

- **EEOC v. Recon Refractory & Construction, Inc.**
No. CV04-6078-DDP (CTx) (C.D. Cal. Oct. 27, 2005)

The Los Angeles District Office alleged in its Title VII complaint that defendant failed to hire women as laborers for a 2-month British Petroleum turnaround project at defendant's Carson, California oil refinery. Defendant advertised for 300 laborer positions starting January 15, 2003, stating in the ad that refractory experience was helpful but not necessary. Charging party applied for a position through a referral from the United States Veterans Initiative. She successfully completed all prerequisite training, testing, and physical exams, but on January 6, 2003, was told by a United States Veterans job developer that he had been informed by defendant's hiring official for the project that defendant was not hiring any women. A temporary employee working under defendant's hiring official told the Commission that the hiring official said that defendant would not be hiring women because it did not get the contract for the fire watch position, a subcategory of laborers for which defendant normally hired only women. Defendant did not hire any women for laborer positions on the project.

Under the 18-month consent decree resolving this case, charging party and similarly-situated rejected female applicants will receive \$165,000 in monetary relief to be divided amongst them at EEOC's discretion. The decree enjoins defendant from discriminating against women in hiring and requires it to increase diversity in its workforce by undertaking recruiting activities and hiring practices to promote equal opportunities for women. The decree sets goals for hiring women into laborer positions at the greater of: (1) 13.6%, (2) the industry standard, or (3) the qualified female applicant flow. For projects with fewer than 100 employees, defendant is required to submit monthly reports which include information on applicants and hires, by gender, and explain why hiring goals were not met. For projects with more than 100 employees that include more than 50 laborers, defendant is required to hire Progressive Management Resources as a consultant, with responsibility for developing and implementing nondiscriminatory recruiting, screening, and hiring procedures; developing an applicant log and recordkeeping procedures; maintaining all application and selection documents; and otherwise insuring compliance with the consent decree and Title VII.