

6.3.2: EEOC Case: Windings to Pay \$19,500 to Settle EEOC Race Discrimination Lawsuit

Company Refused to Hire Biracial Applicant Because of His Race, Federal Agency Charged

MINNEAPOLIS - A manufacturing company based in New Ulm, Minn., will pay \$19,500 to settle a race discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC), the federal agency announced today.

EEOC's lawsuit charged that Windings, Inc. violated federal law when it refused to hire Tommie Kimball, who is biracial (African-American and white), for a vacant assembler position, and instead hired a white applicant.

According to EEOC's lawsuit, Kimball applied for a vacant assembler job and interviewed with the company in January 2014. Kimball was qualified for the job as he passed the job-related assessment tests, and had previous work experience as an assembler. EEOC's lawsuit alleged that Windings did not hire Kimball for the job because of his race, and instead hired a white applicant.

This alleged conduct violates Title VII of the Civil Rights Act of 1964, which protects applicants and employees from discrimination based on race. EEOC filed suit in U.S. District Court for the District of Minnesota (*Equal Employment Opportunity Commission v. Windings, Inc.*; Civil Action No. 15-cv-02901) after first attempting to reach a pre-litigation settlement through its conciliation process.

The consent decree settling the suit, signed by U.S. District Judge Paul A. Magnuson on March 18, 2016, provides \$19,500 in monetary relief to Kimball. As part of the two-year decree, Windings will use hiring procedures to provide equal employment opportunity to all applicants including posting vacancy announcements and job listings on its website, and not solely rely on word-of-mouth recruitment or employee referrals. Windings will also use objective standards for hiring, guidelines for structured interviews, and will document interviews. Windings has adopted a written affirmative action plan, and will seek out applications from qualified minority applicants, including African-Americans. Also, Windings agrees to participate in job fairs and recruiting events that target black Americans. Finally, Windings agrees to provide EEOC with reports of its applicants, hiring and specific reasons why applicants were not selected during the decree's term.

"EEOC is committed to eliminating barriers that prevent African-American applicants from getting hired for jobs that they are qualified for," said John Hendrickson, regional attorney for EEOC's Chicago District. "This consent decree provides meaningful equitable relief designed to prevent any further race discrimination at Windings."

Tina Burnside, the trial attorney in EEOC's Minneapolis Area Office who litigated the case, added, "The law is clear that hiring decisions should be made based on a person's qualifications and not his or her race. The preventive measures that Windings has agreed to will assist in creating a work environment committed to equal opportunity."

EEOC's Chicago District Office is responsible for processing charges of discrimination, administrative enforcement, and litigation in Minnesota, North Dakota, South Dakota, Wisconsin, Illinois, and Iowa, with Area Offices in Milwaukee and Minneapolis. EEOC enforces federal laws prohibiting employment discrimination. Further information about EEOC is available on its website at www.eeoc.gov.

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