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OCT 03 2014

BUREAU OF LABOR AND INDUSTRIES

Civil Rights Division Complaint of Unlawful Practice

PTLD CIVIL RIGHTS DIV

COMPLAINANT:

Kerry D. Barker

Portland, OR 97214

Case #: EEEMRC141003-11421

Phone #: [REDACTED]

RESPONDENT:

Daimler Trucks North America LLC
6936 N. Fathom Street
Portland, OR 97217

Contact: Human Resources

Headquarters:

Daimler Trucks North America LLC
ATTN: Cynthia Scott
4747 N. Channel Avenue C3B-LGL
Portland, OR 97217

Member:

Daimler North America Corporation
3 Mercedes Drive
Montvale, NJ 07645

Managers:

Matthias Gruendler
ATTN: Cynthia Scott
4747 N. Channel Avenue C3B-LGL
Portland, OR 97217

Roger Nielsen
ATTN: Cynthia Scott
4747 N. Channel Avenue C3B-LGL
Portland, OR 97217

Martin Daum
ATTN: Cynthia Scott
4747 N. Channel Avenue C3B-LGL
Portland, OR 97217

County: Multnomah

of Employees: 50+

ORS 659A.030(1)(a)(b)(f)

I, Kerry D. Barker, being first duly sworn, do depose and say as follows:

Allegations: I allege unlawful employment practices based on my race in that Respondent subjected me to different terms and conditions of employment, and a hostile work environment, and I had no other choice than to resign (constructive discharge).

Continued on reverse side

PORTLAND

800 NE Oregon St., Suite 1045
Portland, Oregon 97232-2180

SALEM

3865 Wolverine Ave. NE; E-1
Salem, Oregon 97305-1268

EUGENE

1400 Executive Parkway, Suite 200
Eugene, Oregon 97401-2158

1. I was hired by Respondent on or around September 27, 1993. I was a painter.
2. I am Native American. I am the only Native American in my department.
3. Starting in or around 2012, my team leader Rod Gustason began to harass me and treat me differently than other painters. He asked me to do work that other painters were not asked to do, pressured me to do extra work, and he would use my tools so that I would have to wait for him to be done before I could use them.
4. I am the only one that was harassed and treated differently by Mr. Gustason.
5. On or around May 6, 2014, Mr. Gustason attempted to make me do bondo work, which is outside the scope of my job. I reported to Manager Robert Lyon that I was being harassed by Mr. Gustason and I felt I had no choice other than to resign. Mr. Lyon asked me to finish out the day; I agreed.
6. On or around May 6, 2014, I witnessed Mr. Lyon speaking to Mr. Gustason and pointing towards me. When I went to get a drink of water Mr. Gustason pushed me against the hood of a truck. I refused to fight with Mr. Gustason so he walked away.

I believe Respondent subjected me to different terms and conditions of employment, and a hostile work environment, and I had no other choice than to resign (constructive discharge) based on my race.

SS/8.5.14/14-03860

I swear (or affirm) that I know and understand this complaint and that it is true to the best of my knowledge, information and belief.

Your signature: Kerry D. Barker.

Verification upon Oath or Affirmation

State of OREGON

County of Multnomah

Signed and sworn to (or affirmed) before me this 26 Day of September 2014

by Kerry D. Barker (name of person making statement).

Imanalo
Notary Public - State of OREGON

Feb. 03, 2018
Date on which commission expires

