

FINDINGS OF FACT*

1. The Respondent herein is Comcast of Willow Grove, Inc. (hereinafter "Comcast of Willow Grove") (C.E. 3)
2. Comcast of Willow Grove is only one of numerous service centers operated by Comcast. (N.T. 29, 30, 224)
3. In the early 90's, Comcast had approximately 6,000 employees. (N.T. 226)
4. At about that time, Comcast began to acquire other smaller companies. (N.T. 226-227)
5. By 2005, Comcast employed approximately 70,000 individuals. (C.E. 4)
6. In the late 90's, Comcast's human resources departments were decentralized and it was common for local General Managers to make decisions regarding the level of response to employee misconduct without the human resources department being integrally involved. (N.T. 224-225)
7. In or about 2002-2003, Robin Proctor (hereinafter "Proctor"), an African-American female, became Vice President of Comcast's Human Resources. (N.T. 225, 238, 250)
8. In an attempt to ensure continuity, consistency and fairness, Proctor began to develop greater structure to the Human Resources department and by approximately 2003, Proctor had centralized Comcast's human resource operations. (N.T. 228, 263)
9. By 2005, as Regional Vice President of Comcast's human resources, Proctor supervised approximately 50 professionals. (N.T. 223)
10. Anitha Verghese (hereinafter "Verghese"), ancestry – India, was one of the human resource managers Proctor supervised. (N.T. 198, 199, 223)
11. In 2005, among her duties, Verghese was the HR Manager for Comcast of Willow Grove. (N.T. 198, 199)
12. In 2005, Comcast of Willow Grove employed technicians: 14 Service Technicians; 3 Lead Service Technicians; 6 Line Technicians; and 1 Lead Line Technician. (N.T. 122, 124)

* To the extent that the Opinion which follows recites facts in addition to those here listed, such facts shall be considered to be additional Findings of Facts. The following abbreviations will be utilized throughout these Findings of Fact for reference purposes:

N.T. Notes of Testimony
C.E. Complainant's Exhibit
R.E. Respondent's Exhibit

13. In 2005, the Complainant, Dana Garner (hereinafter "Garner"), an African-American, was employed at Comcast of Willow Grove as a Line Technician. (N.T. 29, 31)
14. Garner began employment with Comcast in July 1990, as a Service Technician. (N.T. 29)
15. Service Technicians generally perform repairs inside a subscriber's home and Line Technicians perform repairs mainly outside. (N.T. 29, 31)
16. Initially, Garner was assigned to Comcast's Wayne Avenue location where he worked for approximately seven years. (N.T. 29, 30)
17. For two years after the Wayne Avenue assignment, Garner was assigned to do warehouse work at Comcast's North East Philadelphia office location. (N.T. 30)
18. Subsequent to the warehouse assignment, Garner was assigned the job of Line Technician at Comcast of Willow Grove. (N.T. 30, 31)
19. Garner testified that during his employment with Comcast, he never heard a racially offensive comment directed at him and never witnessed any sort of racial animus towards him. (N.T. 61, 62)
20. To perform their jobs, Comcast technicians are each assigned hand tools, ladders, meters, and trucks. (N.T. 32)
21. Technicians were authorized to drive their assigned trucks home after work each day in which they kept their tools, meters and ladders. (N.T. 34, 35, 107)
22. In 2005, Anthony J. DeFabis, (hereinafter "DeFabis"), white, was Garner's Supervisor. (N.T. 12, 31, 133)
23. Along with tools and a truck, both Service Technicians and Line Technicians were issued two ladders: an 18' extension ladder and a smaller A-frame ladder. (N.T. 32; C.E. 14 at 108)
24. DeFabis testified that he instructed Line Technicians to mark the ladders assigned to them. (C.E. 14 at 117)
25. DeFabis also testified that Batavia Ladder did periodic equipment checks and notated inspection dates on ladders. (C.E. 14 at 106)

26. In 2005, it was Comcast's policy that an employee who lost equipment assigned to him would be responsible to pay for the lost equipment. (C.E. 14 at 80)
27. The cost to replace an A-frame ladder was approximately \$200.00. (C.E. 14 at 80-81)
28. Much of the property at Comcast's Willow Grove location was under video surveillance, 24 hours a day, 7 days a week. (N.T. 129)
29. Everyone was aware of the video system. (N.T. 71, 161)
30. On or about April 12, 2005, Chris Cocola (hereinafter "Cocola"), a Lead Service Technician, removed his A-frame ladder from his truck in order to put an extra extension ladder on his truck to complete a job (N.T. 39, 130-131, 166; C.E. 14 at 72)
31. Cocola had asked his supervisor, William Hannigan (hereinafter "Hannigan"), white, if he could use a second extension ladder. (N.T. 120, 164, 169)
32. After Cocola temporarily stored his A-frame ladder at a location where ladders were not generally stored, Hannigan observed Cocola's A-frame ladder against the wall. (N.T. 136, 154)
33. On April 12, 2005, Garner removed Cocola's ladder by putting it on his truck and taking it to use to hang drywall at one of Garner's rental properties in North East Philadelphia. (N.T. 39, 86, 144; C.E. 14 at 66; R.E. 1)
34. When Cocola discovered his ladder was missing, he mentioned it to Hannigan, and began to ask around whether anyone had seen Cocola's ladder. (N.T. 130, 132)
35. At meetings of the Comcast of Willow Grove Service Technicians, Cocola asked if anyone had seen his ladder. (N.T. 39, 40, 86, 132, 166)
36. Garner testified that he overheard Cocola inquiring about his missing ladder at a Service Technician meeting. (N.T. 39, 79)
37. After approximately three weeks went by without anyone coming forward with any information about Cocola's missing ladder, Hannigan spoke with his supervisor, Kerry Hummel, (hereinafter "Hummel") about the possibility of reviewing the video surveillance tape. (N.T. 134-135)