



U.S. Equal Employment Opportunity Commission
New York District Office

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Respondent: COCA-COLA
EEOC Charge No.: 846-2011-83775
FEPA Charge No.:

November 23, 2011

Sandra Walker
[REDACTED]

Dear Ms. Walker:

This is to acknowledge receipt of the above-numbered charge of employment discrimination against the above-named respondent. Please use the "EEOC Charge No." listed above whenever you call us about this charge. The information provided indicates that the charge is subject to:

- Title VII of the Civil Rights Act of 1964 (Title VII)
- The Age Discrimination in Employment Act (ADEA)
- The Americans with Disabilities Act (ADA)
- The Equal Pay Act (EPA)
- The Genetic Information Nondiscrimination Act (GINA)

You need do nothing further at this time. We will contact you when we need more information or assistance. A copy of the charge or notice of the charge will be sent to the respondent within 10 days of our receipt of the charge as required by our procedures.

Please be aware that we will send a copy of the charge to New York State Division Of Human Rights Federal Contract Unit One Fordham Plaza, 4 Fl. Bronx, NY 10458 as required by our procedures. If the charge is processed by that agency, it may require the charge to be signed before a notary public or an agency official. Then the agency will investigate and resolve the charge under their statute. If this occurs, section 1601.76 of EEOC's regulations entitles you to ask us to perform a Substantial Weight Review of the agency's final finding. To obtain this review, a written request must be made to this office within 15 days of receipt of the agency's final finding in the case. Otherwise, we will generally adopt the agency's finding as EEOC's.

While your charge is pending, please notify us of any change in your address, or where you can be reached if you have any prolonged absence from home. Your cooperation in this matter is essential.

Sincerely,

John Waldinger
Supervisory Investigator
(212) 336-3776

Office Hours: Monday – Friday, 8:30 a.m. - 5:00 p.m.
www.eeoc.gov

Enclosure(s)

EEOC Appendix – Sandra Walker

I. PARTIES

1. Petitioner Sandra Walker is a 45-year-old African American female. At all times relevant to this charge, Ms. Walker was an “employee” of Respondent Coca-Cola Enterprises, Inc., as that term is defined by Title VII of the Civil Rights Act of 1964 (“Title VII”).
2. Respondent Coca-Cola Enterprises, Inc., (“Coca-Cola”) is a manufacturer, retailer, and distributor of non-alcoholic beverages and products. At all times relevant to this complaint, Coca-Cola was Plaintiff’s “employer,” as that term is defined by Title VII.

II. FACTUAL ALLEGATIONS

3. In or around March 1998, Ms. Walker began working for Coca-Cola, at its manufacturing and bottling plant in Maspeth, Queens. Specifically, she was hired in the Sales Department as a Merchandiser.
4. In or around 2000, Ms. Walker began working in the plant’s warehouse. The following year, she began working in the Production Department, as a production assistant. Ms. Walker held this title since 2001, and continues to work in this capacity.
5. As a production assistant, Ms. Walker would regularly operate a forklift, and utilize machinery to move raw materials around the plant.
6. Over the course of her employment, Ms. Walker has proven herself as a hard-working, dependable employee. However, despite her outstanding performance, Ms. Walker has been subjected to racist ridicule, harassment, and a hostile work environment which has materially altered the terms and conditions of her employment.
7. For example, in the spring of 2006, a Caucasian co-worker named Derrick was working his last day at the Maspeth plant. To celebrate Derrick’s departure, several Caucasian co-workers in the plant began to drink alcohol while on the job. Derrick looked directly at Ms. Walker and stated, “I’ve never slept with a black woman.”
8. Petitioner was understandably appalled by this behavior. Nevertheless, Derrick continued to tell her about all of the female employees at the plant that he had had sexual relations with. Apparently, none of the supervisors present felt that Derrick’s comments were inappropriate.

Sandra EEOC complaint

9. In the fall of 2006, a Caucasian co-worker named Phil McCauley came to work wearing a confederate flag on his head. Ms. Walker, and the other African American employees were obviously offended by the display. The Caucasian supervisors on the shift apparently did not understand the offensive nature of the confederate flag. Finally, after Ms. Walker complained to her superiors, McCauley took off the flag.
10. During the spring of 2007, a Caucasian female co-worker named Angela Pernelli was reading the posted schedule and duties listed for the week. Ms. Pernelli read the schedule and stated, "Why do I always have to clean out the sewer? ~~What am I, a Nigger or something?~~" While several of Petitioner's Caucasian managers were present for this remark, Ms. Pernelli was never reprimanded.
11. In 2007, Ms. Pernelli approached one of the plant's supervisors, and said "that Nigger is trying to kill me by taking screws out of the ladder." Again, Ms. Pernelli was never reprimanded for her outburst.
12. In November 2008, when Barack Obama won the presidency, a Caucasian employee named Marcello Ocello yelled out, "the government is handing out Kentucky Fried Chicken!" to the apparent delight of several Caucasian employees and supervisors. Ms. Walker was understandably offended by the remark. The employee was not reprimanded for his comments.
13. Additionally, one of Ms. Walker's co-workers, Downin Lewis, would frequently express his dislike of Black American culture. Mr. Lewis has stated to Petitioner and others that "Black American women are not capable of washing themselves properly. They smell bad and their homes are nasty and filthy." Mr. Lewis would often refer to certain kinds of food as "Slavery food."
14. Mr. Lewis would regularly make these racist and offensive comments in the presence of Petitioner's Caucasian supervisors. Mr. Lewis was never reprimanded for his remarks.
15. On May 15, 2010, Ms. Walker was instructed by her Caucasian supervisor, Joe Manuzza to mop the boards of the building. Upon information and belief, no Caucasian employees in the department were ever assigned to mop the boards.
16. On September 16, 2010, Ms. Walker was written up by Joe Manuzza. Petitioner was disciplined for failing to attend a shift meeting held the day before.
17. While Ms. Walker was written up for missing the meeting, Mr. Manuzza rarely, if ever, disciplined Petitioner's similarly situated Caucasian co-workers for missing meetings. Indeed, on several occasions, Caucasian co-workers Bobby Dowd and Steve McCurrio missed meetings without facing penal consequences.

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Lewis

Downin

18. When Ms. Walker received the disciplinary notice from Mr. Manuzza, in recognition of the differential treatment that she was being subjected to, she approached Manuzza and told him that he was "a racist."
19. Mr. Manuzza reported to management that Ms. Walker told him "You're a dead man," and that he allegedly feared for his life as a result. Manuzza's allegations were categorically and undeniably false. Ms. Walker was suspended for five weeks without pay, pending an investigation. *
20. Respondent investigated Manuzza's account, and determined that Ms. Walker never made any threatening comments, as several witnesses confirmed. Indeed, the investigation demonstrated that Manuzza lied, and fabricated a story in order to discipline Ms. Walker for complaining about discrimination. *
21. Nevertheless, Petitioner was never paid for the five weeks in which she was suspended. Further, Manuzza was never reprimanded for creating such blatant fabrications. *
22. Ms. Walker's suspension was clearly retaliation for calling Mr. Manuzza a racist, and for protesting discriminatory practices.
23. Moreover, it is undisputed that on December 22, 2010, a Caucasian employee *did* threaten to harm Mr. Manuzza. Specifically, co-worker Joe Rosalia told Manuzza "I'll beat the shit out of you." This encounter was witnessed by several employees. In fact, one week earlier, Mr. Rosalia, in a violent outburst, angrily yelled, "Fuck that! These dumb mother fuckers, I'm going to fuck someone up! I'm going to drop a bomb on Coca-Cola!"
24. Ms. Rosalia was never reprimanded for any of his threats. However, as already stated, when Ms. Walker was falsely accused of "threatening" Manuzza, she was suspended for five weeks without pay.
25. When Ms. Walker was reinstated in November 2010, she was assigned to be a filler operator. This required Petitioner to feed the bottling machine soda caps from a metal bucket for seven hours each day. The filler operator position is widely considered an unfavorable work assignment among the employees at the Maspeth plant, because of the physical toll it takes on employees.
26. Respondent assigned Petitioner to the filler operator position in retaliation for her good faith opposition to discriminatory practices five weeks earlier.
27. Petitioner began to develop shoulder pains from working in her new position. Nevertheless, despite her deteriorating physical condition, Ms. Walker continued to work hard at the new position.

mt
Sardin!

28. Whenever Ms. Walker took her breaks, Manuzzo would approach her work area, and time her to make sure she did not take more than 15 minutes, as this would give him grounds to discipline her. Manuzzo would also quiz her on the machinery, and the bottling process. Recognizing that Manuzzo and Respondent was looking for an excuse to terminate her, Ms. Walker made sure to perform her duties exceptionally well.
29. Nevertheless, despite her outstanding performance, Ms. Walker unfortunately developed carpal tunnel in her shoulder. On December 30, 2010, she took a medical leave in order to improve her condition.

III. CLAIMS FOR RELIEF

30. Based on the foregoing, in treating Ms. Walker differently than her similarly situated Caucasian co-workers, and in creating a hostile work environment filled with ridicule, harassment, and humiliation, Respondent discriminated against Petitioner on the basis of her African American race, in violation of Title VII of the Civil Rights Act of 1964.
31. Based on the foregoing, in suspending Ms. Walker following her complaint of discrimination, and eventually assigning her to an unfavorable position, Respondent retaliated against Petitioner because of her good faith opposition to discriminatory practices, in violation of Title VII of the Civil Rights Act of 1964.