

Denial of Employment Opportunities because of Sex

EEOC sued a restaurant which refused to hire men as servers. Managers at the Indianapolis location of a nationwide chain that operates restaurants with big screen televisions, billiards, video games and live music, told male applicants that their patrons preferred women as servers and that men would not be considered for that position, but could work at the bar, kitchen, and door. The case was resolved by a 3-year consent decree, which provides \$350,000 in compensatory damages to a class of male applicants and employees plus \$10,000 to cover the costs of locating class members. Additionally, injunctive relief requires sex-neutral hiring in the future, and the use of sex neutral language in job descriptions, for example changing the position of "beer tub girl" to "beer server." *EEOC v. Jillian's of Indianapolis, Inc., Jillian's Entertainment and Holdings, Inc., & Jillian's Entertainment Corp.* (S.D. Ind. Aug. 12, 2004).

A woman who had successfully worked as a member of the "Zoo Crew," the pep squad of the Phoenix Suns basketball team, was denied the opportunity to work in a new season due to her sex. Advertisements for the season were explicitly limited to men because the Suns and an independent corporation managing the crew believed women incapable of performing stunts such as trampoline dunks. The case was settled by separate consent decrees, providing three women a total of \$104,500, and a letter of apology and positive reference for the former Crew member. The Suns team is enjoined from sex discrimination or retaliation, and will affirmatively recruit women for the Zoo Crew. *EEOC v. Phoenix Suns Ltd. Partnership & Sports Magic Team, Inc.* (D. Ariz. Oct. 30, 2003).

***Whether driving trucks or
serving beer, Title VII
protects the rights of men
and women to work in the
jobs they choose***

Women attempting to break into less traditional jobs encountered discriminatory barriers in several cases. For example, the sole woman hired for a delivery driver position at a Baltimore-area food service distributor was told that her performance would determine whether other women would ever be hired. After she had difficulties and quit her job, another woman applied for the position and was told the company would not be hiring any more women because of its bad experience with a female driver. This case was resolved by a 3-year consent decree providing \$350,000 in backpay and compensatory damages to a class of seven women, injunctive relief prohibiting sex discrimination in hiring, and affirmative efforts to recruit qualified female driver applicants. During the course of the lawsuit, the company extended unconditional job offers to seven female applicants. *EEOC v. Performance Food Group, d/b/a Carroll Co. Foods, Inc.* (D. Md. June 3, 2004).

A suit against a leading North American timeshare resort business alleged that the company failed to provide promotional opportunities for women at its facilities in the Northwest. Current and former female employees, including a four-time recipient of an award for highest sales performance in the company, were denied managerial or supervisory positions, while much less qualified men were advanced. In settling the case, the company agreed to set up a fund of \$475,000 for approximately 25 class members. The consent decree enjoined the company from discriminating in violation of Title VII and required it to hire a consultant to establish objective criteria for promotions. *EEOC v. Trendwest Resorts, Inc.* (W.D. Wash. June 1, 2004).