

U.S. Department of Labor

Office of Federal Contract Compliance Programs
Mid-Atlantic Regional Office
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Philadelphia, PA 19106



Via Certified Mail, Return Receipt Requested

January 26, 2018

I00201572

(b) (6), (b) (7)(C)

COMPLAINANT

AccuWeather, Inc.
385 Science Park Road
State College, PA 16803

CONTRACTOR

On March 21, 2017, the U.S. Department of Labor, Office of Federal Contract Compliance Programs (OFCCP), conducted an investigation of the allegations of a hostile work environment and termination based on sexual orientation and sex of (b) (6), (b) (7)(C) filed September 6, 2016, and subsequent allegations made by more than two dozen former or current employees during the course of OFCCP interviews. The investigation resulted in the following findings:

1. AccuWeather, Inc. is a nonexempt government contractor subject to the requirements of Executive Order 11246, as amended (EO 11246) and Title VII of the Civil Rights Act of 1964, as amended (Title VII).
2. (b) (6), (b) (7)(C) and the other complaining parties are women within the meaning of EO 11246, Title VII, and the regulations at 41 C.F.R. Parts 60-1 to 60-50.
3. Complainant (b) (6), (b) (7)(C) alleges the contractor violated its obligations under the nondiscrimination and affirmative action provisions of its federal contracts by:
 - a. Creating and enabling a hostile work environment by subjecting employees to unlawful harassment based on their sex and sexual orientation; and
 - b. Terminating her because of her sex and sexual orientation.
 - c. In addition, during the course of investigating the above two allegations, OFCCP uncovered multiple allegations of retaliation for participating in protected activity.

The following allegations, specific to (b) (6), (b) (7)(C) will not be addressed in this Notice due to a settlement agreement between (b) (6), (b) (7)(C) and the contractor:

- a. Termination due to sexual orientation and sex; and
- b. Harassment perpetrated by a male executive and another male manager by ostracizing (b) (6), (b) (7)(C) from her work group; excluding her from meetings and emails; and making day-to-day activities extremely difficult, including the use of profane and sexually explicit name-calling by

an executive when referring to (b) (6), (b) (7)(C) and obscene references to (b) (6), (b) (7)(C) sexual orientation in communication with other employees.

4. AccuWeather's position is that it maintains an internal complaint process and applies a harassment avoidance policy that is the responsibility of all staff to follow. Its policy manual includes guidance that complaints may be registered at any time, verbally or in writing, to the Ombudsman Committee, supervisor, shift or associate shift manager, task manager, or member of the executive staff, department head, or company officer, and that every effort will be made to resolve any complaint to the mutual satisfaction of all concerned. According to AccuWeather's Vice President of Human Resources (VPHR), complaints are typically logged with Human Resources, the group responsible for making the final determination on whether and how to investigate and/or resolve the complaint. Additionally, all employees receive training on anti-harassment and discrimination during the onboarding process.

With regard to specific allegations of a hostile work environment and sexual harassment, AccuWeather stated it was unaware of any harassing activity.

AccuWeather raised objections to OFCCP's investigation of additional allegations of sexual harassment and a widespread hostile work environment toward women uncovered during the course of the investigation, arguing that these allegations were outside the scope of OFCCP's investigation. The contractor further argued that it was unable to address any allegations except those made by (b) (6), (b) (7)(C)

5. OFCCP's investigation found that AccuWeather provides multiple services related to weather forecasting. AccuWeather provides weather forecasts and graphics to newspapers and third-party broadcasts, creates weather-related content for its own website, and also runs the AccuWeather Network, a television station that provides 24-hour weather programming in certain viewing areas. Most of its employees are employed at its State College facility. Of the (b) (7)(E) employees at its State College facility, (b) (7)(E) are female. Approximately (b) (7)(E) of its employees are in the Professional EEO-1 Job Category, and another (b) (7)(E) are in one of the Officials and Managers Job Categories. AccuWeather is led by three brothers: Joel Myers, Founder and President; Barry Myers, CEO; and Evan Myers, COO. Its executive team is made up of 18 individuals, all of whom are male, except the VPHR. Females are represented in all departments except Forensics, IT Development, International Strategy, and Subscription Services, which have only (b) (7)(E) employees each. Aside from the Executives and these four departments, all other departments are at least (b) (7)(E) female.

OFCCP's investigation found widespread sexual harassment at AccuWeather. Over two dozen witnesses spanning many different departments and in positions ranging from administrative support to senior management described unlawful sexual harassment that occurred at the company. This sexual harassment was so severe and pervasive, that some female employees resigned. Further, our investigation confirmed that AccuWeather was aware of the sexual harassment but took no action to correct the unlawful activity.

A few examples are illustrative:

- Multiple witnesses described sexually harassing behavior from a high-profile male employee of the Digital Media Content and Operations department ("Employee 1"). This

conduct includes unwelcome touching and hugging and kissing female employees on the mouth. In an interview, AccuWeather's VPHR claimed to have no knowledge of any allegations against Employee 1 and expressed shock that anybody would accuse him of sexual harassment. However, multiple witnesses described complaining to the VPHR about Employee 1's conduct. HR conducted an investigation into one of these complaints, but AccuWeather took no action. Given the number of contradictory witness statements and the documentary evidence, OFCCP finds that VPHR's claims of no knowledge of Employee 1's behavior are not credible.

- Several senior male managers, including at least one executive, engaged in sexual relationships with subordinate employees. The women in these sexual relationships received job-related perks and career opportunities that were denied to those that were not in such relationships. One woman was overheard complaining about these sexual relationships by the VPHR. She was terminated days later.

AccuWeather did not take reasonable action to prevent and remedy harassing conduct. Under AccuWeather's Policy Manual, individuals complaining of sexual discrimination are directed to file an informal complaint with AccuWeather's Ombudsman Committee. At the time of the investigation, however, the Ombudsman Committee did not exist and had not been active for over two years. When employees did complain to their supervisors or HR, no remedial action was taken. Some employees, like the one described above, were subjected to retaliation based on their complaints. Multiple witnesses described being fearful that they would be terminated and blacklisted if they complained about sexual harassment.

6. The actions described in Section 5 violated the contractor's obligations under the regulations as follows:

AccuWeather discriminated against female employees on the basis of their sex by subjecting them to sexual harassment and a hostile work environment. AccuWeather did not exercise reasonable care to prevent and correct any sexually harassing or offensive behavior.

AccuWeather failed to take action to promptly correct or prevent the unlawful behavior. This is in violation of 41 C.F.R. §§ 60-1.4, 60-20.2, and 60-20.8 (2016).

In accordance with the regulations implementing EO 11246 at 41 C.F.R. § 60-1.24(c)(2) and Title VII at 29 C.F.R. § 1601.24, the U.S. Department of Labor, OFCCP, invites AccuWeather to resolve this matter through conciliation by informal means. A compliance officer from this office will be in contact with AccuWeather by February 5, 2018 to begin the conciliation process.

On behalf of the United States Department of Labor,

(b) (6), (b) (7)(C)

Evan D. Szarenski
Director of Regional Operations

01/26/2018
Date

cc: Scott Cooper
Elizabeth Soroka