

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE MINNESOTA DEPARTMENT OF HUMAN RIGHTS

Catherine Durand-Graves,

Complainant,

v.

Unisys Corporation, a Delaware
corporation,

Respondent.

**ORDER AMENDING
FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER**

The Findings of Fact, Conclusions of Law, and Order issued in the above-entitled matter on October 6, 1995, contained clerical errors on pages 10 and 11.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the Findings of Fact, Conclusions of Law, and Order issued in the above-entitled matter on October 6, 1995, are amended as shown on the attached pages 10 and 11.

Dated this ____ day of October, 1995

STEVE M. MIHALCHICK
Administrative Law Judge

6. Durand-Graves was constructively discharged by Unisys in February, 1993, because intolerable working conditions forced her to resign.

7. Durand-Graves suffered wage losses of approximately \$30,000 over the years 1993, 1994, and 1995, as a result of the illegal discrimination by Unisys.

8. Unisys should be ordered to pay Complainant two times her total lost wages of \$30,000, with interest. It is appropriate to add interest at six percent to the monetary damages for lost wages. Minn. Stat. § 334.01.

9. Durand-Graves should be awarded the sum of \$40,000 in compensatory damages for mental anguish and suffering,

10. Respondent conducted its business operations in willful indifference to the rights of female employees to be free from gender discrimination. Punitive damages are appropriate to be awarded to Complainant in the maximum amount of \$8,500 pursuant to Minn. Stat. §§ 363.071 and 549.20. This award of punitive damages is based upon the following considerations: the seriousness of the harm to the public arising from Unisys's misconduct, the extraordinary awareness of the illegal nature of discrimination engaged in by Unisys, other penalties awarded to the State, and the compensatory damages awarded to Durand-Graves.

11. Unisys should be ordered to pay a civil penalty to the State in the amount of \$5000.00 under Minn. Stat. § 363.071. The Administrative Law Judge has taken into account the seriousness and extent of the violations, the intentional nature of Unisys's conduct and its serious effects on the public.

12. Unisys should be ordered to pay Durand-Graves' costs under Minn. Stat. § 363.071, subd. 7.

13. Durand-Graves is entitled to reasonable attorney's fees under Minn. Stat. § 363.071, subd. 2 (1992).

14. The reasons for the foregoing Conclusions of Law are set out in the Memorandum which follows and which is incorporated into these Conclusions of Law by reference.

Based upon the foregoing Conclusions, the Administrative Law Judge makes the following:

ORDER

IT IS HEREBY ORDERED THAT:

1. Unisys shall pay a civil penalty of \$5000.00 to the State of Minnesota by mailing a check payable to the General Fund of the State of Minnesota to the Commissioner of Human Rights.

2. Unisys shall pay to Durand-Graves \$60,000 as double compensatory damages for wage loss, with interest thereon at six percent per annum from the date of June 30, 1994, the mid-point of the wage loss period.

3. Unisys shall pay Durand-Graves \$40,000 as damages for mental anguish and suffering.

4. Unisys shall pay Durand-Graves \$8,500 as punitive damages.

5. Unisys shall pay the costs of services rendered to the Department of Human Rights by the Office of Administrative Hearings. Within 30 days of the date of this Order, the Department of Human Rights shall file with the Administrative Law Judge and serve on Unisys its petition for the recovery of such costs. Within 20 days of his receipt of such petition, Unisys shall file with the Administrative Law Judge and serve on the Department any response to the petition. The Judge will take such additional argument and evidence as is deemed appropriate, and will issue a further Order setting the final amount of costs to be paid by the Unisys.

6. Within 30 days of the date of this Order, Durand-Graves shall file with the Administrative Law Judge and serve upon Unisys a petition for reimbursement of the attorneys fees and costs incurred in this proceeding. Unisys shall file any response to the petition with the Administrative Law Judge and serve that response upon Durand-Graves within 20 calendar days of receipt of the petition. The Judge will take such additional argument and/or evidence as is deemed appropriate and shall issue a further Order setting the final amount of fees to be paid by Unisys.

7. Unless properly appealed, all payments to be made hereunder except the payments stated in Paragraphs 5 and 6 shall be made within 30 days of the date of this Order.

8. Unisys shall cease and desist from any further discrimination on the basis of gender.