

- **EEOC v. Commercial Coating Services, Inc.**

No. H-03-3984 (S.D. Tex. March 21, 2006)

The Houston District Office filed this Title VII case alleging that defendant, a Conroe, Texas company that coats pipes and provides other services in the oil industry, subjected charging party a sandblaster to harassment and constructively discharged him because of his race, African-American, and color, black. Defendant hired CP as a temporary laborer in May 2002 and promoted him to permanent status in September 2002. He worked for several months on a crew with no other blacks. His supervisor and coworkers subjected him to racial slurs, including regularly calling him "nigger." CP complained about his treatment to his supervisor and asked to be referred to by his first name, but the supervisor took no corrective action and the conduct continued. Thereafter, CP asked to transfer to another crew. Although defendant routinely approved transfer requests by non-African-American employees without delay, CP's request was put on hold. On October 17, 2002, a white coworker, removed a noose made out of heavy shop rope and hanging on an equipment hook in plain view - and threw it around CP's neck when he entered the restroom. The noose tightened in the scuffle that ensued. CP's supervisor broke up scuffle, and cautioned CP and the white coworker about "horseplay." He took no corrective action and made no written report at the time. On October 24, 2002, the production manager, who had learned about the noose incident, instructed CP's supervisor to write a report about the incident and allowed him to backdate it to October 17. The production manager also terminated the white coworker for violating defendant's safety policy. (The coworker subsequently served 9 months in jail for misdemeanor assault.) CP quit his job on October 31, after being unsatisfied with defendant's response to his harassment complaint.

CP, who intervened in EEOC's suit, will receive \$1 million in monetary relief and a written apology from defendant's President or CEO under the 4-year consent decree resolving this lawsuit. Defendant also will plant or designate a tree on its property in Conroe, Texas, in honor of CP's employment. Defendant cannot reveal any information about CP to potential employers except for his date of hire, separation, job title, compensation, and "a recommendation letter that shall honestly detail [CP's] work performance and his work ethic." Defendant is required to discipline the supervisors and foremen who harassed CP or were aware of the harassment and failed to take corrective action. Defendant is prohibited from employing four identified individuals and from allowing them to remain on its premises. The decree permanently enjoins defendant from engaging in race discrimination or racial harassment or intimidation. The decree also requires defendant to make good faith efforts to recruit qualified black applicants, and it must report annually to EEOC on the racial breakdown of its employees and on how it has improved its recruitment of black applicants. Defendant is required to maintain a procedure for reporting racial harassment and retaliation complaints consisting of: (1) a simple and reliable reporting mechanism; (2) prompt investigation; (3) written findings and recommendations; (4) prompt communication of the findings and recommendations to the complainant; (5) appropriate remedial action; and (6) assurances that complainants will not be subjected to intimidation, harassment, or retaliation.