begin conciliation.

Sincerely,



Pedro Esquivel
District Director

January 16, 2003
Date



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
San Antonio District Office

5410 Fredericksburg Road, Suite 200
San Antonio, TX 78229-3555
(210) 281-7600
TTY (210) 281-7610
FAX (210) 281-2512

Charge No.: 360 A1 1300

Aniyeritza Velasquez
c/o William L. Sciba, III
Cole, Cole & Easley, P.C.
302 West Forrest, P.O. Drawer 510
Victoria, Texas 77902-0510

Charging Party

U.S. Contractors, Inc.
301 Formosa Drive
Point Comfort, Texas 77978

Respondent

DETERMINATION

I issue the following determination on the merits of this charge.

Respondent is an employer within the meaning of Title VII of the Civil Rights Act of 1964, as amended (Title VII), and timeliness, and all other requirements for coverage have been met.

Charging Party alleged that she was discriminated against because of her sex, female, in violation of Title VII of the Civil Rights Act of 1964, as amended, in that she was subjected to sexist and sexual comments. Charging Party further alleged that she complained about the harassment and no action was taken. Instead she was not given the same pay raise given to males for passing the boiler maker test, she was not assigned to the same duties as males, and her employment was terminated.

Respondent contends that it has no record of Charging Party making any such complaints, and that she was laid off as a result of a reduction in workforce, and it retained the best qualified employees, regardless of gender.

Examination of the evidence indicates that the Charging Party complained to Respondent's management about sexist comments and sexual harassment. Shortly after her complaints, the Charging Party's employment was terminated. Additionally, the Respondent failed to provide evidence to show that the male employees retained were better qualified than the Charging Party.

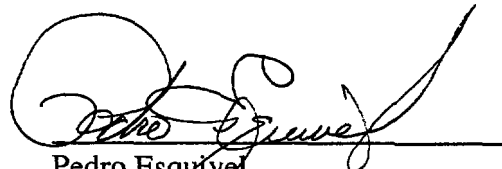
Based on the evidence obtained, there is reasonable cause to believe Respondent discriminated against the Charging Party, and a class of females because of their sex, in that they were subjected to sexist comments, and sexual harassment. There is also reasonable cause to believe Respondent discriminated against the Charging Party and a class of females because of their sex, and because they complained about discrimination, in that their employment was terminated.

Charge No.: 360 A1 1300
Page 2 of 2

Upon finding that there is reason to believe that violations have occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, the Commission now invites the parties to join with it in reaching a just resolution of this matter. The confidentiality provisions of Title VII and Commission Regulations apply to information obtained during conciliation.

If the Respondent declines to discuss settlement or when, for any other reason, a settlement acceptable to the office Director is not obtained, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission. A Commission representative will contact each party in the near future to begin conciliation.

Sincerely,



Pedro Esquivel
District Director

January 16, 2003
Date