

<p>CHARGE OF DISCRIMINATION</p> <p><small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small></p>	<p>Charge Presented to: Agency(ies) Charge No(s):</p> <p style="text-align: center;"><input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC</p>
--	---

_____ Pennsylvania Human Rights Commission _____ and EEOC
State or local Agency, if any

Name <i>(indicate Mr. Ms. Mrs.)</i> Bobbi Bockoras	Home Phone (Incl. Area Code) [REDACTED]	Date of Birth [REDACTED]
--	--	-----------------------------

Street Address [REDACTED]	City, State and ZIP Code
------------------------------	--------------------------

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. *(If more than two, list under PARTICULARS below.)*

Name Saint-Gobain Verallia North America	No. Employees, Members 4,395	Phone No. (Include Area Code) 814-642-2521
--	--	--

Street Address 1 Glass Place, Port Allegany, PA 16743	City, State and ZIP Code
---	--------------------------

Name	No. Employees, Members	Phone No. (Include Area Code)
------	------------------------	-------------------------------

Street Address	City, State and ZIP Code
----------------	--------------------------

<p>DISCRIMINATION BASED ON <i>(Check appropriate box(es).)</i></p> <p>ORIGIN <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL</p> <p>below.) <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input checked="" type="checkbox"/> OTHER (Specify Pregnancy)</p>	<p>DATE(S) DISCRIMINATION TOOK PLACE</p> <p style="text-align: center;">Earliest Latest July 24, 2013 through present</p> <p><input checked="" type="checkbox"/> CONTINUING ACTION</p>
---	---

THE PARTICULARS ARE *(If additional paper is needed, attached extra sheet(s)):*

Please see attached affidavit of particulars.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.	NOTARY – <i>When necessary for State and Local Agency Requirements</i>
---	--

<p>I declare under penalty of perjury that the above is true and correct.</p> <p style="text-align: center;">_____ _____ <i>Date Charging Party Signature</i></p>	<p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p style="text-align: center;">SIGNATURE OF COMPLANANT</p> <p style="text-align: center;">SUBSCRIBED AND SWORN TO BEFORE ME THIS</p> <p>DATE _____ <i>(month, day, year)</i></p>
---	--

United States Equal Employment Opportunity Commission

-----X
BOBBI BOCKORAS :
Complainant, :
-against- :
SAINT GOBAIN-VERALLIA :
NORTH AMERICA :
Respondent :
-----X

AFFIDAVIT IN SUPPORT
OF EEOC COMPLAINT

State of Pennsylvania)
: ss.
County of McKean)

BOBBI BOCKORAS, being duly sworn deposes and says:

INTRODUCTION AND OVERVIEW

Personal Harm:

1. This Charge is based on sex discrimination and retaliation I experienced while employed as a palletizer operator at Saint Gobain-Verallia North America [hereinafter “Verallia”]. When I returned to work after having my baby, Verallia failed to provide required accommodations to allow me to express, or “pump,” breast milk at work. I was also sexually harassed by coworkers, and Verallia failed to investigate or respond properly to the sexual harassment. After I complained about the inadequate accommodations and the harassment, the company retaliated against me by placing me on a less desirable shift that my managers knew would interfere with my breastfeeding and caregiving obligations, and by passing over me for job assignments for which I was otherwise eligible. Verallia then denied my medically documented request to be reassigned back to my previous shift, although it has granted similar

requests to other male workers in the past for other medical reasons. As a result of this discrimination and retaliation, I have experienced a sharp reduction in my breast milk supply, I have had to supplement my baby's diet with formula, which goes against my beliefs, and my baby has almost entirely stopped nursing. In light of the time sensitivity of my situation, I am seeking an immediate investigation or a right to sue letter.

Respondent's Defense

2. Verallia has refused to honor my request to be placed on the day shift, arguing that it is not legally required to do so. The company has also stated that it adequately investigated my complaints, and that what I experienced was not sexual harassment.

Discrimination statement

3. Respondent has discriminated against me because I am a woman and because of a condition related to my pregnancy, in violation of the laws of the United States and the state of Pennsylvania, which prohibit discrimination on the basis of sex. The term sex includes, but is not limited to, pregnancy, childbirth, and related medical conditions, including lactation.

4. Verallia discriminated against me by:
- a. Failing to investigate and take steps to prevent further incidents of sexual harassment on the basis of sex and lactation; and
 - b. Retaliating against me for opposing practices that I reasonably believed to be unlawful under federal and state law—specifically, for complaining about sexual harassment on the basis of sex and lactation and about the company's failure to accommodate my need to pump breast milk. The retaliation consisted of placing me on a less desirable shift that my supervisors knew would interfere with my breastfeeding and caregiving

obligations, and passing over me for work assignments for which I should have been eligible; and

- c. Refusing to honor my medically documented request to be placed on a day shift. I was treated differently than other male coworkers who had requested the same accommodations for other medical reasons. Those coworkers were similar to me in their ability or inability to work. My request was denied because the condition that necessitated the requested accommodation—lactation—was sex-linked and related to pregnancy.

FACTUAL ALLEGATIONS

5. I am and was at all relevant times a resident of [REDACTED] and an employee in the Port Allegany, PA factory of Saint Gobain-Verallia. At all times pertinent to this charge, I was a nonexempt “employee,” as defined under the Fair Labor Standards Act. See 29 U.S.C. § 203(e)(1).

6. Verallia is a glass manufacturer headquartered in Muncie, IN with factories in several states, including a location in Port Allegany, PA. In 2010, Verallia reported 4,395 employees and \$1.542 billion in sales.

7. Barry Healy is and was at all relevant times the Human Resources Manager at the Port Allegany location of Verallia.

8. John Kelley is and was at all relevant times the “Cold End Manager” at the Port Allegany location of Verallia. At all relevant times, Kelley was responsible for overseeing my day shift work and responding to any and all of my complaints arising from such work.

Background Prior to the Birth of My Baby:

9. I have worked for Verallia for nearly six years. I am one of only thirty female factory workers at the Port Allegany Verallia plant, which employs approximately two hundred and thirty laborers.

10. I am a member of the Glass, Molders, Pottery, Plastics & Allied Workers Union ("GMP"), and I served as the president of my chapter, Local No. 54, from 2009 to 2012.

11. In 2012, already a single mother, I became pregnant with my second child.

12. Before and throughout my pregnancy, I worked as a palletizer operator at the Port Allegany Verallia plant. The palletizer operator position is a highly physical job that requires heavy lifting and often requires employees to conduct their work in confined spaces.

13. By March of 2013, my treating obstetrician had given me several restrictions on the work I was permitted to do, including a lifting restriction and a restriction on working in confined spaces. At that point in my pregnancy, I could no longer physically fit into the small spaces in which I frequently had to work.

14. I submitted notes from my doctor regarding these restrictions, but in early March of 2013, Verallia offered me a temporary layoff rather than a workplace accommodation. I decided to accept this offer because I would receive comparable take-home pay through unemployment compensation and would not lose my benefits.

15. On April 29, 2013, I gave birth to a baby girl.

My Initial Attempts to Secure a Private Location in which to Pump Prior to My Return to Work:

16. About a week after giving birth, some time in early May, I texted my immediate supervisor, John Kelley, about my desire to pump at work when I returned to my job after my

leave. Kelley initially responded that I could pump breast milk in the bathroom. I informed him that that was not the law, but received no response.

17. Shortly after this exchange, I called the Human Resources Manager of the Port Allegany facility, Barry Healy, to tell him that I would need a place to pump breast milk when I returned to work. I specifically mentioned that there was a provision of the Patient Protection and Affordable Care Act of 2010 that requires employers to provide reasonable unpaid break time and a private location for nursing mothers for up to one year following the birth of a child. *See* 29 U.S.C. § 207(r). I also emphasized that the law specified that the location provided could not be a bathroom. Healy said he was not aware of that law.

18. Following that conversation, during the week of June 11, 2013, I went to the Port Allegany facility and personally dropped off a copy of the Nursing Mothers Provision of the Affordable Care Act at the Verallia HR department.

19. Also in early June, [REDACTED] an assistant in the HR department at the Port Allegany facility, called me to ask me when I would be coming back, informing me that my “six weeks” of leave were “almost up.” Although I later learned that I was legally entitled to twelve weeks of job-protected leave under the Family Medical Leave Act (“FMLA”), I was unaware of that at the time of the call, and in any event, agreed to return to work after only six weeks of leave because I needed the income.

20. On June 14, 2013, Healy and [REDACTED] together called me about plans for my return. They informed me that I would be permitted to pump in the “First Aid Room.”

21. During this call, Healy and [REDACTED] also informed me that when I came back to work, I would be assigned to a new job, “reselect”—a position that involves inspection of crates of bottles flagged as defective. They also informed me that I would be placed on the day shift.

22. As a palletizer operator, I would not have been afforded adequate break time for my nursing needs: palletizer operators oversee seven machines at once and are granted only two thirty-minute breaks per eight-hour shift. Palletizer operators require coverage for their breaks so that someone can watch their machines. In light of my need for additional breaks to pump breast milk, I would have required additional coverage for those breaks.

23. Healy explained on the June 14 call that the shift and position changes were made to accommodate my need to pump. I expressed relief and stated that the shift change would make it possible for me to return so soon after having my baby.

24. There are two different shifts available to employees at Verallia: the regular day shift and the “rotating” shift. The regular day shift is 7:30 a.m. – 3:30 p.m. The “rotating” shift is where employees work the day shift (7:30 a.m. – 3:30 p.m) for five days, are off for two days, work the afternoon shift (3:30 p.m. – 11:30 p.m.) for five days, are off for two days, and then work the night shift (11:30 p.m. – 7:30 a.m.) for five days, before starting the rotation again. Prior to going out on pregnancy-related leave, I had been assigned to a rotating shift.

I Experienced Harassment while Attempting to Pump in the First Aid Room, and Complained to HR:

25. On June 17, approximately six weeks after having my baby, I returned to Verallia. Upon my return to work, and for my first two weeks back on the job, I pumped in the First Aid Room, as I had been instructed to do by Healy and [REDACTED]

26. I learned from one of my coworkers that there had been rumors circulating prior to my return to work that I would be pumping in the “cooling booth”—a small room intended for palletizer operators to take breaks to cool off, as temperatures reach up to 107 degrees on that part of the factory floor. Because the booth is made almost entirely of glass, I would have been

completely visible to all of the employees on the factory floor. I learned that some of my coworkers had hung a sign in the cooling booth that said "pump house."

27. Shortly after my return, another coworker offered me a red bucket for pumping, in an apparent reference to milking a cow. Although these incidents made me feel uncomfortable and self-conscious about pumping, I took these incidents as jokes and chose not to report them as harassment.

28. Temperatures at the factory typically get very high, and there is not sufficient air conditioning to adequately cool many of the rooms, including the First Aid Room.

29. As a result of high temperatures in the First Aid Room, I would have to take off my shirt to remain cool while I was pumping. Being partially undressed and attached to the breast pump made me feel vulnerable, and the fear that someone would walk in on me made it difficult for me to relax.

30. During the period of time when I was pumping breast milk in the First Aid Room, people frequently tried to enter the room while I was pumping. On at least four occasions, male coworkers pounded on the door, yelling loudly to be let in. My coworkers were aware that I was inside the room and that I was pumping breast milk.

31. I was startled and upset by the disruptions. On each of these occasions, when I heard knocking on the door, I had to disconnect the breast pump, put my shirt back on, and unlock the door. By the time I got to the door, the person who had knocked on the door had left, and there was no one in sight. When I attempted to resume pumping, I was unable to relax and produced very little breast milk as a result.

32. On July 24, coworkers tried on two occasions to enter the First Aid Room while I was inside pumping. I sent an email complaint to [REDACTED] about the interruptions, stating that this type of interruption had already happened three times, and I felt I was being sexually harassed.

33. At 11:57 a.m., [REDACTED] responded to my complaint that she would take care of it when she returned, and that I should "maybe try a sign."

34. Later that day, while I was attempting to pump, I was again interrupted by someone trying to enter the room. I verbally complained about the incident to Healy, who said he would look into it, and to [REDACTED]

35. The previous incidents I had experienced from my coworkers involving the "pump house" sign and the milk bucket led me to believe that my coworkers' pounding on the door was not due to a legitimate need to enter the room. The incidents in the First Aid Room caused me to feel intimidated and crossed a line into harassment.

36. Later on July 24, I verbally complained about the incidents in the first aid room to Kelley. I told him that I felt like I was being harassed. In response to my complaints, Kelley was dismissive and told me that he did not believe that these incidents constituted harassment because it was my coworkers, not the company, that had been behind them. I disagreed and stated that once I had informed the company of an incident of harassment by a coworker, the company had a duty to respond with an appropriate investigation and attempt to stop the harassment. I also explained that the events had made me feel uncomfortable, which I felt was enough to qualify as harassment. On the evening of July 24, I sent Kelley a definition of "harassment" via text message because I felt as though he had not taken my complaints seriously.

37. During the conversation on July 24, I also recommended to Kelley that the company find a more sustainable solution to securing a private location for pumping breast milk

so that it would be available to other employees should the need arise in the future. Kelley replied, "This situation will never happen again in this facility." I was taken aback by this comment as well as Kelley's general indifference toward my complaints, as I had been on good terms with him throughout our workplace relationship.

I Was Left with No Choice but to Pump in an Unsanitary Locker Room with No Air Conditioning:

38. On July 26, Healy and Kelley proposed to me three alternative locations in which to pump, all of which were unsuitable.

39. The first was a conference room in the middle of the "box shop." However, I expressed reservations about this room's lack of air conditioning; its long distance from my workspace; and its insufficient privacy, as the room had two doors which did not have locks and which had large, uncovered windows on them.

40. The second option Healy and Kelley proposed was the women's shower room, which I refused because it did not satisfy the ACA's Nursing Mothers Provision, which specifies that the location provided must be "a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public." 29 U.S.C. § 207(r)(1)(B).

41. Finally, Healy and Kelley showed me a locker room that some of my male workers occasionally used to rest in during breaks. This room was filthy, with unfinished walls and patches of missing flooring, the floor was covered in dust and dead bugs, and it had nothing but a chair inside of it. Although the room was unsanitary and lacked basic amenities, I agreed to use it because it was the best of the three options that had been presented in terms of privacy and proximity to my workspace.

42. On July 26, when I agreed to use the abandoned locker room, I pointed out that the space needed to be cleaned, and Healy said that the company would do so.

43. On July 27, Kelley texted me that the room was ready for me.

44. However, on July 28, when I arrived there on my break with my breast pump, I found that although the lockers had been removed, the room was still filthy and had obviously not been cleaned. Patches of the floor were still missing, and there was still a copious amount of dirt and dead bugs on the floor.

45. I pumped there anyway because I had limited time left on my break and saw no other alternative.

46. I complained later that day about the room's condition to [REDACTED] who said it had been cleaned. I pointed out that there is a difference between "clean" and "empty," and said that while this room was empty, it was not clean.

47. On July 31, when I arrived in the unsanitary locker room on my break with my breast pump, the chair had been removed. I had no choice but to pump while sitting on the filthy floor.

48. Following my break, I complained of removal of the chair to Healy, who later came and replaced the chair. When he did, Healy saw the condition of the unsanitary room. I complained that the room was "disgusting." Healy said that Kelley had told him the room had been cleaned. Despite seeing this was not the case, Healy did not offer to have the room cleaned for my use.

Immediately Following My Efforts to Secure a Clean, Adequate Location to Pump, Verallia Switched Me to the "Rotating Shift":

49. Later on July 31, Healy and Kelley informed me that I would be switched back to the rotating shift, effective August 5. I was given no reason for this switch.

50. This decision was in retaliation for my complaints about the inadequacy of the facilities that had been provided to me for pumping breast milk and the harassment I had faced while pumping.

51. Healy and Kelley were aware when they made the decision to change my shift that placing me on the rotating shift would pose significant difficulties for me because I am a single mother and was still nursing my baby.

52. During this conversation, I expressed my concern that the schedule switch would impact my ability to express breast milk and to continue nursing. Kelley and Healy did not respond, but merely reiterated that this was the company's decision.

53. On August 1, I submitted a doctor's note requesting that I be kept on the day shift. Specifically, the note said: "It is recommended that the [patient] stay on day shift for the next 3 months to help her keep a regular schedule for breastfeeding her baby."

54. When I submitted this note, [REDACTED] responded that I would probably be harassed regardless of what shift I was on.

55. Later that day, Healy called me to tell me that my request had been denied.

56. On August 5, I submitted two additional notes—one from my doctor and one from my child's pediatrician. My doctor's note said: "Can only work days [sic] shifts at this time." The note from the pediatrician, [REDACTED] read:

The baby resides with her mother and her brother. She is breast fed. When the mother is at work the baby is with a caregiver. If the mother works at night she will have to sleep in

the morning and the baby will have to be without her parent 16 hours a day. This will not be in the best interest of the baby.

57. That evening, Healy informed me that my request for a shift modification had again been denied.

58. At Verallia, the shifts are assigned based on both job duty and on seniority, as established under the collective bargaining agreement. The union president has the authority to override the seniority assignment system in appropriate cases, including for medical reasons.

59. During the time when I served as one of the local union presidents, I personally approved overriding the seniority assignment system in order to accommodate a diabetic employee, [REDACTED] whose medical condition required him to work only on the day shift. The request was granted by Verallia management, and [REDACTED] stayed on the day shift until his death in March of 2013.

60. I am also aware of another male employee, [REDACTED] who was granted a shift change for medical reasons to a position for which he lacked seniority. [REDACTED] remains on the day shift.

61. Until October of 2013, two day shift positions remained open, including the position I previously held. In mid-October, that position was filled by another employee with medical restrictions, [REDACTED] who had been injured on the job. [REDACTED] did not have seniority for the day shift position under the normal seniority assignment system.

I Experienced Further Harassment, to which Verallia Failed to Respond Appropriately:

62. On August 6, I filed a first grievance with my union about the company's refusal to honor my medical requests.

63. On August 7, the door handle to the room in which I pumped was “greased”—a prank that has periodically been perpetrated at the Port Allegany facility. In this instance, the knob to the unsanitary locker room was covered in thick, dirty grease with shards of metal in it. I took pictures of the greased door handle and my hand covered in grease and sent them to [REDACTED] (via email) and to Kelley and Healy (via text message). In the email to [REDACTED] I complained that this was yet another instance of harassment.

64. The next day, Healy came to my work station to talk to me about the incident involving the door handle. He told me that the company would find out who was responsible. However, the company did not conduct any formal investigation, nor did they take steps reasonably calculated to prevent the harassment from reoccurring.

65. I later learned from several of my coworkers that Kelley had informally accused several people of greasing the door handle, but had conducted no further investigation into the incident. The perpetrator has not been identified, and no one has been disciplined in connection with the incident.

66. Shortly after the greasing incident, I learned that [REDACTED] the president of my local union chapter, publicly announced to everyone sitting in the lunch room during three different shifts to “watch out” around me because I had a lawyer and was “going after people for sexual harassment.” Although [REDACTED] did not make this announcement during my shift, several union members informed of me these prior announcements. These announcements made me feel ostracized and uncomfortable at work.

67. On August 13, I filed a second grievance with my union concerning the knocking on the first aid room door on July 24 and the greasing of the door handle on August 7.

68. On August 15, the door handle to the unsanitary locker room was greased again. One of my coworkers, [REDACTED] approached me at work and informed me that someone had greased the door handle, and he went to clean it off for me. I complained to [REDACTED] (via email) as well as Healy and Kelley (via text message). Kelley talked to me and [REDACTED] about the incident, but conducted no further investigation into the incident.

69. On August 20, I contacted the international union president, [REDACTED] by email to discuss the harassment incidents and the company's response.

70. The company failed to conduct an adequate investigation into this incident or to take steps reasonably calculated to prevent the harassment from reoccurring. No perpetrator has been identified, and no one has been disciplined in connection with the incident, and no training has taken place on sexual harassment in the workplace.

I Resorted to Seeking Legal Assistance to Secure an Adequate Location to Pump:

71. As of July 31, the room still had not been cleaned or repaired and was still unsanitary. Additionally, my requests for a shift modification had been denied. At this point, I became frustrated with the company's inaction and contacted the United States Department of Labor, as well as several legal organizations. On August 16, the National Women's Law Center ("NWLC") contacted Verallia on my behalf.

72. On August 21, the NWLC sent a letter to Verallia's headquarters to request their compliance with the Nursing Mothers Provision of the ACA. Specifically, the NWLC asked that the room be cleaned and that company investigate and prevent further incidents of harassment. Furthermore, the NWLC asked that Verallia grant my schedule change request, as the company had done with similar requests based on other medical conditions.

73. On August 23, almost ten weeks after my return to work, Verallia began making improvements to the unsanitary room in which I had been pumping, including removing the door handle to the room and replacing it with a deadbolt lock. During this construction work, I continued to pump in the unfinished room. On August 28, construction on the room was completed. The improvements included replaced flooring, as well as new wall paneling, an air conditioner, a table and a chair. The same day, in a phone conversation with the NWLC, counsel for Verallia confirmed that the company would not accommodate the shift change request.

74. On August 29, I learned from the son of a coworker, [REDACTED] that he had heard that Verallia management had been complaining about the “ordeal” I had caused and that the company was waiting for me to initiate a lawsuit so it could “get rid of [me].”

Since Being Switched to the Rotating Shift, I Have Experienced Additional Retaliation:

75. On September 20, I was not scheduled to work, so I signed up for a day shift when one in the “box shop” became available—a job I was qualified to perform and that I had done many times before my pregnancy-related leave.

76. Ordinarily at Verallia, when a shift becomes available, employees who are not working on the day of the opening are given first priority for the shift. Although I was scheduled to be off work on September 20, and although I was the only employee to sign up for this shift, I was not awarded the open shift. Instead, the open shift was given to an employee who had worked an earlier shift, thereby awarding that employee a double-shift.

77. The decision to pass over me for overtime was in direct violation of shift scheduling protocol. I believe that I was denied the overtime shift as further retaliation for advocating for adequate pumping accommodations and complaining regarding the harassment I had experienced.

78. On September 21, I spoke to a local union vice-president, [REDACTED] about being unfairly denied the overtime shift. Speaking with him constituted a "first step," which is a precursor to filing a union grievance (in the event the complaint is not resolved).

79. On September 23, I talked to Kelley about the overtime refusal incident. Specifically, I asked to be paid for the shift because I was entitled to it and asked why I was not given the chance to work, as I had no documented restrictions aside from the need to pump. Kelley provided no rationale for the shift-staffing decision. Kelley informed me on September 24 that I would be paid for the shift without explaining why I had been denied the shift in the first place.

I Have Experienced a Sharp Decrease in My Breast Milk Supply as a Result of the Shift Change:

80. As a result of Verallia's discriminatory actions, I have suffered damages.

81. Since I returned to the rotating shift, I have experienced a 50% decrease in my milk supply. Before the shift change, I was pumping four times per day and producing from 12-18 ounces per day; now, pumping with the same frequency, I am producing only six ounces per day.

82. This reduction in my milk supply is a direct result of my inconsistent hours, my interrupted sleep schedule, and the stress and discomfort I have experienced while attempting to express breast milk in the inappropriate and unsanitary facilities that Verallia has provided.

83. During the weeks in which I work the overnight shift, I must sleep during the day, when my baby used to nurse regularly every two hours. I still attempt to nurse during the daytime, but this greatly disrupts my sleep. My body does not have time to adjust to this schedule because I must change from a night to a day sleep schedule every two weeks.

84. Following my change to the rotating shift and subsequent decrease in my breast milk supply, my baby has become increasingly frustrated while attempting to nurse. The baby has regularly refused to accept the breast and prefers to drink from a bottle because the milk flows more quickly from the bottle nipple than it does from the breasts.

85. By the middle of August, the baby had stopped nursing entirely, except at night. I fear that the situation will grow worse and the baby will soon refuse to take the breast altogether.

86. Because of my inability to meet my baby's dietary needs, I have been forced to supplement the baby's diet with infant formula, which goes against my beliefs about what is best for my child.

CONCLUSION

87. Respondent has discriminated against me on the basis of sex and lactation, a medical condition related to pregnancy and childbirth.

88. Verallia discriminated against me by failing to investigate allegations of harassment on the basis of sex and lactation and failing to take steps to prevent further incidents of sexual harassment on the basis of sex and lactation.

89. Verallia further engaged in unlawful retaliation for my having opposed a practice I reasonably believed to be unlawful—specifically, for complaining about sexual harassment on the basis of sex and lactation and about the company's failure to accommodate my need to pump breast milk. The retaliation consisted of placing me on a less desirable shift that my supervisors knew would interfere with my breastfeeding and caregiving obligations, and passing over me for work assignments for which I should have been eligible.

90. Further, Verallia's refusal to honor my medically documented request to be placed on a day shift constituted disparate treatment on the basis of sex. I was treated differently

than other male coworkers who had requested the same accommodations for other medical reasons. Those coworkers were similar to me in their ability or inability to work. My request was denied because the condition that necessitated the requested accommodation—lactation—was sex-linked and related to pregnancy.

91. For the foregoing reasons, I respectfully submit this affidavit in support of my complaint for employment discrimination and retaliation based on sex and pregnancy.

Respectfully Submitted,

Bobbi Bockoras

Sworn to before me this
___ day of October, 2013

NOTARY PUBLIC