

The U.S. Equal Employment Opportunity Commission

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CONTACT: Patricia Bivins
District Director
(504) 589-3842

Keith T. Hill
Regional Attorney
(504) 589-3844

TTY: (504) 589-2958

or

Colin Reed
General Counsel-TIC
(970) 879-2561, ext 3774

EEOC and TIC the Industrial Company Settle Discrimination Lawsuit

African-Americans to Benefit from Consent Decree

NEW ORLEANS The U.S. Equal Employment Opportunity Commission (EEOC) and TIC The Industrial Company (TIC) today announced the entry of a \$2,500,000 settlement of a class racial discrimination lawsuit filed against the Steamboat Springs, Colorado-based industrial construction company (EEOC v. TIC The Industrial Company, C.A. No. 01-1776, E.D. La). The settlement, by Consent Decree, was approved by U.S. District Court Judge Lance Africk. The EEOC's lawsuit alleged that TIC violated Title VII of the Civil Rights Act of 1964 by failing to recruit and hire African-Americans into construction positions. TIC has denied the allegations made by the EEOC.

Under the terms of the Consent Decree, TIC specifically denied any wrongdoing, but agreed to enter into the Consent Decree to avoid protracted litigation. The Consent Decree provides for TIC to pay \$2,300,000 in damages to be allocated to African-Americans who unsuccessfully applied for work as construction workers with TIC between January 1, 1994, and November 30, 2002. In addition, TIC will pay \$200,000 to establish a Minority Development Program. This program is intended by TIC to benefit African-Americans by preparing them for employment in construction positions. The program will include the distribution of funds to facilitate educational and employment opportunities for prospective TIC employees.

TIC also agreed to continue rigorous enforcement of its existing policies prohibiting discrimination and to provide mandatory training to supervisors concerning the avoidance of racial discrimination and hiring. The term of the Consent Decree is three years. "The issues raised in this lawsuit are extremely important and go to the heart of the federal anti-discrimination laws," said Keith Hill, Regional Attorney of the EEOC's New Orleans District Office. "It is fundamental to the notion of equal employment opportunity that all candidates be considered for a job based on their qualifications and without regard to race or any other illegitimate basis. During the next three years, the EEOC will work with TIC to ensure that the procedures put in place by this Consent Decree will be administered properly." Gary McKenzie, President of TIC, said, "Under this agreement, TIC will supplement its already extensive diversity training program, which is one of the principal elements of the commitment to diversity within our company. We appreciate the EEOC's attitude and cooperation in working with us to achieve an agreement that helps us achieve our goal in increasing participation of African-Americans

in the construction industry and in our workforce in particular. TIC does not and will not tolerate discrimination in its workplace on the basis of race. While we continue to deny the EEOC's allegations, we feel this settlement is in the best interest of all involved."

In addition to enforcing Title VII, which prohibits employment discrimination based on race, color, religion, sex (including sexual harassment or pregnancy) or national origin and protects employees who complain about such offenses from retaliation, the EEOC enforces the Age Discrimination in Employment Act of 1967, which protects workers age 40 and older from discrimination based on age; the Equal Pay Act of 1963, which prohibits gender-based wage discrimination; the Rehabilitation Act of 1973, which prohibits employment discrimination against people with disabilities in the federal sector; Title I of the Americans with Disabilities Act, which prohibits employment discrimination against people with disabilities in the private sector and state and local governments; and sections of the Civil Rights Act of 1991. Further information about the Commission is available on the agency's website at www.eeoc.gov.

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