

EEOC NEWS

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION



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VAIL CONDO ASSOCIATION WILL PAY OVER \$1 MILLION TO SETTLE EEOC NATIONAL ORIGIN DISCRIMINATION AND SEXUAL HARASSMENT LAWSUIT

Management Company Ignored Complaints of Attempted Rape and Threats of Deportation, Then Fired Employees for Complaining, Federal Agency Charged

DENVER – Vail Run Community Resort Association, Inc., a condominium complex in Vail, Colo., and its management company, Global Hospitality Resorts, Inc., will pay \$1,020,000 as part of the settlement of a sexual harassment, national origin discrimination and retaliation lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC), the agency announced today.

EEOC's suit charged that Vail Run Resort violated federal law by allowing a housekeeping manager, Omar Quezada, to sexually harass Mexican female employees, including attempted rape. EEOC further alleged the defendants retaliated against men and women who complained about the harassment to management and the owner.

According to EEOC's suit, Quezada repeatedly spoke about sex, propositioned female employees, showed them graphic sexual pictures on his phone and groped and physically assaulted his victims, including attempted rape. Quezada targeted Mexican immigrants who were particularly vulnerable, threatening them with job loss and deportation if they refused his advances, complained about him, or went to the police.

When workers nevertheless complained to management, they were met with anger and indifference, according to EEOC allegations. EEOC said William Fleischer, Vail Run's general manager, and the companies never undertook an internal investigation after the complaints, made no effort to reduce Quezada's supervisory powers, and refused to discipline him.

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EEOC filed suit (*EEOC v. Vail Run Resort Community Association, Inc. d/b/a Vail Run Resort, et al.*, Civil Action No. 1:15-cv-01592-RPM) in U.S. District Court for Colorado after first attempting to reach a pre-litigation settlement through its conciliation process.

The same victims also sought help from the Colorado Civil Rights Division (CCRD), the local agency in charge of enforcing state anti-discrimination laws. CCRD conducted the initial investigation and made an administrative finding in favor of the two victims. When it was determined that there were additional victims, the case was transferred to EEOC, which did further investigation, issued its own cause determination and ultimately filed a lawsuit.

“We are pleased that the critical investigative work that the Colorado Civil Rights Division conducted produced such important results for the State of Colorado and the nation,” said Rufina A. Hernandez, director of the CCRD. “The partnership between EEOC and CCRD not only provides protection to all workers -- regardless of national origin -- but ensures that systemic issues of sexual harassment of immigrant workers will be aggressively enforced.”

In addition to requiring the company to pay monetary damages to the former employees, the consent decree settling the suit provides for a Spanish-speaking monitor for up to five years to oversee the decree’s implementation, which includes substantial semi-annual training for managers on sexual harassment and the responsibilities of managers once a report of sexual harassment is made. The monitor will also routinely interview employees to determine if any discrimination exists and review all employee complaints of discrimination or harassment. The decree also requires Vail Run Resorts to translate its equal employment opportunity policies into Spanish and provide semi-annual reports to EEOC identifying complaints of retaliation or discrimination. The rehiring of Quezada is also expressly prohibited.

EEOC General Counsel P. David Lopez said, “This is the latest in a series of enforcement efforts demonstrating the Commission’s resolve to enforce the anti-discrimination laws on behalf of all who live in this country and work for an employer covered by the law. This includes those living and working in the shadows who are particularly vulnerable to discrimination.” EEOC has also settled other cases dealing with national origin discrimination, including [Mountain King](#), [Suffolk Laundry](#) and [Moreno Farms](#).

EEOC Regional Attorney Mary Jo O’Neill added, “It is increasingly important to protect these socially marginalized communities against discrimination, extortion and exploitation.”

The consulate general of the United Mexican States in Denver and EEOC’s Denver office have a memorandum of understanding, which establishes a continuing partnership and commitment to increase compliance and awareness of workplace laws to all Mexican nationals in the United States. As a result of this partnership, the Mexican consulate assisted EEOC in the case.

EEOC enforces federal laws prohibiting employment discrimination. Protecting immigrant, migrant, and other vulnerable workers, including undocumented immigrants, is one of six national priorities identified in EEOC’s Strategic Enforcement Plan. EEOC is a certifying agency for U nonimmigrant status (U visa) petitions and assists victims of trafficking and violence to obtain those petitions. Further information about EEOC is available on its website at www.eeoc.gov.

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