

(State Division of Human Rights on the Complaint of)

Lorena M. Mohring

COMPLAINANT

--Against--.

Knickerbocker Electrical Equipment
Corporation

RESPONDENT

Federal Charge No: 16GA03800

DETERMINATION AND ORDER AFTER INVESTIGATION

On February 29, 2000, Lorena M. Mohring filed a verified complaint with the State Division of Human Rights charging the above-named respondent with an unlawful discriminatory practice relating to Employment, because of Marital Status and Sex in violation of the Human Rights Law of the State of New York.

After investigation, and following review of related information and evidence with named parties, the Division of Human Rights has determined that, insofar as respondent Knickerbocker Electrical Equipment Corporation is concerned, there is NO PROBABLE CAUSE to believe that the said respondent has engaged in or is engaging in the unlawful discriminatory practice complained of. This determination is based on the following:

The evidence gathered during the course of the investigation is not sufficient to suggest that the complainant's marital status and/or sex were factors in respondent's decision to separate her from employment.

The record suggests that the complainant's work performance was never an issue with the respondent. The record suggests that the respondent was having financial difficulties and the complainant and a non-pregnant employee were laid off in January 2000.

The record shows that the complainant was not the only pregnant employee employed by the respondent in January 2000. The record shows that respondent encouraged mothers and fathers to bring their children to work as an alternative to being absent. Respondent's records show that numerous employee took advantage of respondent's offer.

The record shows that respondent has down sized from nineteen (19)

Determination: NPC TITLE VII, ADEA or ADA (DET.18 - 08/92) (1 of 3)
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full time employees to ten (10) full time employees with two (2) part timers.

Respondent has advanced a non discriminatory business related reason for separating the complainant from their employment. This reason was not found to be a pretext to discriminate.

Determination: NPC TITLE VII, ADEA or ADA (DET.18 - 08/92) (2 of 3)
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The complaint is therefore ordered dismissed and the file is closed.

Any party to the proceeding may appeal this Determination to the New York State Supreme Court in the County wherein the alleged unlawful discriminatory practice took place by filing directly with such court a notice of Petition and Petition within sixty (60) days after service of this Determination. A copy of this Petition and Notice of the Petition must also be served on all parties including General Counsel, State Division of Human Rights, One Fordham Plaza, 4th Floor, Bronx, NY 10458. DO NOT FILE THE ORIGINAL PETITION AND NOTICE OF PETITION WITH THE STATE DIVISION OF HUMAN RIGHTS.

PLEASE TAKE FURTHER NOTICE that a complainant who seeks state judicial review and who receives an adverse decision therein, may lose his or her right to proceed subsequently in federal court by virtue of Kremer vs. Chemical Construction Co., 456 U.S. 461 (1982)

As your charge was filed under Title VII of the Civil Rights Act or the Americans with Disabilities Act (ADA) which is enforced by the U.S. Equal Employment Opportunity Commission (EEOC), you have the right to request EEOC review of this action. To secure a review, you must request it in writing, within 15 days of your receipt of this letter, to EEOC District Office - 201 Varick Street, Suite 1009, New York, New York 10014. Otherwise, EEOC will generally adopt our action in your case.

DATED AND MAILED:
1/2/03

STATE DIVISION OF HUMAN RIGHTS

By _____
Stephan Lopez
Regional Director