

Employment Unit Discrimination Complaint

The employment unit covered by this report includes not only radio stations but also a television station and a Class A television station. All of these are stations with the majority of the stock owned in common, licensed to communities in the same market, and with employees in common. The stations in question are: WRGM(AM), Ontario, Ohio, licensed to GSM Media Corporation; WVNO-FM, Mansfield, Ohio, licensed to Johnny Appleseed Broadcasting Co. Inc.; WMFD-TV and WOHZ-CD, both Mansfield, Ohio, licensed to Mid State Television, Inc.; and FM translators licensed to GSM Media Corporation, each of which has either WRGM or WVNO-FM as its primary station.

There has been now-resolved EEO complaint that arose against Mid State during the current license term. In 2016, a Black female employee, Brigitte Coles, developed serious health issues which had an impact on her job performance and by November of 2016 made her unable to perform her job. Although Ms. Coles no longer had accrued sick leave or vacation after a few weeks, she continued to be paid her salary until April 30, 2017, at which time her position was eliminated, after she refused an opportunity to return to work. On June 17, 2017, Ms. Coles filed a Charge of Discrimination (Charge Number 532-2017-01010 with the U.S. Equal Employment Opportunity Commission (“EEOC”) alleging that Mid State discriminated against her on the basis of her race and on the basis of an alleged disability. With regard to the race discrimination claim, Ms. Coles alleged that she was paid less than similarly-situated Caucasian employees. With regard to the disability discrimination claim, Ms. Coles alleged that she was denied a reasonable accommodation.

On July 24, 2018, after a comprehensive investigation, the EEOC issued a Determination. The EEOC rejected Ms. Coles’s race discrimination claim, finding that the Caucasian employees to whom she compared herself held jobs that involved additional duties. The EEOC also rejected Ms. Coles’s disability discrimination claim, finding that she was, in fact, given a reasonable accommodation.

Separate and apart from the EEOC’s investigation into Ms. Coles’s situation, it evaluated Mid State’s Leave of Absence policy and found that it did not provide for a case by case reasonable accommodation assessment as required the Americans with Disabilities Act. Mid State agreed to modify its Leave of Absence Policy based on the EEOC’s finding. The EEOC then closed the case, issuing a Dismissal and Notice of Rights on February 8, 2019, stating that the EEOC was not able to conclude that there had been a statutory violation.

Several weeks later, on March 11, 2019, Ms. Coles filed a Complaint in the United States District Court for the Northern District of Ohio (Case: 1:19-CV-00534-JG). Ms. Coles alleged in the Complaint that Mid State discriminated against her on the basis of her race and on the basis

of an alleged disability. Ms. Coles also alleged for the first time that Mid State had retaliated against her for raising an issue of race discrimination and for seeking an accommodation.

Mid State timely responded to the Complaint and the case proceeded through written discovery and depositions. Because the evidence developed during discovery demonstrated that Ms. Coles' claims should be dismissed, Mid State filed a Motion for Summary Judgment on January 13, 2020. That Motion for Summary Judgment was granted in favor of Mid State by Memorandum Opinion and Order on August 18, 2020, and the case was terminated.