

- **EEOC v. Lithia Subaru of Oregon City**

No. 041361AS (D. Ore. March 3, 2006)

The Seattle District Office filed this Title VII lawsuit alleging that defendant, a car dealership in Oregon City, Oregon, subjected a charging party to a hostile work environment based on his national origin (Iranian) and religion (Islam), and discharged him because of his national origin and religion and in retaliation for complaining about the harassment. The complaint also alleged that defendant terminated a second CP for objecting to the treatment of minority employees in the workplace.

In February 2002 defendant acquired the Subaru dealership where both charging parties worked as sales representatives. The new General Manager (GM) and a recently promoted General Sales Manager (GSM) subjected the first CP to a daily barrage of slurs (calling him "terrorist," "sand nigger," and "camel jockey"). Defendant promoted the second CP to Floor Manager on September 1, 2002. Both before and after his promotion, he complained to the GM about the treatment of minorities in the workplace, particularly the treatment of the first CP. Defendant demoted the second CP back into a sales position on October 11, 2002. A week later, he handed the GM and GSM a letter reiterating his concerns about the hostile work environment and mentioning the behavior of the GSM and another salesman. Two days later he sent a similar letter to an executive of defendant's parent company, Lithia Motors. Shortly thereafter, defendant gave the second CP a disciplinary notice claiming he had made racist comments, and then terminated him on November 25. Meanwhile, the first CP had an argument with an employee who had been harassing him and both men were disciplined. On December 15, 2002, the first CP sent a letter to Lithia management complaining of harassment. On December 23, defendant disciplined CP for allegedly failing to follow consumer policy, and on January 3, 2003, ordered him to resign or be fired.

The San Francisco District Office resolved this case through a 3-year consent decree providing that the two CPs will share \$360,000 in monetary relief. Defendant will provide each CP with a reference letter stating that he "performed satisfactorily." The decree enjoins defendant from discriminating against employees and applicants in violation of Title VII. Defendant will adopt procedures for promptly investigating and providing redress for complaints of discrimination. It will designate management employees responsible for investigating discrimination complaints and post their names and contact information. Defendant also will place a Complaints Box in a nonmanagerial area of the facility and the designated management employees will gather complaints from the Complaints Box.