



Date: May, 2004

ADA - EEOC - FMLA - FLSA
OSHA - Sexual Harassment
World's Comp - WPA
COBRA - IRCA - NLRB

The Focus

A Compliance Check Newsletter

EEOC and Barber Auto Settle Bias Lawsuit

Sacramento - The U.S. Equal Employment Opportunity Commission (EEOC) announced a \$550,000 settlement with Barber Dodge and Fairfield Toyota. This resolves a federal lawsuit that alleged constant harassment of seven employees between June and December 2000, with name-calling such as "terrorists" and "thieves" and public derision of their Afghani national origin, dark skin color and Muslim faith. The suit also raised charges of constructive discharge and retaliation.

The dealerships will pay the seven former employees \$550,000, and will conduct training to prevent future discrimination, revise anti-discrimination policies and implement an effective complaint procedure.

"Strikingly, this behavior all occurred prior to 9-11 but around the time when bin Laden and Afghanistan were in the news related to other terrorist incidents," stated EEOC Regional Attorney William Tamayo. "This case together with another EEOC case settled last March for \$1.1 million, involving harassment of Muslim Pakistani steel workers reveals that Middle Easterners and Muslims have been the targets of discrimination for quite some time."

"EEOC District Director H. Joan Ehrlich commented, "It is our hope that the public and particularly the Middle Eastern, Muslim, and South Asian communities understand that the EEOC takes cases of national origin bias and religious discrimination very seriously, and will not hesitate to sue employers who have allowed such behavior to infect their workforce."

The Focus

Siemens Building Technologies Agrees to Pay Employees \$1.2 Million in Alleged Unpaid Overtime

SEATTLE—Siemens Building Technologies, Inc., has agreed to pay 52 employees \$1,204,203 in overtime back wages for alleged violations of the Fair Labor Standards Act (FLSA).

“The Department of Labor is committed to ensuring that workers are paid correctly for all hours worked and for overtime compensation as required under federal law,” said Secretary of Labor Elaine L. Chao. “Through the Department of Labor’s determined efforts more than \$212 million in back wages were recovered for American workers last year.”

Siemens Building Technologies, with corporate offices in Buffalo Grove, Ill., provides design, installation and service and testing of building controls and energy service systems.

The department’s Wage and Hour Division determined that the employer failed to pay non-exempt hourly paid engineering specialists for hours worked over 40 in a workweek. The department also found the company failed to pay overtime to three non-exempt, salaried general engineers and did not maintain complete records for them. Siemens fully cooperated in the efforts to resolve this matter to ensure appropriate back wage pay for the alleged violations and assured future compliance.

The investigation covered the period from Oct. 1, 2001 until Oct. 1, 2003.

DOL Statistics

The WHD recovered more than \$212 million in back wages in fiscal year (FY) 2003, a 21 percent increase over the record setting amount of FY 2002. Average days to resolve a complaint decreased in FY 2003 from 129 days to 108 days. WHD assessed employers nearly \$10 million in civil money penalties in FY 2003.