

## EEOC loses race, gender bias lawsuit

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A Laurel-based maintenance supply company emerged victorious last week after a lengthy court battle with the U.S. Equal Employment Opportunity Commission.

Central Wholesalers Inc. had been fighting charges of racial and sexual discrimination since the EEOC first filed its lawsuit on June 29, 2006. The federal agency filed the complaint in U.S. District Court in Greenbelt after investigating allegations from a former Central Wholesalers sales representative. La Tonya Medley, a black woman, claimed to have endured racial and gender-based epithets daily while working at Central Wholesalers.

A U.S. District Court jury in February returned a partial verdict and found the company was not guilty of sexual discrimination. On Friday, Judge Peter J. Messitte issued a judgment in favor of Central Wholesalers for the remaining claim of racial discrimination and ordered the case closed.

“The EEOC had a charging party who made allegations, and those allegations were not supported by anything,” said Meredith S. Campbell with Shulman, Rogers, Gandall, Pordy & Ecker in Potomac, counsel for Central Wholesalers. “And, the company took steps to resolve any issues there might have been.”

Calls to the EEOC lead counsel, Regina Maria Andrew, were not returned.

Medley worked as an inside sales representative for Central Wholesalers from September to November 2004. She filed a charge with the EEOC over the work atmosphere at the company. Among her complaints was that the situation worsened the more she complained about her co-workers. The EEOC alleged Central Wholesalers violated Title VII of the 1964 Civil Rights Act by subjecting Medley to a hostile work environment based on her race and gender.

For its part, the company said in court records that it responded to all of Medley’s concerns in a thorough and timely manner but found no corroboration. The company’s efforts included meetings between a supervisor and four allegedly offending workers, as well as a walkthrough of the work area by the company’s president. Central said that while profanity was spoken in the workplace, the words were not racial or sexual epithets, and other evidence of inappropriate behavior was not uncovered.

“The EEOC conducted what we considered to be a shoddy investigation that provided no support for the unsubstantiated claims,” Campbell said.

In 2007, Messitte agreed with the company and granted summary judgment for Central Wholesalers after finding the alleged conduct was not gender-specific, not pervasive, and company officials had investigated Medley’s claims of excessive use of profanity, racial and sexual epithets. The EEOC appealed to the 4th U.S. Circuit Court of Appeals in 2007, which in 2009 remanded the case back to the trial court, allowing Medley to pursue her hostile work environment claim.

Campbell said the company had not decided yet whether to follow up on its motion claiming the EEOC had not met the requirements for conciliation — a required attempt to resolve findings of discrimination through “informal methods of conference, conciliation and persuasion.” The motion was dismissed without prejudice, meaning it could be revived.

Campbell said efforts to resolve the situation with the EEOC through conciliation proved fruitless, with the agency requiring the company to settle a class claim even though there was not a class at Central Wholesalers. The company would also have had to pay \$175,000 to Medley and \$100,000 to the unnamed class of workers.

“It does seem like a bit of a head scratcher why the EEOC was unwilling to resolve this dispute,” she said. “But, we haven’t decided yet whether to pursue the motion for conciliation.”