



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Dallas District Office

207 S. Houston Street, 3rd Floor
Dallas, TX 75202-4726
Toll Free: 866-408-8075
Potential Charge Inquiries: 800-669-4000
TTY (214) 253-2710
FAX (214) 253-2720
<http://www.eeoc.gov>

Dallas District Office
San Antonio Field Office
El Paso Area Office

EEOC Charge 450-2009-03127
EEOC Charge 450-2009-03565
EEOC Charge 450-2010-01675
EEOC Charge 450-2009-02588
EEOC Charge 450-2009-02297
EEOC Charge 450-2009-01916
EEOC Charge 460-2010-00404C
EEOC Charge 846-2010-01762

CHARGE NUMBERS

Mr. John Ellis
Mr. Ricky Fore Jr.
Mr. Chris Hall
Mr. Stanrod Johnson
Mr. Dontrail Mathis
Mr. Karl Mitchell
Ms. Nina Taylor
Mr. John Wilson III

CHARGING PARTIES

Turner Industries Group LLC
P.O. Box 2750
Baton Rouge, La. 70821

RESPONDENT

DETERMINATION

Under the authority vested in me by the Commission, I issue the following determination as to the merits of the subject charges filed under Title VII of the Civil Rights Act of 1964, as amended.

Respondent is an employer within the meaning of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e, et.seq. Timeliness and all other requirements for coverage have been met.

Charging Parties Ellis, Hall, Johnson, Mathis, Mitchell, Taylor, and Wilson complain that the Respondent violated Title VII of the Civil Rights Act of 1964, as amended, by subjecting them and a class of similarly situated Black employees to a hostile work environment and disparate treatment because of their race (Black). Charging Parties Ellis, Hall, Johnson, Mathis, Mitchell and Taylor also allege that the Respondent violated Title VII of the Civil Rights Act of 1964, as amended by retaliating against them because they complained about discrimination or opposed

LETTER OF DETERMINATION

practices believed to be unlawful. Charging Party Fore (White) complains that the Respondent violated Title VII of the Civil Rights Act of 1964, as amended, by *retaliating against him because of his opposition to practices believed to be unlawful.*

During the investigation, relevant witnesses were interviewed and documents were reviewed. I have considered all the evidence disclosed during the investigation and find that there is reasonable cause to believe that Title VII violations occurred. Specifically, the evidence shows that on a regular basis, the Charging Parties and a class of similarly situated Black employees were subjected to unwelcome racial slurs, comments and intimidation, racial graffiti, nooses in the workplace and other symbols of discrimination. The managers in the workplace were aware of the hostile work environment. The Charging Parties and other similarly situated Black employees opposed the discrimination and complained about the hostile work environment. Some of the Charging Parties made complaints to the corporate office through the company hotline. However, the evidence shows that the Respondent failed or refused to take effective remedial action to remedy the hostile work environment. The evidence further shows that some of the Black Charging Parties and similarly situated Black employees were retaliated against because of their complaints. With respect to Charging Party Fore, the evidence shows that the Respondent terminated him after he repeatedly refused to make a statement against one of the Charging Parties. As a like and related matter, the evidence further shows that other White employees were terminated because of their participation in EEOC's investigation and/or because they opposed practices believed to be unlawful, including requests by the Respondent to discipline or terminate Black employees who participated in EEOC's investigation.

The evidence further shows that the Charging Parties and a class of similarly situated Black employees were subjected to disparate treatment because of their race because they were subjected to different terms and conditions of their employment than White employees, including but not limited to disparate job assignments, application of workplace rules and denial of promotional opportunities and other avenues of advancement.

Therefore, the Commission concludes that there is reasonable cause to believe that the Respondent discriminated against the Charging Parties and a class of similarly situated Black employees in violation of Title VII of the Civil Rights Act of 1964 by subjecting them to a hostile work environment and disparate treatment. The Commission further concludes that the Respondent violated Title VII of the Civil Rights Act of 1964 by retaliating against some of the Charging Parties and some similarly situated Black employees because of their complaints about discrimination and opposition to practices believed to be unlawful and because of their participation in EEOC's investigation. The Commission also concludes that there is reasonable cause to believe that the Respondent violated Title VII of the Civil Rights Act of 1964, by retaliating against Charging Party Fore because of his opposition to practices he believed to be unlawful. As a like and related matter, the Commission concludes that there is reasonable cause to believe that the Respondent violated Title VII of the Civil Rights Act of 1964 by retaliating against some other White employees because of their opposition to practices believed to be unlawful or because of their participation in EEOC's investigation.

Section 706(b) of Title VII requires that if the Commission determines there is reasonable cause to believe that the charges are true, it shall endeavor to eliminate the alleged unlawful

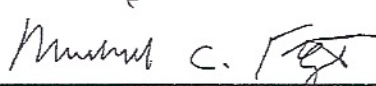
employment practice by informal methods of conference, conciliation, and persuasion. Having determined there is reasonable cause to believe the charges are true, the Commission now invites the parties to join with it in a collective effort toward a just resolution of this matter. A representative of this office will be in contact with the Respondent, Charging Parties and aggrieved individuals in the near future to begin the conciliation process. Disclosure of information obtained by the Commission during the conciliation process will be made in accordance with section 706(b) of Title VII and section 1601.23 of the Commission's Procedural Regulations.

Should the Respondent decline to enter into settlement discussion, or if the Commission's representative, for any reason, is unable to secure a settlement, which is acceptable to this Office's District Director, the District Director will inform all the parties, in writing, and advise them of the court enforcement alternative available to the Charging Parties, aggrieved persons, and the Commission.

On Behalf of the Commission:

MAR 31 2010

Date



Michael Fetzer
Dallas District Director

Cc: James Vagnini
Valli, Kane & Vagnini
600 Old Country Road, Suite 519
Garden City, NY 11530

Curtis B. Stuckey
Stuckey, Garrigan & Castetter
P.O. Box 631902
Nacogdoches, Texas 75963-1902

Michael D. Mitchell
Ogletree Deakins
500 Dallas Street, Ste. 3000
Houston, Texas 77002-4709