



MITCHELL E. DANIELS, JR., *Governor*

JAMAL L. SMITH, *Executive Director*

ICRC No.: EMra11090605

██████████,
Complainant,

vs.

THERMAL STRUCTURES, INC.,
Respondent.

NOTICE OF FINDING

The Deputy Director of the Indiana Civil Rights Commission (“Commission”), pursuant to statutory authority and procedural regulations, hereby issues the following findings with respect to the above-referenced case. Probable cause exists to believe that an unlawful discriminatory practice has occurred. 910 IAC 1-3-2(b)

On September 21, 2011, ██████████ (“Complainant”) filed a complaint with the Commission against Thermal Structures, Inc. (“Respondent”) charging race discrimination in violation of ██████████ the Indiana Civil Rights Law (IC 22-9, et seq.) Accordingly, the Indiana Civil Rights Commission has jurisdiction over the parties and the subject matter.

An investigation has been completed. Both parties have had an opportunity to submit evidence. Based on the final investigative report and a review of the relevant files and records, the Deputy Director now finds the following:

The evidence indicates the Complainant and a Caucasian employee, ██████████, began permanent employment with Respondent around the same time and in the same position as Quality Weld Technicians. Complainant earned \$11/hour in this position. ██████████ was paid \$11.50/hour. Respondent asserts that ██████████ was paid more than Complainant because he had additional duties as a “lead technician.” Respondent has no defined job duties for “lead technician”, nor any distinct pay scale. ██████████ was then given a raise in November of 2010, earning \$13/hour. Again, Respondent asserts that ██████████ took on additional duties, but remained classified as a Quality Weld Technician like Complainant. Finally, ██████████ was promoted to Maintenance Supervisor with a pay rate of \$17/hour in August 2011. Around this same time, Complainant was promoted to Second Shift Team Leader at a rate of \$12/hour. Witness testimony suggests that Complainant and ██████████, although working on different shifts, performed essentially the same functions in the classification of Quality Weld Technician. Like ██████████, testimony of several coworkers indicates that Complainant also directed the work of the other technicians and acted as a sort of “lead technician.” The evidence suggests that Complainant and ██████████ were performing essentially the same job functions, while Complainant was paid between \$.50 and \$1.50 per hour less than the Caucasian employee. There is sufficient evidence to establish probable cause to believe Respondent may have violated the Indiana Civil Rights Law as alleged.



A public hearing is necessary to determine whether a violation of the Indiana Civil Rights Law occurred as alleged herein. IC 22-9-1-18, 910 IAC 1-3-5 The parties may agree to have these claims heard in the circuit or superior court in the county in which the alleged discriminatory act occurred. However, both parties must agree to such an election and notify the Commission within twenty (20) days of receipt of this Notice, or the Commission's Administrative Law Judge will hear this matter. IC 22-9-1-16, 910 IAC 1-3-6

July 12, 2012
Date

Joshua S. Brewster, Esq.,
Deputy Director
Indiana Civil Rights Commission