

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

WASHINGTON DISTRICT OFFICE
1717 H Street, N. W. - Suite 400
Washington, D. C. 20006

PERSON FILING CHARGE

Ruth M. Tyler

THIS PERSON (Check one)

CLAIMS TO BE AGGRIEVED

IS FILING ON BEHALF OF A PERSON CLAIMING TO BE AGGRIEVED

IS A COMMISSIONER OF EEOC

DATE OF ALLEGED VIOLATION

May 12, 1976

PLACE OF ALLEGED VIOLATION

Virginia

CHARGE NUMBER

032-61990-6

TO:

Chief Executive Officer
American Tobacco Co.
P.O. Box 899
Chester Hopewell, Va. 23860

NOTICE OF CHARGE OF EMPLOYMENT DISCRIMINATION

(See Notice of Non-retaliation on reverse)

You are hereby notified that a charge of employment discrimination under Section 706 of the Civil Rights Act of 1964, 42 U.S.C. Section 2000e-5, as amended, has been filed against you. Information relating to the date, place, and circumstances of the alleged unlawful employment practice or practices is provided herein.

No action on your part is necessary at this time. However, if you wish to submit any information in writing, it will be made a part of the file and will be considered at the time we investigate this charge. Telephone communications cannot be made a part of the record. Section 1602.14 of the Commission's Regulations (See attachment) requires the preservation of all personnel records relevant to this charge, as described below, until it is resolved.

Because of the Commission's volume of pending work, we are unable to tell you when we can schedule investigation of this charge; we will, however, contact you at the earliest possible date.

BASIS OF DISCRIMINATION

RACE OR COLOR

SEX

RELIGION

NATIONAL ORIGIN

NATURE OF CHARGE

<input checked="" type="checkbox"/>	HIRING		DISCHARGE		LAYOFF		RECALL
	WAGES		PROMOTION		PENOTION		SENIORITY
	JOB CLASSIFICATION		TRAINING/ APPRENTICESHIP		EXCLUSION		UNION REPRESENTATION
	SEGREGATED LOCALS		REFERRAL		QUALIFICATION/TESTING		ADVERTISING
	BENEFITS		SEGREGATED FACILITIES		INTIMIDATION/ REPRISAL		REPRISAL (USC 704(a) ONLY)
	TERMS AND CONDITIONS		UNSPECIFIED AND OTHER		OTHER (Specify)		

DATE

7/8/76

TYPED NAME OF DISTRICT DIRECTOR

Treadwell O. Phillips

SIGNATURE

Treadwell O. Phillips

EEOC FORM 131
MAR 74

PREVIOUS EDITIONS OF THIS FORM ARE OBSOLETE

RESPONDENT'S COPY

ATX02 0072012



NOTICE OF NON-RETALIATION REQUIREMENT

Section 701(a) of the Civil Rights Act of 1964, as amended, states:

It shall be an unlawful employment practice for an employer to discriminate against any of his employees or applicants for employment, for an employment agency to discriminate against any

Section 701(a) of the Civil Rights Act of 1964, as amended, states:

It shall be an unlawful employment practice for an employer to discriminate against any of his employees or applicants for employment, for an employment agency to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership, because he has opposed any practice made an unlawful employment practice by this title, or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this title.

Persons filing charges of employment discrimination are advised of this Non-Retaliation Requirement and instructed to notify the Equal Employment Opportunity Commission if any attempt at retaliation is made.

U.S. DEPARTMENT OF JUSTICE
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
1417 G STREET, N.W.
WASHINGTON, D.C. 20547

ATX02 0072013

REQUIREMENTS OF TITLE VII FOR COMMON VIOLATIONS

HIRING OR DISCHARGE. Hiring or discharge may not be based on qualifications which affect either minorities or females disproportionately unless essential to the operation of the business (See *Qualifications, Testing* below). Similarly, females may not ordinarily be refused employment because of pregnancy or terminated therefor at a particular stage of pregnancy where not physically disabled. Further, an employer may not refuse to hire or discharge a person who because of religious beliefs refuses to work on Sabbaths, for example, without showing that reasonable accommodations would cause an undue hardship on the employer's business.

LAYOFF AND RECALL. Where a seniority system carries forward the present effects of past discrimination (See *Job Classifications or Seniority* below), layoffs or recalls of the class discriminated against are unlawful. In such a situation layoffs and recalls to vacated positions must be based on company seniority in order to erase the taint of past discrimination, even where recall in such a manner may affect the expectations of the former incumbents.

While a layoff may be a single act, the failure to recall may constitute a continuing violation so that the Commission may accept a charge filed at any time up to 180 days (300 days in some circumstances) after an aggrieved person is properly recalled on a nondiscriminatory basis.

WAGES. Classes of individuals (by race, color, religion, sex or national origin) performing substantially equal work in the same establishment must be paid wages regardless of the fact that their jobs may be classified differently.

In order to compensate an aggrieved person for financial harm caused by discriminatory practices, including unequal wages, back pay may be required for a period commencing two years prior to the filing of a charge with the Commission.

PROMOTION OR DEMOTION. Where promotions are denied because of requirements which carry forward the effects of past discrimination, such as departmental seniority or unnecessary residency in a prior qualifying job, or because of requirements which are invalid (See *Qualification, Testing* below), such failure to promote is unlawful.

Since a failure to promote is a continuing violation, the Commission may accept a charge 180 days (300 days in some circumstances) after the aggrieved person is promoted to the proper job.

JOB CLASSIFICATIONS OR SENIORITY. Job classifications may not be segregated on the basis of race, color, religion, sex, or national origin. For example, a job classification with a weight-lifting requirement which is used to exclude women as a class, where individual women are able to qualify, is unlawful.

Furthermore, a seniority system may not carry into the present the effects of formerly segregated job classifications. This results, for instance, where departmental seniority causes classes of formerly excluded employees to lose their accumulated company seniority upon transferring to the job from which they had been excluded. At least for the victims of the past discrimination, the system must be changed to a company-seniority one.

TRAINING OR APPRENTICESHIP. Where a union has engaged in a program resulting in a predominately white or male membership, affirmative efforts must be made to establish nondiscriminatory apprenticeship or on-the-job training programs, which include minorities and women. The program must be publicized generally and in the minority community in such a way as to overcome the union's reputation for exclusiveness and ensure participation of minorities and

women. Any unjustified qualifications (see below) required for the program, including a high school diploma, passing unvalidated tests, or the absence of arrest records, must be eliminated. The same applies to training programs of employers.

EXCLUSION. A union which is predominately white or male may not require as a basis for membership a minority applicant to be a family relation of a present member or require a minority of female applicant to receive the endorsement of a present member or the majority vote of the membership. Such a union which has kept its membership artificially small in relation to the demand in the area for the skills of its members may be required to increase its size in order to include more minority and female members.

UNION REPRESENTATION. A union is required to represent minorities and females fairly with respect to processing grievances (including assisting in the filing of a discrimination charge with the EEOC), bargaining for the elimination of unlawful employment practices, and otherwise opposing the existence of unlawful employment practices with or without specific contract authority or instructions from its international union to do so.

SEGREGATED LOCALS. Locals which are segregated along the lines of race, color, religion, sex or national origin are inherently discriminatory and must be merged even where the members of each local favor separation. Protective transitional arrangements are to be included, where necessary, in any merger agreement for the benefit of the "minority" union.

REFERRAL. A local union which has maintained a predominately white or male membership and has effectively excluded minorities and females from its hiring hall may not continue a system under which only persons who meet artificial standards of experience which are in excess of that required to perform the job are given priority in referral under the collective bargaining contract. The system must be modified to refer also on a priority basis minorities and females who are able to perform the required work.

QUALIFICATIONS, TESTING. Qualifications, including a high school diploma, passing a written test or demonstrating speaking or writing ability, may have a disparate effect in screening out minorities from employment opportunities in comparison with others in an employer's applicant flow or workforce. Unless they can be shown to be essential to the safe and efficient operation of the business, or otherwise justified by business necessity, such qualifications are unlawful.

Business necessity may be shown for a qualification through a validation study in which a positive relationship is established between the qualification and the successful performance of the job sought. Where a qualification (e.g., a test score) is used to select employees for a training program for a job or promotion, the qualification must show a positive relationship not only between the qualification and success in training but also between such training and the successful performance of the job sought.

ADVERTISING. Advertisements, including help-wanted advertisements, may not contain material which indicates a preference for an individual on the basis of race, color, religion, sex or national origin except where religion, sex, or national origin is essential to successful performance of the job. (In addition, religious institutions are entitled to prefer members of a particular faith in employment and advertisements therefor.) For example, advertisements may not be placed or requested to be placed under columns headed "Male" or "Female".

BENEFITS. All fringe benefits including medical, hospital, retirement, disability, and leave benefits must be provided to men and women equally regardless of the fact that the cost of such benefits may be greater with respect to one sex than for the other. A pregnant employee is entitled to the same disability benefits during the period she is unable to work because of pregnancy as a male would receive during a period of disability.

SEGREGATED FACILITIES. Employers must take care that all company facilities are available to all employees on a nondiscriminatory basis. Thus, an employer cannot lawfully maintain racially segregated restroom or locker facilities, lunchrooms, snackbars, drinking fountains, payroll lines, or badge-number identification systems, etc. Further, the fact that an employer may have to provide separate company facilities for employees of each sex under state law will not justify discrimination as to hiring, promotion or job classification on the basis of sex.

INTIMIDATION. Employers, unions or employment agencies have a responsibility to maintain an environment free of harassment, intimidation, insults, or ridicule based on race, color, religion, sex or national origin.

REPRISAL. Any discrimination or adverse action taken against an individual because he or she filed a charge with EEOC, cooperated in any EEOC investigation, or opposed an unlawful employment practice, is itself a violation of the law. Section 704(a) of the Civil Rights Act of 1964, as amended, prohibits such reprisal. It is intended to provide exceptionally broad coverage for protestors of discrimination.

OTHER TERMS AND CONDITIONS. With respect to all other terms and conditions of employment, employers, unions or employment agencies must treat individuals without regard to race, color, religion, sex or national origin.

PRESERVATION OF RECORDS

EEOC RULES AND REGULATIONS

§ 1602.14 Preservation of records made or kept.

(a) Any personnel or employment record made or kept by an employer (including but not necessarily limited to application forms submitted by applicants and other records having to do with hiring, promotion, demotion, transfer, lay-off, or termination, rates of pay or other terms of compensation, and selection for training or apprenticeship) shall be preserved by the employer for a period of 6 months from the date of the making of the record or the personnel action involved, whichever occurs later. In the case of involuntary termination of an employee, the personnel records of the individual terminated shall be kept for a period of 6 months from the date of termination. Where a charge of discrimination has been filed, or an action brought by the Commission or the Attorney General, against an employer under Title VII, the respondent employer shall preserve all personnel records relevant to the charge or action until final disposition of the charge or the action. The term "personnel records relevant to the charge," for example, would include personnel or employment records relating to the aggrieved person and to all other employees holding positions similar to that held or sought by the aggrieved person and application forms

or test papers completed by an unsuccessful applicant and by all other candidates for the same position as that for which the aggrieved person applied and was rejected. The date of "final disposition of the charge or the action" means the date of expiration of the statutory period within which the aggrieved person may bring an action in a U.S. District Court or, where an action is brought against an employer either by the aggrieved person, the Commission, or by the Attorney General, the date on which such litigation is terminated.

(b) The requirements of this section shall not apply to application forms and other preemployment records of applicants for positions known to applicants to be of a temporary or seasonal nature.