

- **EEOC v. Imclone Systems, Inc.**

No. 04-06218 (GEB) (D.N.J. May 25, 2005)

The Philadelphia District Office filed a Title VII suit alleging that Imclone Systems, a bio-pharmaceutical company, subjected charging party, a black man, to harsher terms and conditions of employment than whites, and retaliated against him for complaining. Charging party worked for defendant for a month as a temporary facility technician before accepting a transfer into a permanent utilities operator position in another building. The permanent position required 8 weeks of training, which would qualify him for a higher level license. The white senior utilities operator responsible for training charging party referred to him as "the black man," spoke to him in a demeaning manner, yelled at him, and told him he was treating him more harshly than nonminorities because he was a minority. Charging party complained to one of respondent's vice presidents. Defendant investigated, found that the above conduct violated its policies, and took disciplinary action against the trainer. However, defendant then transferred charging party back into his original temporary position and a few months later terminated him when a full-time facility technician returned from medical leave. On the same day charging party was terminated, respondent hired a nonblack temporary employee with less experience than charging party into a full-time permanent facility technician position, and a month later hired a nonblack employee into the position for which charging party had been training before he complained.

The parties entered into a 2-year consent decree resolving this case under which charging party will receive \$85,000 in monetary relief. The decree provides that defendant will not engage in practices that discriminate based on race under Title VII or that are retaliatory under Title VII.