
Fight Hiring Bias

A Data-Driven Approach to Diversity Hiring

Presented for



Robert Blizinski
Asst. Superintendent/VP Human Resources
Pasadena Area Community College District

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Purpose of the Workshop

Advise

Understanding is the key to mitigating

Review

Examples of Blind Hiring processes

Explain

Federal and State Nondiscrimination laws and regulations that protect against discrimination and harassment in hiring and employment in the context of the community college setting.

Predict

The value of data-driven inquiry



bi·as

/ˈbiːəs/ 

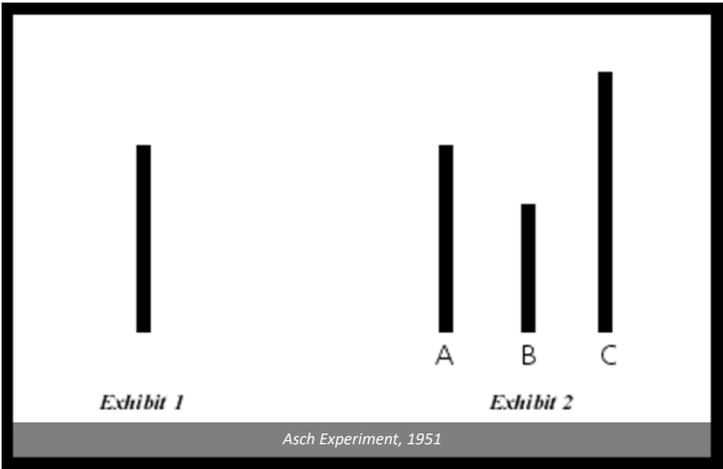
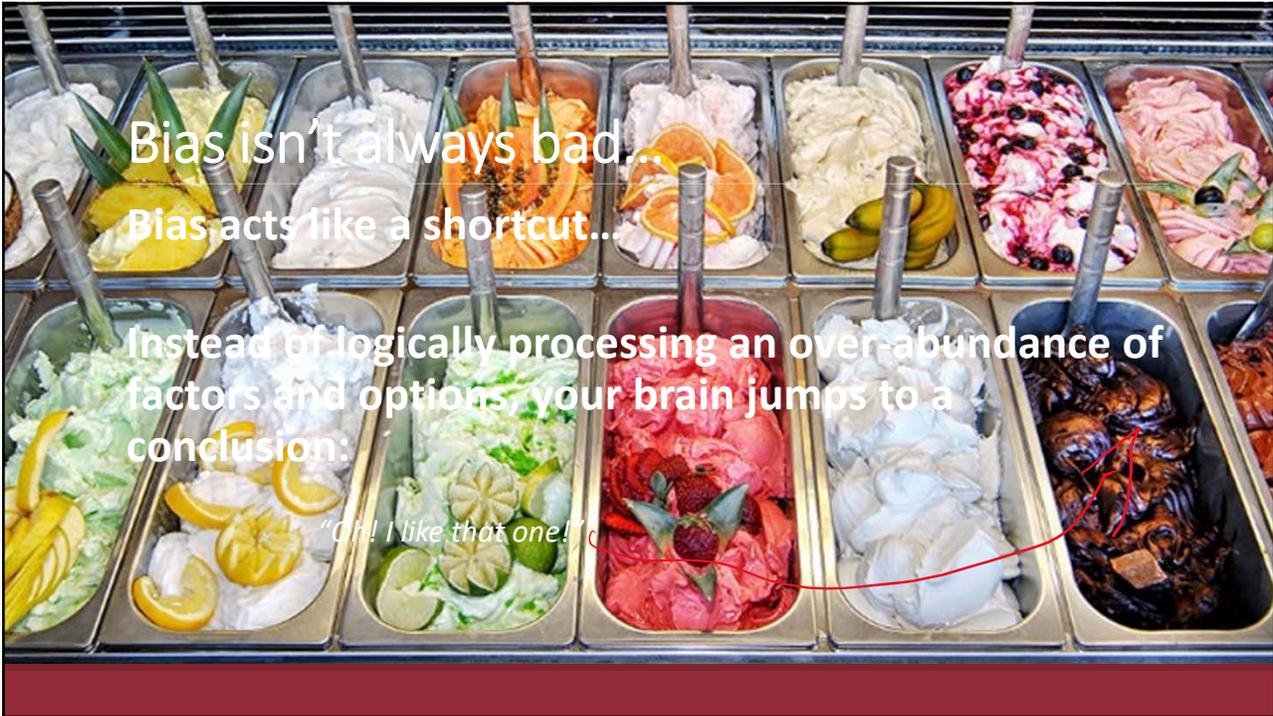
noun

1. prejudice in favor of or against one thing, person, or group compared with another, usually in a way considered to be unfair.
"there was evidence of bias against foreign applicants"
synonyms: [prejudice](#), [partiality](#), [partisanship](#), [favoritism](#), [unfairness](#), [one-sidedness](#);
2. in some sports, such as lawn bowling, the irregular shape given to a ball.

verb

1. cause to feel or show inclination or prejudice for or against someone or something.
"readers said the paper was biased toward the conservatives"
synonyms: [prejudice](#), [influence](#), [color](#), [sway](#), [weight](#), [predispose](#); [More](#)
2. give a bias to.
"bias the ball"





Conformity Bias

In a famous social-psychology study, a group of people were asked to look at the picture on the left and say which line in Exhibit 2 matches the line in Exhibit 1.

All but one participant was told to give the wrong answer.

That one participant was the last to answer.

On average, about one-third (32%) of the participants who were placed in this situation **conformed**, giving a clearly incorrect answer.

Affinity Bias

Affinity bias occurs when we see someone we feel we have an affinity with.

We attended the same college, we grew up in the same town, or they remind us of someone we know and like.

When interacting with someone we feel we have some affinity with, we may smile more, offer more words of encouragement, etc.



Similarity Bias

People naturally want to surround themselves with people they feel are similar.

We are inclined to want to work more with people who are like us.

In terms of campus interactions, that may mean that we are more open to interacting with individuals we see parts of ourselves in.



Unconscious bias

Unconscious bias refers to a bias that we are **unaware of**, and which happens **outside of our control**.



Unconscious bias

It is a bias that happens automatically and is triggered by our brain making quick judgments and assessments of people and situations, influenced by our background, cultural environment, and personal experiences.



dis·crim·i·na·tion

noun

the unjust or prejudicial treatment of different categories of people or things, especially on the grounds of race, age, or sex.



ha·rass·ment

/hə'rasmənt, 'herəsmənt/

noun

1. aggressive pressure or intimidation on the basis of race, age, or sex.



Redact Hiring Bias

PASADENA CITY COLLEGE PROCESSES

Best Practice for Diversity



What is diversity hiring? A diversity hiring is hiring based on merit with special care taken to ensure procedures have **reduced biases** related to a candidate's age, race, gender, religion, sexual orientation, and other personal characteristics that are unrelated to their job performance.



Philosophy

Redacted (blind) screening may level the playing field for all qualified candidates and can increase workplace diversity by allowing selection committee members to be more **objective** when evaluating a candidate's skills, knowledge, and potential to succeed, free from biases of the candidate's race, gender, age, and education level.

The goal is to extend interview invites based on qualifications related to the job and not based on potential biases of committee members.



Bias Avoidance

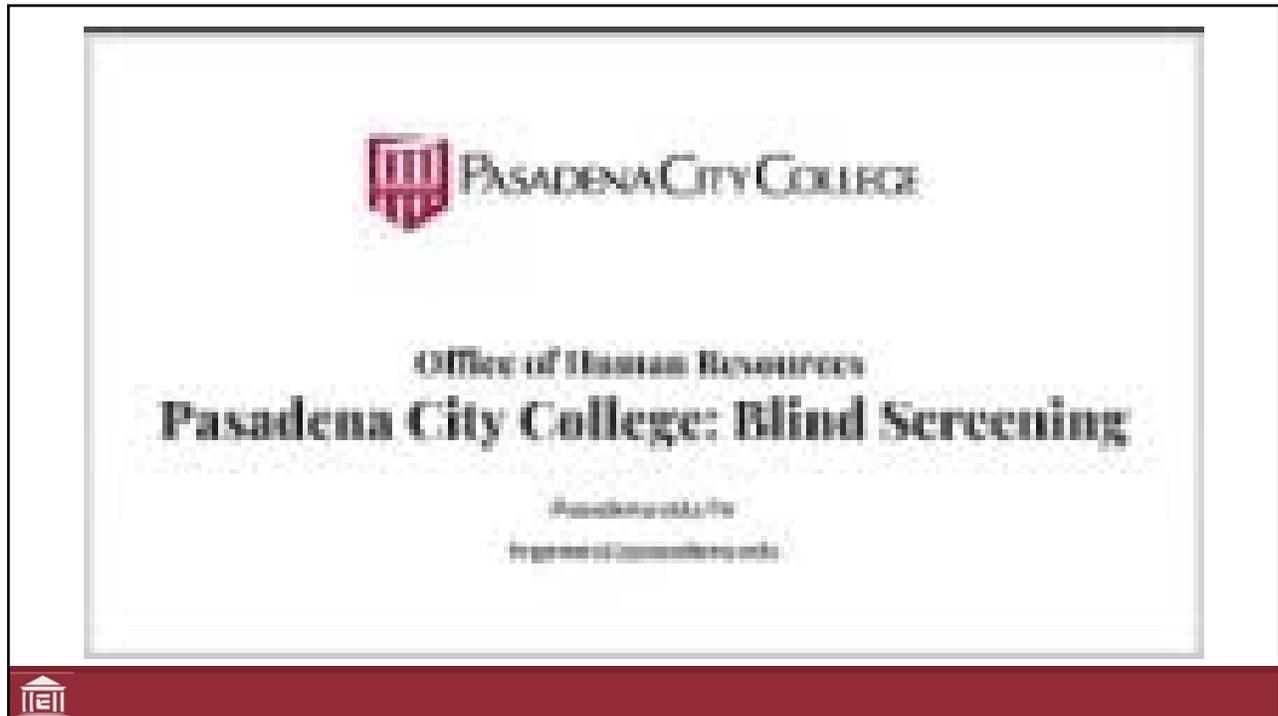
Gender bias...

- A 2014 study published in the Proceedings of the National Academy of Sciences found that managers of both sexes were twice as likely to hire a man as a woman.

What's in a name...

- Resumes with "white-sounding" names (the study suggests "Emily Walsh" and "Greg Baker") got nearly 50 percent more callbacks than those with "black-sounding" names (the study suggests "Lakisha Washington" and "Jamal Jones")





Redacted Screening

List of items redacted:

- Applicant Name
- Former Last Name
- Address
- Phone
- Email
- Date of Birth
- Driver's License Number
- SSN
- School Name
- Education Start and End Date and/or Graduation Date



Redacted Screening

Possible Disadvantages

- Of course, nothing is perfect and redacted recruitment is no exception. The practice certainly has its limitations which may decrease its value in the workplace. One possible disadvantage could be a **Delay in discrimination.**
- It is likely that a candidate will be interviewed face-to-face at some point through the recruitment process. While blind recruitment is an excellent method to reduce initial discrimination, it could actually simply delay it, reducing its effectiveness.



Selection Advisory Committee

Competency based interviews. Based on the position, core competencies are identified.

Committee of 10 is divided into three groups focused on asking the candidate competency based questions that they have developed

The goal of splitting up the committee is two-fold

- For each group to focus on the competencies they are assigned
- To reduce any potential group think which may affect scoring



Overview of Laws Prohibiting Discrimination and Harassment



Laws to Prevent Discrimination and Harassment

(Non-exhaustive list)

- Age Discrimination in Employment Act of 1967 (29 U.S.C. § 621.)
- Americans With Disabilities Act (ADA) (42 U.S.C. § 12101 et seq.)
- Americans With Disabilities Amendments Act of 2008 (ADAAA) (Id.)
- California Code of Regulations, Title 5 §§ 53000; 59300 et seq.
- California Education Code (§§ 66250 et seq; 72010 et seq; 87100 et seq.)
- California Fair Employment and Housing Act
- Privacy Laws
- Equal Pay Act (Labor Code § 1197.5; 29 U.S.C. § 206(d).)
- Fair Employment and Housing Act (Cal. Govt. Code § 12900 et seq.)
- Genetic Information Nondiscrimination Act (42 U.S.C. § 2000ff et seq.)
- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.)
- Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e et seq.)
- Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.)
- Workers' Compensation (Cal. Lab. Code § 3200 et seq.)
- Unruh Civil Rights Act (Cal. Civil Code § 51 et seq.)

Purpose of These Laws

The principal purpose of these laws is to **discourage** unwelcome conduct and behavior which **interferes** with another persons rights on the basis of their protected characteristics.



How the Laws Work

Generally, nondiscrimination laws approach the issue of discrimination by exercising the government's spending power as follows:

- A class of persons to be protected is established;
- Certain acts or omissions related to the protected class are banned; and
- Civil penalties or Government funding is linked to compliance with the law.



Equal Pay Act of 1963

Congress passed the Equal Pay Act of 1963 to protect men and women who perform substantially equal work in the same establishment from sex-based wage discrimination.



Title VII of the Federal Civil Rights Act

Prohibits discrimination under any program or activity receiving Federal financial assistance on the ground of **race, color, or national origin.**

(42 U.S.C. § 2000d.)



Title VII

- ▶ Authorizes the defunding of institutions that received federal funds in the event of a violation
- ▶ Aggrieved individuals may file administrative complaints with the federal agency that provides funds to a recipient, or the individuals may file suit for appropriate relief in federal court.

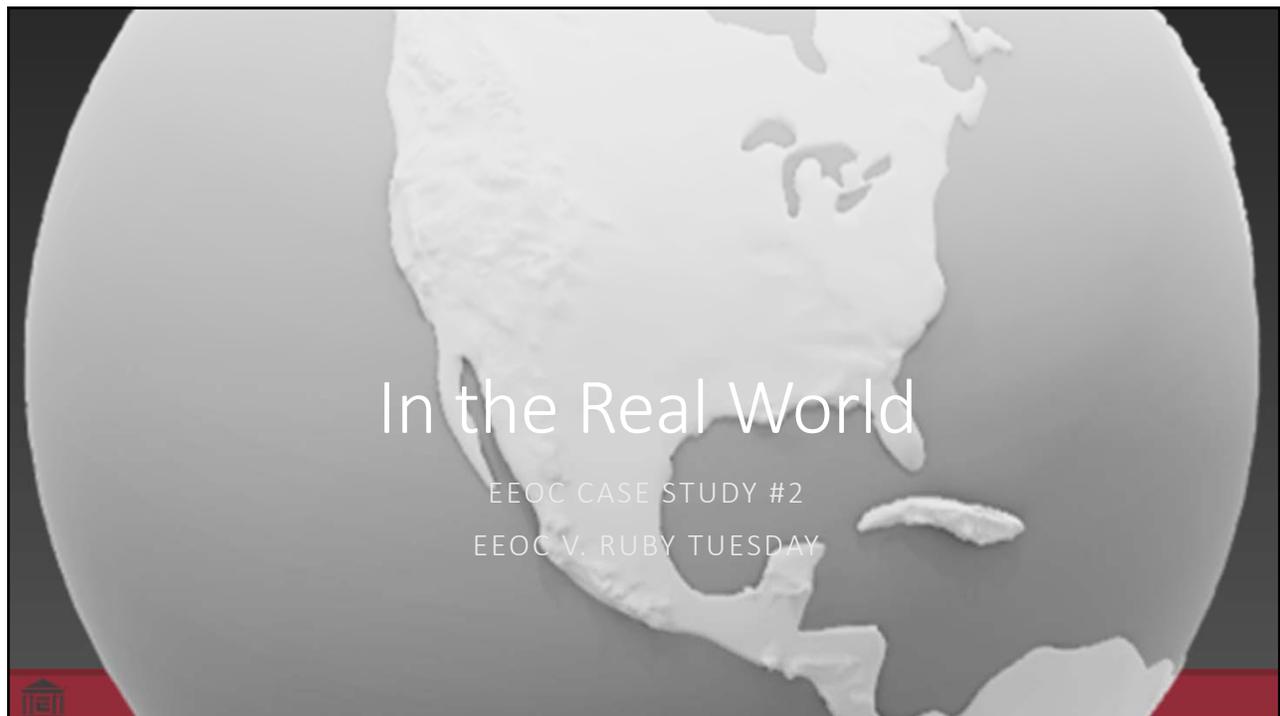
(*Motley v. Tractor Supply Co.*, 32 F. Supp. 2d 1026, 1056 (S.D. Ind. 1998).)



ADEA

The Age Discrimination in Employment Act of 1967 (ADEA) Prohibits discrimination or denial of benefits on the basis of **age** in any program or activity receiving Federal financial assistance.

(42 U.S.C. § 6101)



Title IX (Education Amendments of 1972)

Prohibits discrimination in any education program or activity receiving Federal financial assistance on the **basis of sex.**

(20 U.S.C. § 1681.)

Applicable only to educational institutions.

Links funding of all federal grants, loans, and contracts to compliance. (20 U.S.C. § 1682)



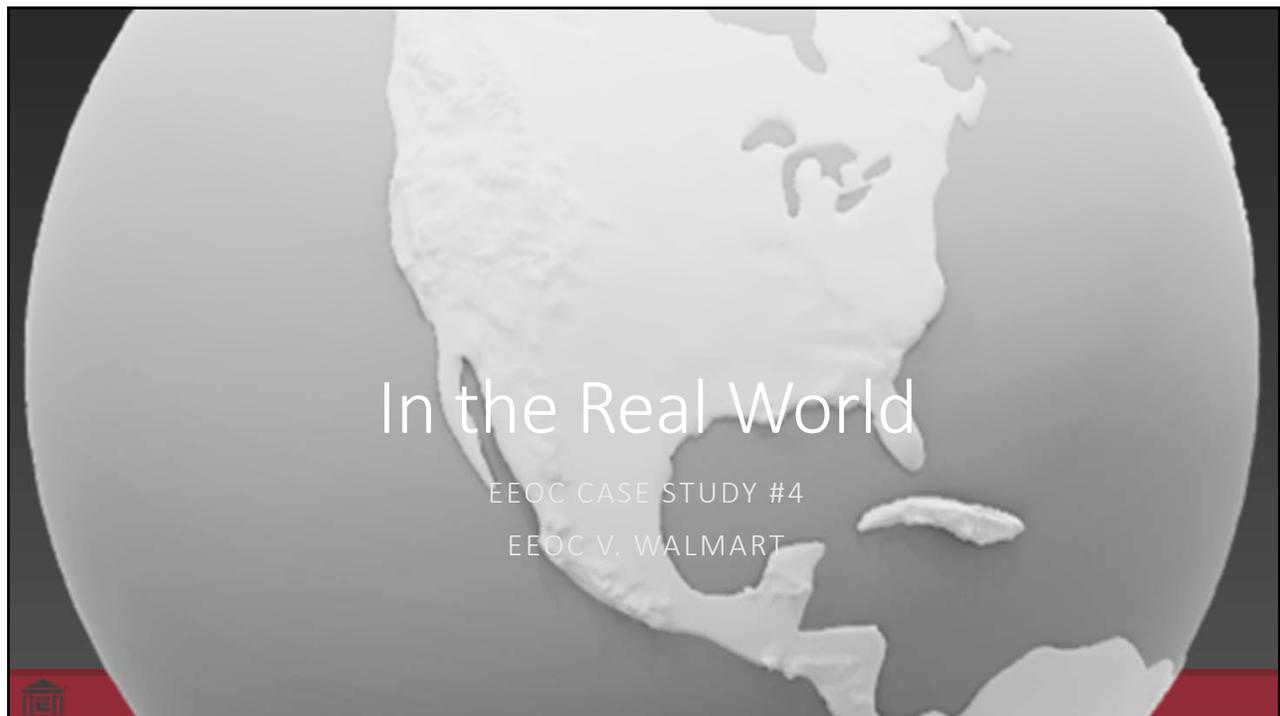
ADA & Section 504

The Americans with Disabilities Act, and Section 504 of the Rehabilitation Act of 1973, prohibit the exclusion or denial of benefits of the services, programs, or activities of a public entity, or discrimination based upon **a disability**.

(42 U.S.C § 12132.)

Applicable to both public and private entities

Links federal funding to compliance, also permits awarding attorney fees



Title 5 California Code of Regulations

Title 5 regulations directly apply to Community Colleges.

Title 5 prohibits the discrimination or denial of full and equal access or benefits of any program or activity that is administered or funded by the Chancellor or Board of Governors of the California Community Colleges.

(5 C.C.R. § 59300.)

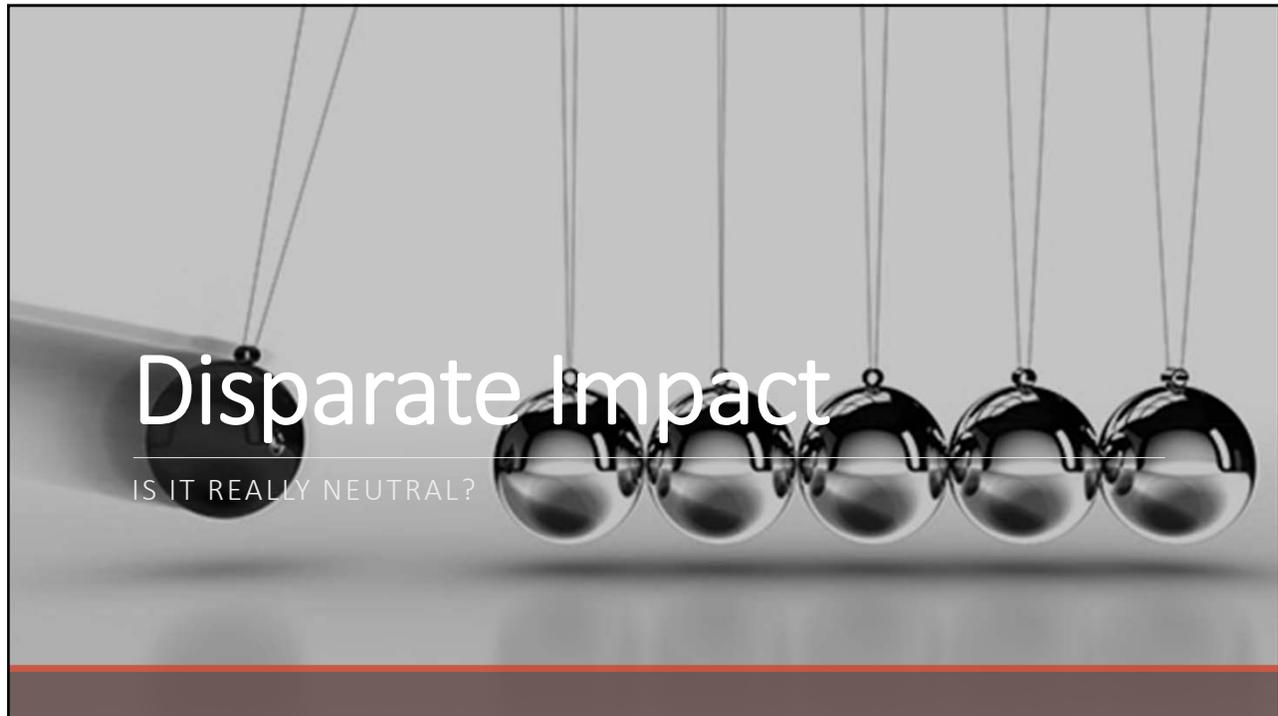


Title 5 California Code of Regulations

Title 5 includes all federally protected classes but also adds:

ethnic group identification, sexual orientation, perceived characteristics, and association with a person or group with one or more of these actual or perceived characteristics.





Disparate Impact Defined

Policy that is not discriminatory on its face *but...*
Application of the policy has a disproportionate
impact on a protected class



Disparate Impact Examples

Height, age, weight, or strength requirements that exclude men or women

High School Diploma requirements that may exclude minorities and immigrants

Prior Experience requirements that may exclude women who left the workforce to raise children

Conviction or arrest records that may exclude minorities



Disparate Impact - Applied

Background Checks and Criminal History

According to the EEOC, African Americans and Hispanics are arrested in numbers disproportionate to their representation in the general population.

- In 2010, 28% of all arrests were of African Americans, even though African Americans only comprised approximately 14% of the general population.
- In 2008, Hispanics were arrested for federal drug charges at a rate of approximately three times their proportion of the general population.

African Americans and Hispanics were more likely than Whites to be arrested, convicted, or sentenced for drug offenses even though their rate of drug use is similar to the rate of drug use for Whites.





Disparate Impact

How do you know if a policy has a disparate impact?

The **four-fifths rule** (a.k.a. 4/5ths rule or 80% rule) is the simplest and most common way of estimating adverse impact. (29 C.F.R. § 1607.4(D).)

This is calculated by:

- Dividing the hire rate for minority applicants by the hire rate for majority applicants
- If the ratio is less than 80%, there **may** be a policy that has a disparate impact





EEOC Discrimination Claims

67,448 Charges (FY 2020)

The EEOC reported:

- The 67,448 charges the agency received in FY 2020 were reduced from the previous year, and the **lowest** number of charges filed since at least 1992.
- While part of this drop may be explained by the COVID-19 pandemic, there has also been a decrease in charges filed each year since 2016.
- EEOC legal staff resolved 165 merits lawsuits and filed 93 lawsuits alleging discrimination in FY 2020.

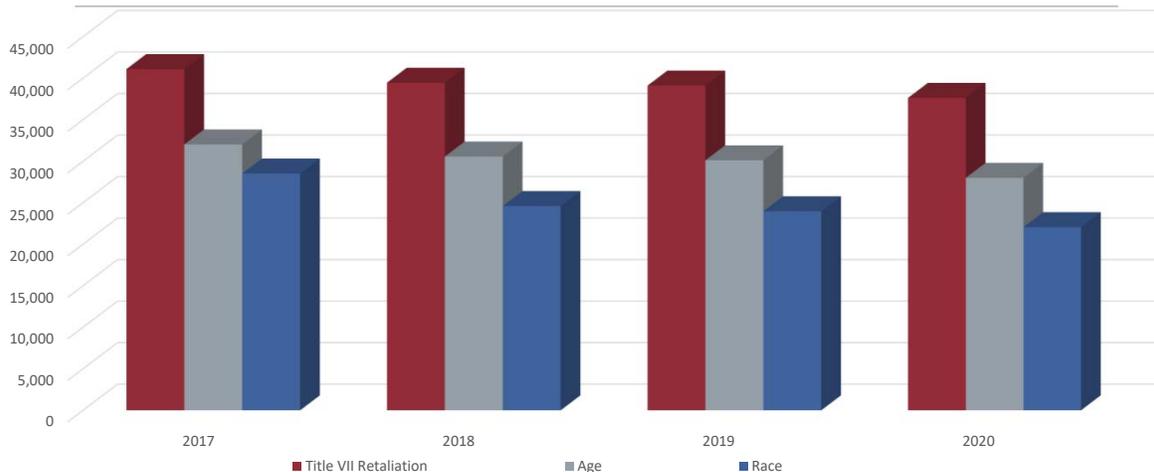


EEOC Charge Statistics (FY 2017-2020)

- The number for total charges reflects the number of individual charge filings.
- Individuals often file charges claiming multiple types of discrimination
- The number of total charges for any given fiscal year will be less than the total of the types of discrimination.
- The data charts are compiled by the Office of Enterprise Data and Analytics from data reported via the quarterly reconciled Data Summary Reports and compiled from EEOC's Charge Data System and, from FY 2004 forward, EEOC's Integrated Mission System.



Top Three EEOC Charge Categories



	2017	2018	2019	2020
Total Charges	84,254	76,418	72,675	67,448
Race	28,528	24,600	23,976	22,064
	33.9%	32.2%	33.0%	32.7%
Sex	25,605	24,655	23,532	21,398
	30.4%	32.3%	32.4%	31.7%
National Origin	8,299	7,106	7,009	6,377
	9.8%	9.3%	9.6%	9.5%
Religion	3,436	2,859	2,725	2,404
	4.1%	3.7%	3.7%	3.6%
Color	3,240	3,166	3,415	3,562
	3.8%	4.1%	4.7%	5.3%
Retaliation-Title VII only	41,097	39,469	39,110	37,632
	48.8%	51.6%	53.8%	55.8%
Age	32,023	30,556	30,117	27,997
	38.0%	40.0%	41.4%	41.5%
Disability	18,376	16,911	15,573	14,183
	21.8%	22.1%	21.4%	21%
Equal Pay Act	26,838	24,605	24,238	24,324
	31.9%	32.2%	33.4%	36.1%



Hiring Practice Charges

Takeaways:

- Top 3: Age, Disability, and Race
- Top 5 include Sex and Retaliation
- **Visible characteristics** may benefit from redaction
- Retaliation can be mitigated by training and committee-based decisions



Statistical Significance

How many people work for the District?

How many applicants contact the District?

> 0%

At some point, the process **will** be scrutinized



HOW TO: Avoid Discrimination

Recognize and examine processes that can improve:

- Recognize your own unconscious bias
- Listen to cues from coworkers
- “But we’ve always done it this way.”



HOW TO: Avoid Discrimination

- The best way to avoid discrimination during hiring is **prevention**. Ensure all interviewers have had adequate diversity training that includes conscious and unconscious bias.
- Steps should be taken across the recruitment process: from writing the recruitment documents, to advertising and interviewing, and then ultimately to selecting the right candidate.



Final Considerations



Any questions?



Thank you for participating!

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ATTACHMENTS



Press Release

11-27-2012

ATK to Pay \$100,000 to Settle EEOC Race Discrimination Case

Aerospace and Defense Manufacturer Rejected Applicant on Racial Grounds, Federal Agency Charged

MINNEAPOLIS - Alliant Techsystems, Inc. (ATK), a Minnesota-based company that is one of the nation's largest aerospace and defense manufacturers, will pay \$100,000 and furnish other relief to settle a race discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC), the agency announced today.

According to the EEOC's suit, Tyeastia Green applied for a job at its Eden Prairie, Minn., location, where she would provide technical or IT support for ATK executives. Although a recruiter for ATK initially told her that she had gotten the job, ATK rejected her and hired a white male instead. The EEOC contended that the reasons given by ATK for its decision were a pretext for race discrimination.

Race discrimination violates Title VII of the Civil Rights Act of 1964. The EEOC filed suit in U.S. District Court for the District of Minnesota after first attempting to reach a pre-litigation settlement through its conciliation process.

The consent decree settling the suit requires that ATK pay \$100,000 to Green and engage in extensive equitable relief. Among other things, ATK is enjoined from further discriminating in hiring based on race and from retaliating against persons who oppose practices made unlawful under Title VII. It will review its workplace policies to assure that they comply with Title VII and the record-keeping laws, and,

particularly, review a policy that pertains to maintenance of interview notes. It will train its entire staff on the laws against discrimination. The decree will last three years and apply to ATK's headquarters in Minnesota and in Virginia.

"We found it was clear that ATK rejected Green because of the color of her skin, and not because of her skills, and that's illegal as well as unjust," said John Hendrickson, regional attorney for the EEOC's Chicago district. "We congratulate the company for agreeing to the terms of this decree, particularly the non-monetary relief, which will protect and benefit its employees."

The EEOC's Chicago District Office is responsible for processing discrimination charges, administrative enforcement, and the conduct of agency litigation in Illinois, Wisconsin, Minnesota, Iowa and North and South Dakota, with area offices in Milwaukee and Minneapolis.

The EEOC is responsible for enforcing federal laws prohibiting employment discrimination. Further information about the EEOC is available on its website at **[www.eeoc.gov \(https://www.eeoc.gov/\)](https://www.eeoc.gov/)**.



Press Release

10-26-2017

Ruby Tuesday to Pay \$45,000 to Settle EEOC Age Discrimination Suit

Boca Raton Restaurant Refused to Hire an Older Applicant Because It Wanted to 'Maximize Longevity,' Federal Agency Charged

FORT LAUDERDALE, Fla. - Ruby Tuesday, Inc., a Georgia corporation doing business in South Florida, will pay \$45,000 to settle an age discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC), the agency announced today.

The EEOC charged that Ruby Tuesday violated federal law when it declined to hire Floyd Cardwell, a qualified applicant with over 20 years of experience in the food and beverage industry, for a general manager position at its Boca Raton restaurant. In response to an inquiry by the applicant as to why Ruby Tuesday declined to hire him, the company informed him it was seeking a candidate who could "maximize longevity."

Age discrimination violates the Age Discrimination in Employment Act (ADEA). The EEOC filed suit against Ruby Tuesday, Inc. in U.S. District Court for the Southern District of Florida, Fort Lauderdale Division (*EEOC v. Ruby Tuesday, Inc.*, No. 0:17-cv-60970-BB) after first attempting to reach a pre-litigation settlement through its conciliation process.

In addition to the \$45,000 in monetary relief to Cardwell, the three-year consent decree resolving the suit requires Ruby Tuesday to identify a Diversity Director to

manage the decree's provisions requiring the reports of age discrimination complaints, nationwide oversight of the corporation's age-friendly recruiting and hiring efforts, the education of its employees on an updated ADEA policy, and ADEA training for its hiring management team.

"The ADEA will mark its 50th Anniversary in December of this year," said Michael Farrell, director of the EEOC's Miami District Office. "At this stage in our nation's history, employers should be well aware that discrimination against qualified job applicants because of their age is a violation of federal law. Employers must remain vigilant in their efforts to make hiring decisions based on qualifications and not myths, fears or stereotypes associated with applicants over 40."

Robert Weisberg, regional attorney for the Miami District Office, added, "Ruby Tuesday listened to the agency's concerns and participated in a resolution that seeks to ensure a work environment inclusive of older workers."

One of the six priorities in the EEOC's Strategic Enforcement Plan for 2017-2021 is to eliminate barriers in recruitment and hiring.

The Miami District Office's jurisdiction includes Florida, Puerto Rico and the U.S. Virgin Islands.

The EEOC advances opportunity in the workplace by enforcing federal laws prohibiting employment discrimination. More information is available at [www.eeoc.gov \(https://www.eeoc.gov/\)](https://www.eeoc.gov/). Stay connected with the latest EEOC news by subscribing to our **email updates** (<https://public.govdelivery.com/accounts/USEEOC/subscriber/new>).



Press Release

05-08-2017

Education Company to Pay \$57,000 to Settle EEOC Sex Discrimination Suit

Special Education Associates Rescinded Job Offer to Applicant When She Refused to 'Party' With CEO, Federal Agency Charged

NEW YORK - Special Education Associates, Inc., which provides educational services to students with developmental and learning disabilities in New York City, will pay \$57,000 and furnish other relief to resolve a sex discrimination suit filed by the U.S. Equal Employment Opportunity Commission (EEOC), the federal agency announced today.

According to the EEOC's complaint, the company's chief executive officer asked a job applicant out on a date and suggested that she "party" with him right after he offered her a job at the company. After the applicant declined and said that she hoped that "we can move forward in a strictly professional manner," the company declined to hire her. Instead, the CEO conducted additional interviews and hired a male candidate, the EEOC said.

Title VII of the Civil Rights Act of 1964 prohibits discrimination in hiring based on sex and likewise forbids retaliating against individuals who object to such discrimination. Sex discrimination includes denying an individual an employment opportunity or a benefit of employment because he or she rejected an unwelcome sexual advance. The EEOC filed suit in U.S. District Court for the Eastern District of New York (*EEOC v. Special Education Associates, Inc.*, Civil Action No. 1:17-cv-01791),

after first attempting to reach a pre-litigation settlement through its conciliation process.

"The EEOC appreciates this company's willingness to resolve this case without protracted litigation," said Jeffrey Burstein, the EEOC's regional attorney for the New York District Office. "The agency remains committed to enforcing federal law to ensure that women do not face discriminatory barriers to full and equal participation in the workforce."

Under the consent decree settling the suit, the company will pay the job applicant \$57,000 in lost wages and damages and will adopt new anti-discrimination policies and procedures. The decree bars the company in the future from conditioning job opportunities, promotions, compensation, or other terms of employment on an individual's willingness to meet individually with the company's chief executive officer outside of the workplace. The decree also requires annual, live, in-person training on anti-discrimination laws for all employees, including the chief executive officer.

EEOC New York District Director Kevin Berry said, "There is nothing ambiguous about the laws against sexual harassment. Employers cannot condition hiring or promotion on an employee's willingness to go out on a date."

The New York District Office of the EEOC is responsible for processing discrimination charges, administrative enforcement and the conduct of agency litigation in New York, northern New Jersey, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire and Maine.

The EEOC advances opportunity in the workplace by enforcing federal laws prohibiting employment discrimination. More information is available at www.eeoc.gov (<https://www.eeoc.gov/>). Stay connected with the latest EEOC news by subscribing to our [email updates](https://public.govdelivery.com/accounts/USEEOC/subscriber/new) (<https://public.govdelivery.com/accounts/USEEOC/subscriber/new>).



Press Release

01-07-2000

WAL-MART SETTLES EMPLOYMENT DISCRIMINATION CLAIM OF TWO APPLICANTS WHO ARE DEAF

Also Agrees to Make Corporate Wide Changes in Hiring and Training

PHOENIX -- The U. S. Equal Employment Opportunity Commission (EEOC) and the Arizona Center for Disability Law today announced a settlement of a disability discrimination lawsuit against Wal-Mart Stores, Inc. Under the terms of a consent decree, approved by Judge William Browning, Wal-Mart Stores, Inc. agrees to pay \$132,500 to Jeremy Fass and William Darnell, two applicants who are deaf. Fass and Darnell, who applied for positions at a Tucson Wal- Mart store, will also be offered jobs under the terms of the consent decree. Wal-Mart also agrees to make corporate-wide changes in the hiring and training of new employees who are deaf or hearing impaired.

EEOC Chairwoman, Ida L. Castro commented about the national significance of this case: "With this settlement Wal-Mart is opening doors to people with disabilities throughout the country. These changes will have a significant positive impact for

applicants and employees who are deaf and apply to any of the Wal-Mart stores throughout the nation."

The lawsuit was brought in 1997 under the Americans with Disabilities Act by the EEOC and the Arizona Center for Disability Law. William Darnell, one of the charging parties in the case noted, "Deaf people can do anything in the workplace that hearing people can do, except hear."

Some of the major provisions of the consent decree that apply directly to Mr. Fass and Mr. Darnell are:

- Each will be paid \$ 66,250 plus his share of profit sharing and reimbursement for out-of-pocket medical expenses that would have been covered by health insurance benefits had he been hired by Wal-Mart in 1995;
- Wal-Mart will offer both young men jobs as a stocker or unloader.
- Wal-Mart will provide a sign language interpreter for them during their training and orientation, at any meetings to discuss evaluations of their performance; and at scheduled meetings;
- Wal-Mart will also provide other reasonable accommodations based on their deafness, including giving them vibrating pagers for communication at the store, installing a telecommunication device for the deaf (known as a TTY or TDD), and revamping their safety and evacuation procedures to ensure that deaf employees are safely evacuated during an emergency, and if not present in the store where they are hired, install visual fire alarms.
- Mr. Fass and Mr. Darnell will be awarded a corporate service date of September 1, 1995 and this date will be used for decisions that are made based on the length of an employee's service with the company.
- Wal-Mart will pay the Arizona Center for Disability Law \$57,500 in attorney's fees and litigation expenses incurred in representing Jeremy Fass and William Darnell.

"I feel good because I took a stand about what happened to me and by doing that I also helped other people who are deaf," stated Jeremy Fass.

His lawyer, Rose Daly-Rooney agrees, "Today it seems the success of a lawsuit or a settlement is measured by how staggering the amount of money obtained. The Center measures the success by the significance of the changes that will lead to improved employment opportunities for people who have disabilities, and in this case the changes that Wal-Mart agreed to make under the terms of this consent decree in how it conducts its hiring and trains new employees who are deaf and hearing impaired are staggering."

EEOC attorney David Lopez adds: "Messrs. Fass and Darnell deserve special recognition for their courage and determination. Their efforts demonstrate the indispensable role of individual action in shattering stereotypes in the workplace."

EEOC's Regional Attorney in Phoenix, Richard R. Trujillo stated, "Not only will Jeremy Fass and William Darnell benefit from this consent decree, but other deaf and hearing impaired Wal-Mart applicants and employees living in any town or city where there is a Wal-Mart will gain by the provisions related to training and orientation."

A major portion of the training Wal-Mart offers to its new employees is an orientation and training program that is developed at the corporate office and administered nationwide through computer-based learning and videotapes. Under the terms of the consent decree, Wal-Mart will do the following:

- encode with close or open captioning all training videotapes used by Wal-Mart to train employees in any entry level position;
- develop an alternative format for a sign language version of the information in the computer-based learning modules;
- provide a corporate-wide electronic or written notice to all of its stores to announce the availability of the alternative format videotapes and computer-based learning modules for use by the deaf and hearing impaired; and

- modify its existing corporate policy on reasonable accommodations to include a procedure for an applicant or employee to follow if she or he wishes to request an accommodation and the procedure for approval of the accommodation request.

Selected Wal-Mart stores in Tucson, Phoenix and Green Valley will also take some additional steps under this consent decree. These stores will conduct meetings with representatives from agencies that assist with job placement of people who are deaf and hearing impaired to explain the hiring procedures and discuss job openings; make arrangements with sign language interpreter referral services to ensure sign language interpreters are available when needed; and conduct a training on the non-discrimination provisions of the Americans with Disabilities Act and communication techniques for employees who are deaf.

The Arizona Center for Disability Law is a non profit public interest law firm with offices in Phoenix and Tucson and statewide toll-free telephone access. Funded primarily through grants from the United States Department of Health and Human Services and the United States Department of Education, the Center is dedicated to ensuring that individuals with disabilities are free from discrimination and have access to jobs, housing, education, and health care.

EEOC enforces Title I of the Americans with Disabilities Act, which prohibits discrimination against people with disabilities by the private sector as well as state and local government and Title VII of the Civil Rights Act of 1964 (prohibiting discrimination based on race, color, religion, sex and national origin), the Age Discrimination in Employment Act, and the Equal Pay Act. The Phoenix District Office's jurisdiction includes Arizona, New Mexico and Utah.



Press Release

06-01-2005

EEOC, FORD, UAW, CLASS MEMBERS VOICE APPROVAL OF LANDMARK RACE DISCRIMINATION SETTLEMENT

Ford to Pay African American Employees \$8.55 Million, Provide 280 Apprenticeships, and Revamp Selection Method for Skilled Trade Apprenticeship Program

CINCINNATI - During a Fairness Hearing today in federal district court, the U.S. Equal Employment Opportunity Commission (EEOC), Ford Motor Company, the United Auto Workers (UAW), and private plaintiffs' attorneys reiterated their approval of and commitment to sweeping changes mandated by the settlement of a class action race discrimination case against Ford on behalf of thousands of African American employees nationwide.

The settlement, which is pending final approval, will resolve litigation against Ford and the UAW by the EEOC and private plaintiffs on behalf of a class of African American hourly employees at Ford who were denied skilled trades apprenticeships based on a written application test that had a disparate impact on them. Judge Arthur Spiegel of U.S. District Court for the Southern District of Ohio, Western Division, preliminarily approved the comprehensive settlement in February 2005.

The settlement will apply to all Ford facilities nationwide and provide significant advancement opportunities for African American employees to apprentice for skilled craft positions, such as electrician, pipefitter, machine repair and other jobs. Monetary relief will include approximately \$8.55 million for 13 African American Ford employees who filed Charges of Discrimination with the EEOC offices in Cincinnati and Cleveland, as well as a class of about 3,400 African Americans nationwide who have taken the test since January 1, 1997, and were not placed on the Ford apprentice list. Non-monetary relief will include placing 280 African American test takers on apprentice lists and developing new selection methods for Ford's apprenticeship program by a jointly selected expert with detailed reporting and monitoring provisions.

"The EEOC is pleased to have been able to work cooperatively with Ford and the United Auto Workers in reaching a mutually satisfactory resolution to this matter," said Commission General Counsel Eric Dreiband. "Employers must consider how all aspects of selection processes, including written tests, may adversely impact members of a particular demographic group."

Upon final approval, the settlement will resolve the EEOC's lawsuit against Ford, the National United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), the UAW's Local 863, and both the local and national Ford-UAW Joint Apprenticeship Committee. The EEOC's suit was filed on December 27, 2004. The settlement will also resolve the class members' suit against Ford and the UAW, for which they are represented by private counsel (Robinson v. Ford Motor Company). The text of the settlement agreement is available online at <http://www.findjustice.com/ms/practice/civil/Ford/index.htm> (<http://www.findjustice.com/ms/practice/civil/Ford/index.htm>).

The EEOC is the federal government agency responsible for enforcing the nation's anti-discrimination laws in the workplace based on race, color, sex, religion, national origin, retaliation, age and disability. Further information about the Commission is available on its web site at www.eeoc.gov (<https://www.eeoc.gov/>).