

Exhibit 2

Letter of Determination



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
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Charge No.: 471-2022-00779

Asher Lucas



Charging Party

Culver's
6910 Sashabaw Road
Clarkston, MI 48348

Respondent

DETERMINATION

Under the authority vested in me by the Commission's Procedural Regulations, I issue the following determination on the merits of this charge.

The Respondent is an employer within the meaning of Title VII of the Civil Rights Act of 1964, as amended, and timeliness, deferral and all other requirements for coverage have been met.

The Charging Party alleged that he was subjected to harassment due to his gender identity and discharged in retaliation for participating in protected activities in violation of Title VII of the Civil Rights Act of 1974, as amended ("Title VII").

Evidence gathered during the investigation indicates that the Charging Party was subjected to ongoing harassment due to his gender identity and discharged in retaliation for participating in protected activity at the Respondent's Clarkston, Michigan facility, in violation of Title VII. In or around November 2021, the Charging Party was subjected to repeated misgendering and comments about his gender identity. Respondent knew or should have known of the harassment but failed to take prompt remedial action to stop the harassment. On or about November 11, 2021, the Charging Party complained about the harassment to the Respondent. The next day, the Charging Party was terminated. Evidence revealed that the legitimate, nondiscriminatory reasons articulated by the Respondent are pretexts to hide retaliation.

Like and related and growing out of the investigation, the evidence revealed a class of individuals who were also discharged on or around November 2021 for opposing or complaining of the harassment. Respondent's alleged reasons for discharging other individuals were not substantiated in the investigation.

Upon finding that there is reason to believe that violations have occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation, conference, and persuasion.

Having determined that there is reasonable cause to believe that violations have occurred, the Commission now invites the parties to join with it in a collective effort toward a just resolution of this matter. If you wish to participate in conciliation, please email Investigator Tina Griffin at tina.griffin@eeoc.gov within 10 days from the date of this Determination. The confidentiality provisions of the statute and Commission Regulations apply to information discussed or given during conciliation.

When the Respondent declines to enter into conciliation discussions, or when the Commission's representative for any reason is unable to secure a settlement acceptable to the Commission, the Commission shall so inform the parties in writing and advise them of the court enforcement alternative available to the Charging Party, aggrieved persons, and the Commission.

On Behalf of the Commission:

Deanna E. Wooten

Digitally signed by Deanna E.
Wooten
Date: 2024.05.08 14:14:20 -04'00'

For

Michelle F. Eisele
District Director

Date