

Testimony of Victor Pierce in Support of HB 2014

Chair Prozanski and members of the Senate Judiciary Committee,

My name is Victor Pierce. I grew up in Portland, lived here since I was 6 years old, until I moved to Everett, Washington a few years ago. I sit before you today as a living, breathing example of the devastating after effects of the Horton decision. I wanted to be here today to tell you my story and to show my unwavering support for House Bill 2014.

I served my country in the US Air Force and upon my honorable discharge, I came back to Portland and went to work for Daimler Trucks North America at the Western Star manufacturing plant on Swan Island. I worked there for 22 years as a line mechanic. I've always taken pride in working hard and being a proactive person, but there is only so much one man can take. After years of enduring a progressively hostile work environment where minority employees were subjected to all sorts of racial harassment and intimidation, I finally had to leave---I reached my breaking point.

During my time with Daimler, I had been called "boy" by co-workers. I heard the "N-----" word used within earshot. Racist graffiti on the walls of the men's restroom stalls, which included the "N-----" word next to a game of hangman, was ignored by management, even after I and other co-workers reported it to Human Resources. And the solution to a swastika etched into a bathroom stall wall was to simply paint it over. Of course, the swastika etching was still visible... a constant reminder of how unsafe our work environment was for those of us who were people of color.

Back in 2009, a co-worker hung a noose in the cab of a truck moving down the production line towards me. And in 2014, a co-worker walked straight up to where I was working and with no provocation said, "I wish I had a noose!" Instead of being fired, management felt a 3-day suspension was enough for this co-worker so, of course, the harassment continued. For no apparent reason other than the color of our skin, my black coworkers and I were threatened and challenged to fights. Management did nothing to curtail the behavior of the aggressors and instead would sometimes re-assign us to the most difficult jobs on the line. We would be ridiculed and yelled at if we dared request help. When I complained to HR, Daimler management retaliated by singling me out for a random drug test that no other employee was required to take. These retaliatory actions were ongoing. I was proactive in standing up for my other minority co-workers as well, not just myself. Sometimes the harassment was written up, but just quietly left in HR files with no recourse.

After years of working in an environment where racist, harassing behavior was accepted and management turned a blind eye, I finally decided to hire an attorney to help me seek justice. The initial complaint went through BOLI and it turned out that they had been investigating Daimler for a year prior. I spent two years waiting for resolution and I finally felt vindicated when a jury held Daimler accountable with a verdict of \$750,000 in non-economic damages for the mental duress I suffered those many years. I remember hearing the foreperson read the verdict. It finally felt like justice to me. But it only lasted a minute. Because of this one size fits all cap imposed by the legislature, Daimler was able to drag me back to court to lessen the jury's decision by \$250,000---taking away 33% of what the jury thought was fair. I was in a state of shock. It was a slap in the face.

Because of this, I feel like I don't have closure...that my former employer, a foreign owned mega corporation, really won in the end. And this reversal of justice follows me everywhere. When I drive down I-5 and see Freightliner trucks and cars worth tens of thousands of dollars, I think of what they got away with. When I watched the Superbowl and saw a Mercedes-Benz commercial costing Daimler millions of dollars for 30 seconds of air time, I was reminded, once again, of just how much my employer of 22 years thought of me. \$750,000 was just a drop in the bucket to them but that jury verdict meant everything to me. When I think about what \$250,000 could have done for my kids it breaks my heart. To have that \$250,000 taken away, well, all I can do now is give it up to God and let my voice be heard here today.

Please change this injustice. Please do the right thing. Protect our constitutional rights. When a jury hears all the facts of a case and makes a decision, let it stand. Don't let other citizens go through what I've gone through. Please vote Yes on House Bill 2014. Thank you.