

Patricia Surgeson

Hometown: Sacramento, Calif.

Employed by Wal-Mart, Inc. from August 1997 until March 2001 in Vacaville, Calif.

Patricia Surgeson was hired as a cashier/stocker in the Tire and Lube Express department (TLE) in August 1997. Not a month had passed before she became the victim of inappropriate conduct from a male co-employee in her department. The co-worker approached her while she was on a ladder and grabbed her buttocks and even offered her money to have a baby with him. He continued making unwanted advances and she complained to her supervisor. Shortly thereafter, she was transferred to another department. Her male co-worker continued to work in TLE and, according to Surgeson, was not disciplined.

She became a sales associate in the Health and Beauty Aids Department, where she remained for a year, until November 1998. She was rated as "above standard," a hard worker and a team player in her first annual review that July. Surgeson grew confident that there were opportunities for advancement at her store and applied for Department Manager positions when they became available. When she asked her Store Manager for an explanation when she was denied promotion to a position for which she had applied, she was told a position in the Lay-Away Department would soon be available. She accepted the job with the understanding that she would eventually be made Department Manager of Lay-Away, which she was in late 1998.

Surgeson's new responsibilities included supervising workers and preparing paperwork for the department. However, in October 1999, a new Store Manager told her that her department no longer required a manager, and that she would continue with the same responsibilities, without the title.

By the summer of 2000, Surgeson had moved to the Cash Office, after being told by her Store Manager that the new position was confidential and came with more responsibility since she would be handling large sums of cash. She did not receive a raise, despite her good performance, and received no response to her written request for a merit pay increase.

Because she handled payroll, Surgeson saw the pay stub of a male associate who had just been moved to manager in the Lay-Away Department. The employee made approximately \$2.00 an hour more than what she was paid in the same position. She also noticed that male department managers in Garden and Furniture were paid more than their female counterparts and that her hourly wage was lower than men who had been hired after her and did not have the significant responsibility that she had.

In January 2001, Surgeson inquired about how she could enroll in the Management Training Program. She was told by a male manager that he had been recommended by his Store Manager at a different store. Patricia never saw a posting about the program and therefore could not express her interest in joining management.

Surgeson remained a Wal-Mart employee for more than three years, believing there were opportunities for advancement at her store. She was given strong performance reviews and promises of advancement, yet was denied those promotions and was paid less than her male counterparts who occupied similar positions of less responsibility. Surgeson filed a Charge of Discrimination with the Equal Employment Opportunity Commission in May 2001, and filed this litigation, *Dukes v. Wal-Mart Stores, Inc.*, in June 2001.

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