STATE OF ILLINOIS)	
)	SS
COUNTY OF COOK)	

CHARGE NO: <u>2013SN3503</u>

AFFIDAVIT OF SERVICE

MARIA ELENA BARRIOS, being first duly sworn on oath, states that she served a copy of the attached NOTICE OF SUBSTANTIAL EVIDENCE upon each person named below by depositing the same this 30th day of JANUARY , 2015, in a U.S. Mail Box at 100 West Randolph Street, Chicago, Illinois, properly posted for FIRST CLASS MAIL, addresses as follows:

Peter Romer-Friedman, Esq.
Cohen Milstein Sellers & Toll PLLC
1100 New York Avenue, NW, Suite 500 West
Washington, D.C. 20005

Gerald L. Maatman, Jr. Seyfarth Shaw LLP 131 South Dearborn Street, Suite 2400 Chicago, IL 60603-5577

> Maria Elena Bassios MARIA ELENA BARRIOS

SUBSCRIBED AND SWORN TO BEFORE ME

THIS 30th DAY OF JANUARY, 20

NOTARY PUBLIC

OFFICIAL SEAL YOLANDA G GODWIN NOTARY PUBLIC - STATE OF ILLINOIS MY SOMMISSION EXPIRES:09/21/16 Bruce Rauner, Governor Rocco J. Claps, Director

January 30, 2015

Peter Romer-Friedman, Esq.
Cohen Milstein Sellers & Toll PLLC
1100 New York Avenue, NW, Suite 500 West
Washington, D.C. 20005

Gerald L. Maatman, Jr.
Seyfarth Shaw LLP
131 South Dearborn Street, Suite 2400
Chicago, IL 60603-5577

RE: Freedom to Work vs Exxon Mobil Corporation, 2013SN3503

NOTICE OF SUBSTANTIAL EVIDENCE AS TO COUNT(S) A, B, C & D

YOU ARE HEREBY NOTIFIED, the Director has concluded that there is Substantial Evidence that a civil rights violation has been committed.

Complainant must either:

1) Within thirty (30) days of receipt of the notice of Substantial Evidence, notify the Department in writing if you wish the Department to file a complaint with the Human Rights Commission ("Commission") pertaining to the allegation(s). Your request should be sent to: Chief Legal Counsel, Illinois Department of Human Rights, 100 W. Randolph St., Ste. 10-100, Chicago, IL 60601.

The Illinois Human Rights Act ("Act") permits the Department to conduct conciliation to give the parties an opportunity to settle the case before a complaint is filed with the Commission. Conciliation is a process in which a Department Staff Attorney facilitates settlement discussions with both parties via telephone. If you notify the Department to file a complaint with the Commission, I have been designated by the Director to CONCILIATE this case.

All settlement efforts are confidential. If it is determined there is not a reasonable possibility of settlement, within 90 days after receipt of the notice of Substantial Evidence, I will prepare a complaint against Respondent, file it with the Commission and serve notice of such filing on all parties, pursuant to Section 7A-102(F) of the Act. It is then the parties' responsibility to go forward with the case at the Commission.

Ur

2) Complainant may (within 90 days) file a complaint with the Commission. If Complainant files a complaint with the Commission, Complainant must also give notice of such filing to the Department.

Or

3) Complainant may commence a civil action in the appropriate state circuit court within ninety (90) days after receipt of this Notice. The civil action should be filed in the circuit court in the county where the civil rights violation was allegedly committed.

Oral R. Bennett Staff Attorney 312-814-6273 #13M10522.04

STATE OF ILLINOIS ILLINOIS DEPARTMENT OF HUMAN RIGHTS

CHICAGO OFFICE
DEPARTMENT OF HUMAN RIGHTS
100 W. RANDOLPH ST., SUITE 10-100
CHICAGO, IL 60601
(312) 814-6200
(866) 740-3953 TTY

SPRINGFIELD OFFICE DEPARTMENT OF HUMAN RIGHTS 222 S. COLLEGE ST., ROOM 101 SPRINGFIELD, IL 62704 (217) 785-5100 (866) 740-3953 TTY

CHARGE NO.: 2013SN3503 EMPLOYMENT DISCRIMINATION CHARGE

Freedom to Work, 1016 16th Street N.W., Suite 100, Washington, D.C. 20036, (202) 293-2828, believes that they have been personally aggrieved by a civil rights violation committed in December 2012, by:

RESPONDENT

Exxon Mobil Corporation 801 Adlai Stevenson Drive Springfield, Illinois 62703 (217) 544-5900 County: Sangamon

The particulars of the alleged civil rights violation are as follows:

I. A. ISSUE/BASIS

UNEQUAL TERMS AND CONDITIONS OF EMPLOYMENT – DECEMBER 2012, DUE TO SEXUAL ORIENTATION, HOMOSEXUAL

B. PRIMA FACIE ALLEGATIONS

- Freedom to Work (Complainant), is a national organization dedicated to banning and eliminating workplace discrimination against lesbians, gay men, bisexuals and transgender individuals.
- In December 2012, Respondent posted a vacancy for an administrative assistant position in Patoka, Illinois.
- In December 2012, a tester for Complainant portraying a well-qualified LGBT applicant ("Tester #1") applied for the vacant position by submitting a resume. Respondent did not respond to Tester #1's application or resume.
- Respondent did respond to a tester portraying a less qualified non-LGBT applicant ("Tester #2") by making three attempts to contact Tester #2.

Charge Number: 2013CN3503 Complainant: Freedom to Work

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 Respondent subjected Tester #1 to unequal terms and conditions of employment because of her sexual orientation, homosexual.

 That as a result of Respondent's conduct, Complainant suffered a frustration of its mission and a diversion of its resources.

II. A. ISSUE/BASIS

UNEQUAL TERMS AND CONDITIONS OF EMPLOYMENT – DECEMBER 2012, DUE TO PERCEIVED SEXUAL ORIENTATION, HOMOSEXUAL

B. PRIMA FACIE ALLEGATIONS

- Freedom to Work (Complainant), is a national organization dedicated to banning and eliminating workplace discrimination against lesbians, gay men, bisexuals and transgender individuals.
- In December 2012, Respondent posted a vacancy for an administrative assistant position in Patoka, Illinois.
- In December 2012, a tester for Complainant portraying a well-qualified LGBT applicant ("Tester #1") applied for the vacant position by submitting a resume. Respondent perceived Tester #1's sexual orientation as homosexual. Respondent did not respond to Tester #1's application or resume.
- Respondent did respond to a tester portraying a less qualified non-LGBT applicant ("Tester #2") by making three attempts to contact Tester #2.

 Respondent perceived Tester #2's sexual orientation as heterosexual.
- Respondent subjected Tester #1 to unequal terms and conditions of employment because of her perceived sexual orientation, homosexual.
- That as a result of Respondent's conduct, Complainant suffered a frustration of its mission and a diversion of its resources.

III. A. ISSUE/BASIS

FAILURE TO HIRE - DECEMBER 2012, DUE TO SEXUAL ORIENTATION, HOMOSEXUAL

B. PRIMA FACIE ALLEGATIONS

 Freedom to Work (Complainant), is a national organization dedicated to banning and eliminating workplace discrimination against lesbians, gay men, bisexuals and transgender individuals. Charge Number: 2013CN3503 Complainant: Freedom to Work

Page 3 of 4

- In December 2012, Respondent posted a vacancy for an administrative assistant position in Patoka, Illinois.
- In December 2012, a tester for Complainant portraying a well-qualified LGBT applicant ("Tester #1"), applied for the vacant position by submitting a resume. Respondent did not respond to Tester #1's application or resume.
- 4. Respondent did not make an offer of employment to Tester #1.
- Respondent did make an attempt to hire a less qualified, non-LGBT applicant ("Tester #2").
- Respondent failed to hire Tester #1, because of her sexual orientation, homosexual.
- That as a result of Respondent's conduct, Complainant suffered a frustration of its mission and a diversion of its resources.

IV. A. ISSUE/BASIS

FAILURE TO HIRE - DECEMBER 2012, DUE TO PERCEIVED SEXUAL ORIENTATION, HOMOSEXUAL

B. PRIMA FACIE ALLEGATIONS

- Freedom to Work (Complainant), is a national organization dedicated to banning and eliminating workplace discrimination against lesbians, gay men, bisexuals and transgender individuals.
- In December 2012, Respondent posted a vacancy for an administrative assistant position in Patoka, Illinois.
- In December 2012, a tester for Complainant portraying a well-qualified LGBT applicant ("Tester #1"), applied for the vacant position by submitting a resume. Respondent perceived Tester #1's sexual orientation as homosexual. Respondent did not respond to Tester #1's application or resume.
- 4. Respondent did not make an offer of employment to Tester #1.
- 5. Respondent did make an attempt to hire a less qualified, non-LGBT applicant ("Tester #2"). Respondent perceived Tester #2's sexual orientation as heterosexual.
- 6. Respondent failed to hire Tester #1, because of her perceived sexual orientation, homosexual.

Charge Number: 2013CN3503 Complainant: Freedom to Work

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7. That as a result of Respondent's conduct, Complainant suffered a frustration of its mission and a diversion of its resources.

Freedom to Work, on oath or affirmation state that it is the Complainant herein, that it has read the foregoing charge and knows the contents thereof, and that the same is true and correct to the best of its knowledge.

BY:	Tuo	Almerd	ر. م	ted: 17-	5-13		i ng
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IDHR/CN FORM #6 Rev. 7/12

STATE OF ILLINOIS DEPARTMENT OF HUMAN RIGHTS INVESTIGATION REPORT

Complainant: Freedom to Respondent: Exxon Mobil C		DHR No.: EOC No.:	2013SN3503 N/A
Investigator kgf	Super	visor _	M Date 1-23-15
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Jurisdiction:			v
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Verified Response Date due: 9/13/13		¥	
Date due. <u>9/13/13</u> Date received or postmarked: Timely: X Untime If untimely, good cause shown	ly	lo.	
(Group Exhibit A)	11		

¹ Exxon Mobile Company is the sole entity named as Respondent to the Charge. The allegations in the charge relate to a vacant position with a separate legal entity, ExxonMobile Pipeline Company(EMPCo), which is not identified or named in the charge. Respondent's objections and defenses are intended to apply equally to Exxon Mobil Corporation and ExxonMobil Pipeline Company.

Employment Data:

Respondent employs approximately 20 individuals at the Patoka, Illinois terminal which is the location referred to in the charge. One employee holds the position of Patoka Administrator position, which is the position in question. Respondent does not track their employees by their sexual orientation.

Uncontested Facts:

- 1. Respondent is a publicly traded international energy and petrochemical company, providing energy that helps underpin growing economies and improve living standards around the world. Respondent is also a technology company, applying science and innovation to find better, safer and cleaner ways to deliver energy the world needs.
- 2. On November 30, 2012, Respondent posted a job requisition for a position entitled Patoka Administrator with Respondent's Patoka, Illinois terminal. (Exhibit B)
- 3. The posting for this position closed on December 4, 2012.
- 4. Respondent received an application from Jennifer Priston (Tester #1) and her application reflected volunteer work performed for the Gay and Lesbian Victory Fund. (Exhibit Q)
- 5. Respondent did not contact Priston for an interview for the Patoka Administrator position.
- 6. Respondent received an application from Michelle Caland (Tester #2) and her application reflected volunteer work performed for the Feminist Activist Coalition of Lincoln Land Community College. (Exhibit R)
- 7. Caland was contacted by Respondent for an interview for the Patoka Administrator position.

INVESTIGATION SUMMARY

Complainant's Allegations - Counts A & B

Complainant alleges they are a national organization dedicated to banning and eliminating workplace discrimination against lesbians, gay men, bisexuals, and transgender individuals (LGBT). In December of 2012, Respondent posted a vacancy for an Administrative Assistant position in Patoka, Illinois. In December of 2012, a tester for Complainant portraying a well-qualified LGBT applicant Jennifer Priston (Tester #1) applied for the vacant position by submitting a resume. Respondent did not respond to Priston's (Tester #1) application or resume. Respondent did respond to a tester portraying a less qualified non –LGBT applicant Michelle Caland (Tester #2) by making three attempts to contact Caland (Tester #2). Respondent subjected Priston (Tester #1) to unequal terms and conditions of employment because of her sexual orientation, homosexual and her perceived sexual orientation, homosexual. That as a result of Respondent's conduct, Complainant suffered a frustration of its mission and a diversion of its resources.

Respondent's Defenses - Counts A & B

Respondent states that it is an equal employment opportunity employer, denies that it subjects applicants or employees to unequal or different terms or conditions of employment based on their sexual orientation or any other protected characteristic.

Respondent states in mid-2011, a full-time employee who had been working in the Patoka Administrator position at Respondent's Patoka, Illinois terminal resigned. In late 2011, Respondent obtained services of a contractor through a temporary agency to perform the duties of the position. In or around October of 2012, Respondent decided to permanently fill the Patoka Administrator position. Respondent determined that it would go through the formal recruitment and hiring process to permanently fill the Patoka Administrator position and invited the contractor to apply. (Exhibit X)

Respondent admits a job requisition was completed for the Patoka Administrator position. (Exhibit I) On November 30, 2012, Respondent posted a job opening for the Patoka Administrator position through a vendor-provided online employment application system called BrassRing, and the position remained open for 5 days. (Exhibit B) On or before December 4, 2012, 51 applicants completed and submitted online candidate applications and resumes for the position, including the contractor employee and individuals named "Jennifer Priston" and "Michelle Caland." (Group Exhibit AA) Respondent denies that they formed any perception or reached any conclusion regarding the sexual orientation of any applicant for the position or the that the sexual orientation or any other protected characteristic of any applicant played any role in connection with Respondent's selection, interviewing, or hiring decisions related to the Patoka Administrator position.

Respondent states Dona Steadman (non-identified), Human Resources Advisor ("Steadman"), did not focus on the other information reflected on the applications, including educational background or grade point averages, because these details were less important than practical work experience. Similarly, Steadman did not focus on the applicants' activities because these details typically are not relevant during the initial screening process. Steadman does not recall opening or viewing Priston's application. Further, Respondent has not found any evidence that Steadman accessed or viewed Priston's candidate profile on BrassRing. Further, even if Steadman had viewed Priston's application, she would have focused on the information under "experience" section which appeared on the first screen of the candidate profile. She would not have scrolled through the entire submission or viewed any information appearing on later screens. Steadman did not see, did not know of, and had no knowledge of any LGBT information relative to Priston's resume, as such did not appear on the BrassRing screen and was buried within the back section of the false resume Complainant submitted to Respondent for the position.

Respondent admits there were 51 applications for the Patoka Administrator position, that applications and resumes were received from a number of qualified applicants. (Group Exhibit AA) Steadman completed her review on or around December 10, 2012, and forwarded on 35 applicants to Jake Dulle (non-identified), former Area Supervisor, current Business Analyst

("Dulle"), on December 10, 2012. (Group Exhibit K & Exhibit BB) Included in the 35 applicants were the contractor and Caland, but Priston's application was not included. On December 11, 2012, Dulle reviewed the applications and rated 5 applicants as very solid, including the contractor and Caland². In the event additional candidates would be necessary to ensure a successful pool of candidates, Dulle identified 3 additional candidates considered to be fairly solid choices. (Exhibit L) Therefore, 5 applicants were selected for in-person interviews³. (Exhibit C)

Respondent further states Complainant did not apply for any jobs with Respondent. Instead, Complainant manufactured applications and submitted fake applications in response to a job posting for the Patoka Administrator position. Therefore there are a number of legal defenses to the charge Complainant has filed including issues relative to the impropriety of a false resume, the lack of any living person actually seeking a job interview, and the absence of legal standing of or a cognizable legal injury suffered by any covered person under the Illinois Human Rights Act.

Investigation Summary - Counts A & B

A. Complainant's Evidence

1. Tico Almeida (non-identified), President of Freedom to Work ("Almeida"), stated Freedom to Work does public education and outreach through legal cases that have been taken to the EEOC and assisted in legal cases for LGBT individuals. They have done public awareness campaigns regarding companies that lack LGBT policies in their corporate policies. They are focused on improving LGBT protections. Complainant employs two paid employees and has volunteers.

Almeida stated in May or June of 2012, Respondent's shareholders voted down a proposal at the urging of Respondent's management regarding LGBT protections and indicated their policies already included the protections. The resolution had been voted down by shareholders 10 times in a row and when Exxon merged with Mobile LGBT protections were deleted.

Almeida stated he went to Equal Rights Center in early 2012 to define the scope and began a program to have a match paired resume testing done. The Equal Rights Center is their agent and they negotiated and signed a contract with them to conduct the testing. The Equal Rights Center has expertise in this area and their findings have been given weight in court and with other agencies. There was a \$40,000 contract between

communications sent to them or show up for interviews.

Dulle's e-mail to Steadman on December 11, 2012, indicates he was forwarded 32 applications.
 The names of the individuals Respondent wanted to interview were Michelle Caland, Mary Huston, Jamie Storey, Karen Hintz, and Beck Miller. Storey, Miller, and Huston were interviewed. Caland and Hintz did not respond to

Complainant and Equal Rights Center. There is \$500 cost per test, but significant amount of time diverted for the test. There were two tests done in Illinois.

Melissa Rothstein (heterosexual), Deputy Director for the Equal Rights Center ("Rothstein"), stated the Equal Rights Center has been around for a little over 30 years and they are a testing organization. They work with private entities, government agencies, and corporate entities to do testing. The process is fairly informal, they had conversations back and forth between the entities that want to have the testing done and discuss what type of testing they want conducted. The Equal Rights Center looks at entry level jobs because there would be less of an expectation of colleagues and networking in the field with an entry level job. There is a contract between the organization that wants the testing done and the Equal Rights Center that defines what activities the Equal Rights Center is going to perform, the cost of the testing, and the extent the entity is going to be involved.

Rothstein stated she and Almeida had conversations for several months prior to agreeing to conduct the testing. They agreed to do the testing in November of 2012. The Equal Rights Center was doing testing and acting as an agent for Freedom to Work.

Rothstein stated the contract specified there would be 100 tests conducted. There were other companies that were tested other than Respondent, but they were all federal contractors. The fee was based upon a fee per test, but there are additional costs that could be associated with the cost per test. The contract indicated they estimated the cost per test to be \$500. If there is additional work associated with the test, the fees would be assessed at a different time. The monitoring and follow-up needed due to the results of the test, this test has been the most costly of the tests. This test was looking at the application and resume stage to see if the tester was going to get an interview.

Rothstein stated resume testing is a common way to signal the protected category of the applicant and was validated in social sciences that was validated and proven to be considered reliable.

3. Sarah Pauly (heterosexual), Fair Employment Program Manager for the Equal Rights Center ("Pauly"), stated the she took a look at Respondent's website and found positions that were open that she could create resumes for. The position she created resumes for was an administrative job. Pauly stated she created the resume for Tester #1-<u>Jennifer Priston</u> and Tester #2 - <u>Michelle Caland</u>. She sent the resumes to Almeida for his review and approval.

Pauly stated she submitted the resumes for both testers through Respondent's on-line application website. The e-mail address and phone number on their resumes are google accounts that she set up and monitored them by checking them through the internet.

Pauly stated she submitted Priston's application on December 4, 2013, at 5:01 p.m. She got a response that the application was received. (Exhibits Q & S) There was no e-mail or phone response to Priston's application. There is an address on the application, but this was not an address that she could check. They wanted to make sure that they were local applicants, so there was no address that they could check.

Pauly stated Priston's volunteer work included work for the Gay and Lesbian Victory Fund and she assisted in the promoting the rights of lesbian, gay, bisexual and transgendered individuals.

Pauly stated she submitted Caland's application on December 4, 2013, at 5:42 p.m. She got a response that the application was received. (Exhibits R & T) On December 14, 2013, a voicemail message was left by Dona Steadman (non-identified), Human Resources Advisor ("Steadman"), asking Caland to give her a call regarding an open position Respondent had. (Exhibit U) She did not respond to Steadman's voicemail. Steadman left another voicemail message on December 17, 2013, indicating she was still trying to reach her to talk about an interview. (Exhibit V) Steadman sent an e-mail on December 17, 2013, indicating that if she was still interested in the position, to contact Steadman and gave a phone number. (Exhibit W) She did not respond to Steadman's second voicemail message or e-mail.

Pauly stated Caland did volunteer work for the feminist movement.

Pauly stated the Equal Rights Center contacted Complainant and let them know that Caland had multiple contacts from the employer, but the LGBT applicant had not.

Pauly stated the Equal Rights Center did not have an official amount of time set, but she checked for months afterwards for Priston and she received no contact from Respondent.

4. Almeida stated the testing began in November or December of 2012. He chose the companies that would be tested, helped in creating the match

paired resumes, and chose the organizations to which the applicants would be involved in to point to their sexual orientation or their perceived sexual orientation. He worked with Pauly on resume creation. The two resumes went out on December 4, 2013. On December 3rd and 4th, he did double checking on the resumes to make sure that the resumes were accurate and the employers actually existed and the places of education existed and he wanted to make sure that this was an accurate testing.

Almeida stated he was updated that the Equal Rights Center got confirmation messages that both resumes were received. He was informed that Steadman made contact with the lesser qualified non-LGBT applicant on December 14, 2013. He was contacted again on December 17th when Steadman made another contact with the lesser qualified non-LGBT applicant. There was a third contact from Steadman to interview the lesser qualified non-LGBT applicant. Steadman indicated if Respondent did not hear back from her, they were going to move on to interview other applicants. He wondered that given the applicant did not respond, would Respondent move on to the more qualified LGBT applicant because the LGBT candidate was so similar to the non-LGBT candidate.

Almeida stated there are seven ways Priston, Tester #1, the LGBT identified candidate, is stronger than Caland, the non-LGBT candidate. The LGBT candidate had a higher GPA in High School, a higher GPA in College, had Advanced skills vs. proficient skills in Word, Excel and SAP, had inputted payroll for a larger number of employees, and had a broader range of skills. The LGBT candidate also had exactly those job duties in her current job that matched the job posting. The LGBT job title of Assistant Office Manager was higher than the non-LGBT candidate. The other job was more matched to the job description than the non-LGBT. The LGBT had a slightly longer overall work experience than the non-LGBT candidate.

Almeida stated if Respondent found one qualified then they would have found the other qualified and contacted them both. Respondent did not to go to the LGBT applicant to offer an interview even after the non-LGBT applicant did not contact them back for an interview.

Almeida stated LGBT is the only category Respondent has rejected in their policies. Respondent's policies do not include protections that are covered by the Illinois Human Rights Act. Their intent and formulation of the test was only to test the resume and application process and to offer an interview. The opportunity was not given to Priston even though Priston had more experience than Caland and Caland was given the opportunity for an interview.

Almeida stated the work the applicant did at the Gay and Lesbian Victory Fund makes her a stronger candidate. They tailored their resume to fit the job posting, down to the items listed as volunteer work.

- Pauly stated there is a Harvard study that found a significant difference in treatment of individuals who indicated they were active in groups that were related to the LGBT community.
- Almedia stated one of their models in resume audit and investigation was a Harvard University Study and the study showed affiliation with the Gay and Lesbian Victory Fund would signify LGBT affiliation. Their complaint is based upon discrimination on perceived sexual orientation and actual sexual orientation. Even if Priston were straight, and she was discriminated against because she was perceived to be a Lesbian that is illegal. Applicants should not have to exclude volunteer work which is relevant to a job that they are applying for and the refusal to include this category in their policies would show that they have fought against including.

Almeida stated if Respondent's management had recommended that they vote for this resolution and amend its policies, they would not be here today, because they did not make the change, they decided to divert time and resources to this investigation and testing. It has ranged between 25-50-100% of his time on this issue and equated to 100's of hours. He worked about 10 hours on this the week of application submission and there were times he was spending almost all of his time on Respondent's policies, doing media outreach, working with the comptroller's office in New York regarding the resolution and the vote. (Exhibit Y)

7. The Equal Rights Center conducted one other test of Respondent in Illinois for an Administrative Assistant position in Joliet, IL. In the Joliet, IL. test, neither resume received a response from Respondent. (Group Exhibit Z)

B. Respondent's Evidence

1. Kim Cunningham (non-identified), In-House Counsel ("Cunningham"), stated Respondent's Standard of Business Conduct indicates unlawful treatment of employees based upon any category that is protected by state and federal law is prohibited (Exhibit C) Respondent also has a Standards of Business Conduct that addressed this issue. Respondent also has a Working Together Booklet that has policies that address this issue and has a Questions and Answers section where Respondent answers questions about expected treatment for employees. There are specific questions regarding sexual orientation and addresses why sexual orientation and gender identification are

not specifically listed. (Exhibit E) Employees are trained on these policies on a regular basis. The question and answer addresses sexual orientation, including recruitment, hiring, etc.

Cunningham stated Respondent also has Diversity and Inclusion Statements. Respondent sponsors company-wide programs and community events with these same objectives including PRIDE (People for Respect, Inclusion, and Diversity of Employees), whose mission is, "To support gay, lesbian, bisexual, transgender employees and allies, and to encourage awareness and understanding of diversity and inclusion issues around sexual orientation, gender identity and gender expression in the workplace." Further PRIDE materials on their intranet and there is information on Respondent's Open Door Communication Policy. Employees are to report any violation of policy through the appropriate channel. (Exhibits G & H)

Cunningham stated the Pipeline Company is separately incorporated and has adopted Exxon Mobile Corporation policies. They have adopted the Standards of Business Conduct policies and it is distributed to all employees when they are hired and it is on the intranet and is available at various locations. They also have onsite trainings that employees are required to go through every few years on a systematic basis. The training incorporates a review of the Working Together Booklet. If an employee has a question regarding if discrimination against someone based upon sexual orientation is accepted, the answer is no and there is information regarding where they can find information regarding where they can find information regarding those policies.

Cunningham stated Respondent's Global Diversity Booklet also expresses Respondent's stance on diversity. There is discussion regarding valuing background and specifically states that Respondent does not discriminate against employees based upon sexual orientation. (Exhibit F)

Cunningham stated Respondent complies with all applicable laws and regulations. Their Standards of Business Conduct mirrors the laws in the specific states they conduct business in.

- 2. Respondent's Chairman issued a Statement on Discrimination and Sexual Orientation states in part, "These broad policies encompass all forms of discrimination including discrimination based on sexual orientation. (Exhibit D)
- 3. Dona Steadman (non-identified), Human Resources Advisor ("Steadman"), stated in October of 2012, Dulle wanted to hire their contract employee for the Administrative Assistant job. (Exhibit J) She contacted their recruiting office to find out the hiring process because hiring Administrative Assistants is an

infrequent process for her in the pipeline side of the business. She was instructed to create a requisition for the job. She created the requisition and had it posted in the BrassRing System. The position was posted for 5 days and then was closed. She was given an ID for the BrassRing System, but she had not used it before. She looked at the applications and was looking to see if the current contract employee had applied and she had not and she contacted the supervisor for her to apply along with anyone else who wanted to apply.

- 4. Jake Dulle (non-identified), former Area Supervisor, current Business Analyst ("Dulle"), stated the Patoka Administrator position went vacant a year before they decided to fill the position. They filled the position with a contract employee, but in the fall of 2012, they decided to fill the position with a full-time employee. They determined what qualifications were required for the position, the position was posted, and applications were submitted. The first time he saw the applications was when Steadman sent him an e-mail with all the applications for him to review. The applications were submitted in several e-mails, so he must have miscounted when he sent the e-mail to Steadman saying he got 32 applications, he got 35.
- 5. The Job Details Document (Exhibit B) indicates the following information:

Key Tasks May Include:

- Generate, track, and maintain projects and purchase orders for the work area in SAP.
- Input payroll for approximately 20 employees; track overtime and vacation in the SAP database.
- Ensure invoices for the area are paid.
- Serve as the local Records Management Coordinator with responsibilities for maintaining both electronic and hardcopy files.
- Ensure area compliant with administrative controls requirements by following various policies, training employees on controls requirements, and conducting self assessments.
- Maintain multiple metrics reports including mileage, behavior based safety, and financial reports.
- Answer phones including the air patrol phone. Maintain the Patoka front gate acting as the first point of contact with visitors to the facility.
- Other general office duties including stocking supplies and ordering equipment.
- Other duties as assigned.

JOB SKILLS/BACKGROUND/SOFTWARE REQUIREMENTS:

- Proficient in MS Office including Excel and Word.
- At least 1 year experience in running an office.

OPTIONAL SKILLS

- Experience with SAP.
- Payroll and accounts payable responsibilities.

6. Resume Summaries for Priston and Caland:

Resume	Priston (Exhibit Q)	C-1, 1(F 1914 B)		
Education		Caland (Exhibit R)		
Education	Lincoln Land Community	Lincoln Land Community		
	College – Associate in	College – Associate in		
	Science, Business Science, Business			
	Administration – 3.98 GPA Administration – 3.9 G			
	Springfield High School –	Springfield High School –		
CVIVI	3.87 GPA	3.85 GPA		
SKILLS	Advanced Excel, Word,	Proficient in Word, Excel,		
	and SAP	and SAP		
EXPERIENCE	Nudo Products -	Illinois & Midland '		
	Administrative Assistant	Railroads –		
	from May 2011- Present	Administrative Assistant		
	 Used SAP to 	from June 2011 – Present		
	generate, track, and	 Utilized SAP to 		
	maintain purchase	manage purchase		
	orders and projects	orders, projects,		
	 Input payroll for 22 	and payroll-related		
	employees, using	data such as		
	SAP to track overtime and			
	overtime and vacation			
	vacation leave • Input payroll f			
	Manage records 19 employees			
	related to	Employ electronic		
	purchases, training,	and hardcopy files		
	payroll, and	to manage and		
	accounts payable	maintain records		
	by maintaining			
	electronic and	on payroll,		
	hardcopy files	invoices, and		
		accounts		
	• Endure that work	 Purchase office 		
	complies with	supplies and		
	administrative	equipment for		

policies and requirements by training employees and conducting self-assessments • Maintain reports and metrics related to finances, behavior-based safety, mileage, expense reimbursement • Answer phones and route calls courteously and professionally • Greet visitors and implement company protocol when admitting guests to premises • Ensure compliance with accounts payable processes for office supply and equipment purchases • Stock supplies and equipment for office • Coordinate office equipment servicing • Ensure that all invoices are paid on time	 Ensure that invoices for equipment and office supplies are paid for in accordance with deadlines Follow company policies and train others to work in compliance with company policies Conduct self-assessments to ensure compliance with company policies Prepare multiple metrics reports that include analysis of mileage, behavior-based safety, and financial data Answer the phone for the company and route calls to appropriate colleagues Manage the front desk by acting as the first point of contact with visitors
Lemay & Company – Assistant Office Manager from January 2009 to May 2011	21 st Century Dental – Office Assistant from February 2009 to April 2011
 Maintained records regarding invoices, 	 Managed the office's phone line

VOLUNTEER	receivable • Fielded phone inquiries from accounting clients Gay and Lesbian Victory	calls • Maintained records by ensuring that proper paperwork procedures were followed by patients
WORK	Fund – Local Chapter Treasurer from September 2010-May 2011 • Maintained financial records of fundraising events • Assisted in organizing programs that promote the rights of lesbians, gay, bisexual, and transgender individuals by tracking event attendance, ordering refreshments, and training volunteers	Coalition of Lincoln Land Community College – Secretary from October 2010-May 2011 Organized events to promote equality for women. Kept electronic and hardcopy records regarding finances and meetings

7. Steadman stated she knew what the job description was and what the requirements were. When the applications would pull up on the screen she was skimming them for key words. She was reviewing the information that was shown on the first page of the application, which was their current work experience. She was not looking at the applicants' activities or where they went to school. This was something they would talk about in the interview. She was looking at for office management, payroll, word, excel, she was not studying the whole document. She was saving them and this hiring program was different than the one that she was used to using. She did not have any demographic information regarding any of the candidates and was not looking at that. She was not comparing applicants to see if one was better or worse than another one.

Steadman stated when this case was filed, she did not remember the applicants.

Steadman stated the primary candidate she was looking at was the contact employee that they wanted to hire. The company's process is to have a hiring process, even if they were wanting to hire a contract employee.

Steadman stated there were 51 applicants and she sent 35 to Dulle. (Group Exhibit K) The full application document would have been sent to the Dulle. She would have been looking at their experience, not their volunteer work and their education. Her goal was to provide Dulle applicants who had the skills and qualities that were listed on the acquisition. Dulle sent her a list of the ones he wanted to invite for interviews. (Exhibit L) She started calling those individuals. There was some time sensitivity on this issue because she was getting ready to be out of the office on vacation. They had set the interview date and she was trying to get individuals set on that date. (Exhibit M)

Steadman stated she did not have a narrowing tool, her process was to open the resume and skim it for certain words. She felt 35 applicants was a significant number of applicants to pass on. She felt she was passing on a lot of documents for review and she was providing a lot of candidates with experience that he had outlined. She was not keeping a tracking sheet for all 51 of them, in fact, she does not know if she opened all 51 of them.

Steadman stated she does not know if there is a way to check with the software to see if she opened Tester #1's application or not. In her other software systems, she could track it, but with this software, she did not have that tracking. She has no recollection of viewing Priston's application. However, if she had reviewed any aspect of Priston's application, it would have been limited to her current work experience on the first screen of the application that showed on her computer.

- 8. Respondent's response to a request for further information from the Department indicated Respondent has no tracking records from BrassRing related to Priston's application being opened prior to the IDHR Charge being filed. Further, the BrassRing program does not maintain a complete electronic footprint of all information regarding an application opened by users. According to its records, BrassRing only tracked 7 applications as being opened by Steadman for the position at issue. (Exhibit DD)
- 9. The screen shot of Steadman's computer screen shows the first page of Priston's application which shows her name, address, her education, her skills, and her work experience at Nudo Products. (Exhibit FF)
- 10. The screen shot of Steadman's computer screen shows the first page of Caland's application which shows her name, address, education, and experience at Illinois & Midland Railroads and 21st Century Dental and the word "Activities" is shown. (Exhibit GG)

11. Dulle stated there is a minimum number of candidates that you have to invite to interview and you have to have a minimum number of candidates to show up. Human Resources gives them that number. To ensure they get a successful pool, they want to make sure they get enough people to show up and do the interviews. Human Resources told them they needed to invite 5 individuals.

Dulle stated he looked for several different things when he was narrowing the candidates. It was all weighted on work experience, where they worked and what type of work they did. He looked at what type of work experience they had, if they worked with hourly individuals who worked odd ball hours, then they got flagged and brought in for an interview. Employees of railroads and utilities stood out. Looking at if they were working for a company like theirs, if they had to know OSHA Rules, working with overtime rules. He was filtering out people who had done jobs in medical offices, legal offices. He looked at the whole application, but he was focused on their work experience. The extracurricular things or schooling were not used as a filtering tool, many people leave that information blank and it is a horrible filtering tool.

Dulle stated Jamie Storey, was the contract employee, and four other individuals selected for interview. Mary Huston worked as Administrative Assistant in a landscaping company who had dealt with overtime issues, so she was selected for an interview.

C. Complainant's Rebuttal

Complainant did not provide any additional information other than what was previously identified in the Complainant's Evidence section.

Analysis

Complainant has alleged that their organization suffered a frustration of its mission and a diversion of its resources when Respondent subjected a tester applicant for Complainant to unequal terms and conditions of employment based upon her sexual orientation, homosexual or her perceived sexual orientation, homosexual. Complainant alleges the unequal terms and conditions of employment included not responding to and not scheduling an interview with a well-qualified LGBT applicant for the Administrative Assistant position in Patoka, Illinois. Complainant alleges Respondent responded to a less-qualified non-LGBT applicant for the Administrative position in Patoka, Illinois.

Respondent denies that they reached any conclusion regarding the sexual orientation of any applicant for the position or that the sexual orientation or any other protected characteristic of any applicant played any role in connection with Respondent's selection, interviewing, or hiring decisions related to the Patoka Administrator position.

It is uncontested and documentation indicates that both Tester #1 and Tester #2 applied for the position. It is uncontested and documentation indicates that Respondent replied to both Tester #1 and Tester #2 to indicate they received their applications. It is uncontested and documentation indicates that Tester #1 was not contacted by Respondent regarding setting up an interview, but Tester #2 was contacted by Respondent regarding setting up an interview. It is uncontested and documentation indicates that the applications of both Tester #1 and Tester #2 were similar and both outlined qualifications similar to the job posting.

Respondent has indicated that Steadman, the individual who narrowed the applicants from 51 to 35, does not recollect if she viewed Tester #1's application. Respondent was unable to provide documentation to establish if Steadman did or did not view Tester #1's application. Steadman indicated she would have only viewed the first screen of the applicant's information, wich would not show their volunteer work or their activities. Respondent provided a copy of what the first screen of Tester #1's applicant information and it indicates that it did not show her volunteer work or her activities. Therefore, Respondent indicates that information would not have been considered by Steadman when determining who would or would not be interviewed.

Respondent submitted documentation to indicate 35 applicants were forwarded to Dulle, the supervisor, to narrow down the list for who he wanted to interview. Respondent also submitted documentation to indicate Dulle narrowed the number of applicants to schedule for interviews to 5. It is uncontested and documentation indicates that Tester #2 was selected by Dulle to be scheduled for an interview.

Respondent has provided a legitimate, non-discriminatory reason for Tester #1 to not have been contacted to schedule an interview and that her not being contacted was not related to her sexual orientation or perceived sexual orientation. Steadman does not recall looking at her application, she did not look at all applications, she forwarded on individuals she felt matched the experience Dulle was looking for, and she did not view the portion of the application that would have showed the applicant's volunteer work or activities, so that could not have been a determining factor in her decision. Respondent further indicates Tester #1's application was not forwarded to Dulle for consideration, therefore, she was not in the pool of applicants to consider for an interview. However, Tester #1 was screened out by Steadman and therefore, not forwarded to Dulle for consideration. It is unknown if Steadman viewed Tester #1's application or not and if she did, if she viewed her volunteer work or not. Further, based upon review of applications of Tester #1 and Tester #2, they are very similar and their previous job duties match the description of duties Respondent was looking for in candidates for the advertised position. Therefore, it is unknown if Respondent screened Tester #1 out due to her sexual orientation or perceived sexual orientation or due to Respondent not viewing her application.

Findings and Conclusion - Counts A & B

A finding of **Substantial Evidence** is recommended because:

Complainant has alleged that their organization suffered a frustration of its mission and a diversion of its resources when Respondent subjected a tester applicant for Complainant to unequal terms and conditions of employment based upon her sexual orientation, homosexual or her perceived sexual orientation, homosexual. Respondent has denied the allegation and has indicated in the testimony provided by Steadman, the individual who narrowed the candidates for application, that she did not recall if she viewed Tester #1's application or not and if she did view the application, she would have only viewed her work experience and not her volunteer work, so she would not have known about her work at the Gay and Lesbian Victory Fund. However, there is no documentary evidence to establish that Steadman did or did not open Tester #1's application or did or did not view her volunteer work at the Gay and Lesbian Victory Fund. Further, the application documents for Tester #1 and Tester #2 are very similar and their Therefore, this case is best suited to be heard before a trier of fact so that credibility may be determined.

Complainant's Allegations - Counts C & D

Complainant alleges they are a national organization dedicated to banning and eliminating workplace discrimination against lesbians, gay men, bisexuals, and transgender individuals (LGBT). In December of 2012, Respondent posted a vacancy for an Administrative Assistant position in Patoka, Illinois. In December of 2012, a tester for Complainant portraying a well-qualified LGBT applicant Jennifer Priston (Tester #1) applied for the vacant position by submitting a resume. Respondent did not respond to Priston's (Tester #1) application or resume. Respondent did not make an offer of employment to Priston (Tester #1). Respondent did make an attempt to hire a less qualified, non-LGBT applicant Michelle Caland (Tester #2). Respondent failed to hire Priston (Tester #1), because of her sexual orientation, homosexual and her perceived sexual orientation, homosexual. That as a result of Respondent's conduct, Complainant suffered a frustration of its mission and a diversion of its resources.

Respondent's Defenses - Counts C & D

Respondent states that it is an equal employment opportunity employer and denies that applicants' sexual orientation or any other protected characteristic plays any role in Respondent's selection, interviewing, or hiring decisions. Respondent admits that they made an offer of employment for the Patoka Administrator position to an individual who was working for Respondent as a contractor since late 2011 and who was the most qualified candidate among the pool of applicants because she had been performing the job duties for almost a year, she was familiar with the company's systems and processes, and she had a good rapport with Respondent's employees.

Respondent admits they selected 5 of the 51 applicants for the Patoka Administrator position for in-person interviews. Steadman developed an interview schedule and began contacting the candidates. She contacted the 5 candidates and spoke with 3, including the contractor, confirmed their availability for interviews and sent each of them an e-mail confirming the date of the interview. (Group Exhibit N) Steadman was not able to contact Caland and another candidate, so she followed up with an e-mail. (Group Exhibit O) Steadman received no response from

Caland, but did receive a response from the other candidate. Steadman left an interview slot open for Caland because, in her experience, it is not unusual for candidates to respond immediately before scheduled interviews or to attend interviews even without confirming their availability. On January 16, 2013, Steadman and Dulle conducted the interviews, Caland and another candidate did not appear for the interviews.

Respondent admits that on or about January 17, 2013, Respondent selected the contractor for the Patoka Administrator position. The contractor successfully completed the remaining preemployment requirements and was hired effective April 3, 2013. (Exhibit EE) By the time of her hire date, the contractor had been successfully performing the duties of the job for approximately 14 months.

Investigation Summary - Counts C & D

A. Complainant's Evidence

1. See Complainant's Evidence, Counts A & B.

B. Respondent's Evidence

- 1. See Respondent's Evidence, Counts A & B.
- 2. Steadman stated the interviews were held in January of 2013. She and Dulle were the ones who conducted the interviews. She did keep an interview spot open for Caland because in the past, when they have had interviews, they have had some people who just show up. Also, she did not have a rejection from Caland for the invitation to the interview.

Steadman stated all the applicants are asked the same questions. She did the structured questioning part of the interview that allows her to rate the candidate. She talks to each candidate about benefits, how the process is going to work, what the timing is for the hiring, the candidate can ask questions regarding the hiring process, and the company. Dulle did the background part of the interview and scoring for his portion. After the interview, they compared information and the top candidate was the person who was working at the site. Dulle sent a note seeking authorization to move forward to seek approval to offer the position to the candidate.

Steadman stated it was hard to remember if she looked at Priston's application. She looks at a lot of applications and a lot of time had gone by and she did not remember looking at the applications.

Steadman stated she obviously opened Caland's application because she saved it and sent it to Dulle. She does not recall looking at Priston. Priston's application was not forwarded to Dulle for review.

Steadman stated the e-mail allowed the candidate an additional time period, because in the past, the person usually responds by that time. However, in this case, she got no response.

Steadman stated the requirement is to invite four candidates for interview. She thinks she asked Dulle if he wanted to invite more to an interview and to do that, that they would have had to extend the interview time. The supervisor asked her if they had met the hiring requirements and they had, so they moved forward with the interview. (Exhibits M, Group Exhibit N and Group Exhibit O)

Steadman stated the contract employee who was hired had been working in the location for approximately one year. (Exhibit P)

- 3. Dulle stated Storey met the minimum requirements and she was a known commodity. The other candidates were strong, but Storey was not going to need any additional training, and had background experience with the specific systems as well as Respondent and working for the company and so that is why they selected her.
- 4. Miller, Storey, and Huston were the three candidates who were interviewed.

Applicant Name	Education	Skills	Experience	Volunteer Work
Jennifer Priston (Tester #1)	Lincoln Land Community College – Associate in Science, Business Administration Springfield High School	Advanced Excel, Word, and SAP	Nudo Products – Administrative Assistant from May 2011-present Lemay & Company – Assistant Office Manager from January 2009 – May 2011	Gay and Lesbian Victory Fund – Local Chapter Treasurer from September 2010-May 2011
Michelle Caland (Tester #2)	Lincoln Land Community College- Associate in Science, Business Administration Springfield High School	Proficient in Word, Excel, and SAP	Illinois & Midland Railroads- Administrative Assistant from June 2011-present 21 st Century Dental – Office Assistant from February 20090- April 2011	Feminist Activist Coalition of Lincoln Land Community College – Secretary from October 2010- May 2011

Mary Huston	Hickey College –	114		
(Exhibit II)	Associate Degree,	Microsoft	Dinkelman	None Listed
(Exhibit II)	Administrative	operating	Landscaping, Inc. –	
	Assistant	system, Apple	Executive	
	Assistant	Operating	Administrative	
	C-11 77 1	system,	Assistant/Vice	
	Carlyle High	Microsoft	President/Corporate	1
	School	Office,	Officer from	
		Quickbooks,	February 2001 – July	
I. C.		etc.	2011	
Jamie Storey	Gainsville	Proficient in	ExxonMobil Pipeline	None Listed
(Exhibit HH)	College –	HTML,	Company –	
	Computer Science	Outlook,	Administrative	
		PowerPoint,	Assistant – December	
	Lanier Technical	Excel, Word,	2011-present	
	Institute –	and Microsoft		
	Computer Science	Works	Harry & David 1997-	
	_	II'	2011	
	Lumpkin County		• Sales	
	High School		Manager –	
			2010-2011	
			Dual Store	
			Sales	
			Manager -	
			2008-2010	
			Training	
			Store	
			Manager	
			2006-2011	
l l			 Manager – 	
			2005-2006	
			Manager	
			2002-2005	
			Assistant	
			Sales	
			Manager	
			2001-2002	
			Key Holder	
			1997-2001	
			227 2001	
			Preferred Accounting	
<			- Office Assistant	
		E	2001	
2022 20 530		Working	Buckeye Pipeline	None Listed
TRIVIDIDA E LES	Community 1	knowledge of		1 TOTIC DISTRICT

	College	SAP which	Facility from	****
		includes coding	ConocoPhillips) -	
		and reviewing	Lead Terminal	
		invoices, setting	Officer – 2009-2011	
		up PM		
		notifications and	ConocoPhillips –	
		work orders,	Lead Terminal	
		entering and	Officer - 1995-2009	
		releasing goods		
		receipts in the	Phillips Pipeline	
		system.	Company – Area	
		Knowledge of	Administrative	
		Toptech	Assistant - 1991-	
1		management	1995	
		system program		
		and experienced	Hickory Point Bank	
		with Microsoft	& Trust – Loan/Cash	
		Office.	Management Officer	
			- 1985-1991	

C. Complainant's Rebuttal

Complainant did not provide any additional information other than what was previously identified in the Complainant's Evidence section.

Analysis

Complainant has alleged that their organization suffered a frustration of it mission and a diversion of it resources when Respondent failed to hire a tester applicant for Complainant for the Administrative Assistant position in Patoka, Illinois based upon her sexual orientation, homosexual or her perceived sexual orientation, homosexual. Complainant alleges Respondent made an attempt to hire a less qualified tester applicant for the position who was a non-LGBT applicant.

Respondent denies that they reached any conclusion regarding the sexual orientation of any applicant for the position or that the sexual orientation or any other protected characteristic of any applicant played any role in connection with Respondent's selection, interviewing, or hiring decisions related to the Patoka Administrator position.

Documentation indicates Respondent selected 5 individuals from the 35 applicants who were considered to interview and three individuals came to the interview and were interviewed. Respondent indicates Tester #2 and another applicant did not come to the interview. The individuals who were selected for interview met the qualifications Respondent was seeking in the applicant for the Patoka Administrative Assistant position.

Respondent has provided a legitimate non-discriminatory reason for hiring the individual they hired into the position, Storey, she met the qualifications Respondent was seeking and they felt she was the best candidate for position in that she was the contractor employee who had been performing the duties of the job for approximately 14 months by the time she was hired for the position.

However, Tester #1 was screened out by Steadman and therefore, not forwarded to Dulle for consideration. It is unknown if Steadman viewed Tester #1's application or not and if she did, if she viewed her volunteer work or not. Further, based upon review of applications of Tester #1 and Tester #2, they are very similar and their previous job duties match the description of duties Respondent was looking for in candidates for the advertised position. Therefore, it is unknown if Respondent screened Tester #1 out due to her sexual orientation or perceived sexual orientation or due to Respondent not viewing her application. Therefore, it is unknown if Respondent screened Tester #1 out due to her sexual orientation or perceived sexual orientation or due to Respondent not viewing her application.

Findings and Conclusion - Counts C & D

A finding of **Substantial Evidence** is recommended because:

Complainant has alleged that their organization suffered a frustration of its mission and a diversion of its resources when Respondent failed to hire a tester applicant for Complainant based upon her sexual orientation, homosexual or her perceived sexual orientation, homosexual. Respondent has denied the allegation and has indicated they hired the best candidate for the position. However, in the testimony provided by Steadman, the individual who narrowed the candidates for application, that she did not recall if she viewed Tester #1's application or not and if she did view the application, she would have only viewed her work experience and not her volunteer work, so she would not have known about her work at the Gay and Lesbian Victory Fund. However, there is no documentary evidence to establish that Steadman did or did not open Tester #1's application or did or did not view her volunteer work at the Gay and Lesbian Victory Fund. Also, the application documents for Tester #1 and Tester #2 are very similar and their previous job duties match the description of duties Respondent was looking for in candidates for the advertised position. Therefore, if Respondent considered Tester #2 qualified and a good candidate for an interview, Tester #1 would have been qualified and a good candidate for an interview had she not been screened out of the process and denied the opportunity for an interview and to be considered for the position. Therefore, this case is best suited to be heard before a trier of fact so that credibility may be determined.

Witness List

A. Tico Almeida (non-identified), President of Freedom to Work (fact-finding conference).
 C/o Peter Romer-Friedman
 Cohen, Milstein, Sellers & Toll, PLLC
 1100 New York Avenue, NW

Suite 500 West Washington, D.C. 20005 (202) 408-4600

Witnesses B - D may be contacted through Respondent's Attorney:

Gerald L. Maatman, Jr. Seyfarth Shaw, LLP 131 S. Dearborn Street Suite 2400 Chicago, IL. 60606-5577 (312) 460-5965

- B. Kim Cunningham (non-identified), In-House Counsel (fact-finding conference).
- C. Dona Steadman (non-identified), Human Resources Advisor (fact-finding conference).
- D. Jake Dulle (non-identified), former Area Supervisor, current Business Analyst (telephone interview).

Witnesses D & E may be contacted through their Attorney:

Peter Romer-Friedman Cohen, Milstein, Sellers & Toll, PLLC 1100 New York Avenue, NW Suite 500 West Washington, D.C. 20005 (202) 408-4600

- E. Melissa Rothstein (heterosexual), Deputy Director for the Equal Rights Center (telephone interview).
- F. Sarah Pauly (heterosexual), Fair Employment Program Manager for the Equal Rights Center (telephone interview).

Exhibits

Grp. Ex. A. Verified Response Good Cause Determination Worksheet.

- B. Job Details for Patoka Administrator Position.
- C. Respondent's EEO Policy, pages 19 & 20.
- D. Respondent's Chairman's Statement on Discrimination and Sexual Orientation.
- E. Respondent's Working Together Booklet, pages 21 & 23.
- F. Respondent's Global Diversity Booklet.
- G. PRIDE Materials.
- H. Open Door Policy, pages 23 &24.
- I. Job Requisition for Patoka Administrator Position.
- J. E-mails dated October 10, 2012.
- Grp. Ex. K. E-mails from Steadman with Applications, dated December 10, 2012.

- L. E-mails, dated December 10 and 11, 2012.
- M. Interview Schedule.
- Grp. Ex. N. E-mails to Confirm Interviews, dated December 14, 2012.
- Grp. Ex. O. E-mails to Caland and Other Applicant, dated December 17,2 012.
- P. E-mails Regarding Hiring, dated January 17, 2013.
- Q. Priston's Resume.
- R. Caland's Resume.
- S. E-mail Confirming Receipt of Priston's Resume.
- T. E-mail Confirming Receipt of Caland's Resume.
- U. Transcript of Steadman's December 14, 2012 Voicemail Message for Caland.
- V. Transcript of Steadman's December 17, 2012 Voicemail Message for Caland.
- W. Steadman's E-mail to Caland, dated December 17, 2012.
- X. Respondent's Timeline of Events Related to Charge.
- Y. Complainant's Letter Indicating Complainant's Out-of-Pocket Expenditures of Complainant's Resources.
- Grp. Ex. Z. Documentation Regarding a Test Conducted by the Equal Rights Center with Respondent for an Administrative Assistant Position in Joliet, IL.
- Grp. Ex. AA. 51 Application Documents.
- BB. Respondent's Response to Request for Further Information, Pages 2 & 3, List of Individuals Forwarded to Dulle.
- CC. Respondent's Response to Request for Further Information, Page 3, List of Individuals Scheduled for Interviews.
- DD. BrassRing Information on Applications Opened.
- EE. Storey's Human Resources Employee Profile Document.
- FF. Steadman's Computer Screen Shot of Priston's Application.
- GG. Steadman's Computer Screen Shot of Caland's Application.
- HH. Storey's Application Document.
- II. Huston's Application Document.
- JJ. Miller's Application Document.

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