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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, Plaintiff, v. MEDICAL CENTER RADIOLOGY CENTER OF DRS. CURRY, HARDING, GEORGE & ELISCU, P.A.	)	CIVIL ACTION NO. 6:99-cv-1181-Orl-~~99A~~ 28 A

CONSENT DECREE

1. This Consent Decree (the "Decree") is made and entered into by and between Plaintiff, the Equal Employment Opportunity Commission (hereinafter referred to as the "Commission" or "EEOC") and Defendant Medical Center Radiology Group of Drs. Curry, Harding, George & Eliscu, P.A.(hereinafter referred to as "Medical Center Radiology Group"). The Commission and the Medical Center Radiology Group are collectively referred to herein as "the Parties."

2. On September 16, 1999, EEOC initiated this action by filing its Complaint against Medical Center Radiology Group. EEOC's Complaint alleged that Medical Center Radiology Group violated Title VII of the Civil Rights Act of 1964, as amended, including but not limited to, amendments authorized by the Civil Rights Act of 1991, 42 U.S.C. Section 2000e *et seq.* ("Title VII"). The Complaint arose out of the allegations in an EEOC charge filed

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by Joseph Waechter against Medical Center Radiology Group.

3. On November 29, 1999, the Medical Center Radiology Group filed its Answer to EEOC's Complaint, denying its actions were discriminatory in any way.

4. In the interests of resolving this matter, to avoid the costs of litigation, and as a result of having engaged in comprehensive settlement negotiations, the Parties have agreed that this action should be finally resolved by the entry of this Decree. This Decree is final and binding upon the Parties, their successors and assigns.

5. The Parties agree that this Decree resolves all claims against Medical Center Radiology Group arising out of EEOC Charge Number 150-98-3523, and the Complaint filed in this action, and constitutes a complete resolution of all claims that were made by the Commission against Medical Center Radiology Group in this action or that existed against Medical Center Radiology Group in this action. The Parties further agree that this Decree does not resolve any Charges of Discrimination, if any, that may be pending with the EEOC other than the Charges referred to in this paragraph.

6. This Decree constitutes the complete agreement between the EEOC and Medical Center Radiology Group with respect to the matters referred to herein. No representations or inducements to compromise this action have been made, other than those recited or referenced in this Decree. No waiver, modification or amendment of

any provision of this Decree shall be effective unless made in writing, approved by all parties to this Decree and approved or ordered by the Court.

NOW, THEREFORE, the Court having carefully examined the terms and provisions of this Consent Decree, and based on the pleadings filed by the parties, it is **ORDERED, ADJUDGED AND DECREED THAT**:

7. This Court has jurisdiction of the subject matter of this action and over the parties for the purposes of entering and enforcing this Decree.

GENERAL INJUNCTIVE PROVISIONS

8. Medical Center Radiology Group, its officers, managers, employees, agents and partners, are enjoined from discriminating against any employee who opposes any of Defendant's practices which the employee believes to be a violation of Title VII; who files a charge of discrimination with the EEOC alleging violation(s) of such statute; who cooperates with the EEOC in the investigation and/or prosecution of any charge of discrimination; or who cooperated in the investigation or prosecution of this case.

9. Medical Center Radiology Group, its officers, managers, employees, agents and partners, agree that it will not engage in any conduct which violates Title VII of the Civil Rights Act of 1964, as amended, by adversely affecting the terms and conditions of any individual's employment or by discharging an employee for opposing or participating in any Title VII statutorily protected

activity.

TRAINING

10. Medical Center Radiology Group has established a written policy of compliance with Title VII. A copy of Medical Center Radiology Group Title VII compliance policy has been provided to the EEOC and Medical Center Radiology Group certifies that a complete copy of its Title VII policy has been provided to all its current employees at all of its facilities. Medical Center Radiology Group further agrees that all new employees will be provided a copy of the policy as part of the new employee orientation process.

11. In order to further insure the effective implementation of Medical Center Radiology Group's anti-discrimination policies, Medical Center Radiology Group will conduct training for all of its managers and supervisory personnel at its corporate facility, in Orlando, Florida, on all aspects of Title VII. Such training will be at least two hours in length and shall be conducted within three months of the entry of this Decree and on a yearly basis, thereafter, throughout the duration of this decree. Medical Center Radiology Group agrees to provide the EEOC, at least two weeks notice before it conducts its training session(s), date(s) of the training, copies of all training material to be used at the training session, the name of the individual(s) who will be providing the training material and a list of the names and titles

of each employee who will be in attendance at the training. Additionally, Medical Center Radiology Group agrees that the EEOC shall, at its discretion, be in attendance at the training session(s).

DEVELOPMENT OF COMPLAINT PROCEDURE

12. The Medical Center Radiology Group will develop a plan for the creation of an ombudsperson position. This position will exist for no less than the three year duration period of this Consent Decree. The purpose of this position will be to create a non-threatening outlet to report complaints of discrimination based on sex, race, religion, color, national origin, age, and/or disability without fear of retaliation. An investigation and complaint resolution protocol will be created for use by this position. The individual selected for the ombudsperson position is subject to EEOC approval.

A. This plan will be submitted to the EEOC within thirty days from entry of the consent decree;

B. The plan will be implemented thirty days after the parties agree upon it;

C. The investigation and complaint protocol will be documented in Medical Center Radiology Group's handbook and posted in a conspicuous locations to be agreed upon;

D. This document will include language explaining that complaining to the ombudsperson in no way curtails an individual's

federally protected right to make a charge of discrimination to the EEOC;

E. The names of any individuals making complaints of discrimination based on sex and retaliation, to the ombudsperson, their contact information, and nature of the complaint, will be reported to the EEOC on a quarterly basis for three years following entry of the consent decree;

F. If an individual or the Commission is unsatisfied with the handling of a complaint of discrimination, the parties will meet in an attempt to resolve the matter. If a resolution cannot be met in this manner, the Court through this decree orders that the parties seek mediation over the matter. If mediation fails the Commission may bring the matter before the Court for injunctive relief.

POSTING

13. Medical Center Radiology Group will post within seven days from the Court's execution of this Decree an 11" x 17" size copy of the Notice attached hereto as Exhibit A. Said notice shall be posted at all Medical Center Radiology Group facilities for the duration of this Decree in conspicuous locations accessible to all employees.

MONITORING

14. Medical Center Radiology Group will retain all employment records relating in any way to any complaint, allegation and investigation of sex discrimination or retaliation at any of

Medical Center Radiology Group's facilities for the duration of this Decree and as required by law.

15. Medical Center Radiology Group will certify to the EEOC every six (6) months throughout the duration of this Decree that it is in compliance with all aspects of this Decree. The first such certification will be due no later than February 1, 2001. With each such certification, the Medical Center Radiology Group will provide the EEOC with the name, address and phone number of any person who alleges they have been subjected to sexual harassment or retaliation while working at any of the Medical Center Radiology Group's facilities during the preceding six (6) months. Medical Center Radiology Group will also state its actions taken in response to each such allegation. Medical Center Radiology Group will provide, upon request by the Commission any and all documentation associated with each such complaint.

16. Medical Center Radiology Group will retain copies of all sexual harassment complaints along with the results of internal investigations for the duration of this Decree, and shall make the same available to the EEOC for inspection on a bi-annual basis, at the EEOC's request.

MONETARY RELIEF

17. Medical Center Radiology Group shall pay Joseph Waechter a lump sum in the amount of $114,4 00, which represents back pay, less amounts required to be withheld for federal, state, and local

income taxes, and the sum of $800.00 which represents attorney fees. Medical Center Radiology Group will also issue an I.R.S. form and W-2, and shall be responsible for the payment of the employer's share of any federal, state, or local taxes, and social security withholdings. Additionally, Medical Center Radiology Group shall pay to Joseph Waechter a lump sum of $50,000, which represents compensatory and punitive damages and shall issue a form 1099 itemizing same. Both payments shall issue within fifteen (15) calendar days from the Court's execution of this Decree, and shall be made by certified check and forwarded to Joseph Waechter at his home address, by certified mail with a return receipt requested. Said copies shall be forwarded to the attention of Kenneth L. Gillespie, EEOC Trial Attorney, U.S. Equal Employment Opportunity Commission, 2 South Biscayne Boulevard, Suite 2700, Miami, Florida 33131.

18. If the Medical Center Radiology Group fails to tender the above-mentioned payments as set forth in paragraph 17, then the Medical Center Radiology Group shall pay interest on the defaulted payment at the rate calculated pursuant to 26 U.S.C. Section 6621(b) until the same is paid, and bear any additional costs incurred by the EEOC caused by the non-compliance or delay of the Defendant.

ENFORCEMENT OF DECREE

19. The Commission and Medical Center Radiology Group will

make best efforts to effectuate the terms of this Decree.

20. The Commission shall have independent authority to seek the judicial enforcement of any aspect, term or provision of this Decree.

COSTS

21. Each Party shall bear its own costs and attorneys' fees associated with this litigation.

DURATION OF CONSENT DECREE

22. The duration of this Decree shall be three (3) years from the date of entry of the Decree.

23. This case will be dismissed with prejudice. However, the Court will retain jurisdiction to enforce this Consent Decree during the three year period that said Decree is in effect.

SO ORDERED, ADJUDGED AND DECREED, this 11 day of ~~June~~ Aug, 2000.

United States District Judge

AGREED TO:
FOR THE PLAINTIFF,
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

by: _____ Date: 7/31/00

Gilbert Carrillo
Acting Regional Attorney
U.S. Equal Employment Opportunity Commission
Miami District Office
One Biscayne Tower, Suite 2700
2 South Biscayne Boulevard
Miami, Florida 33131

AGREED TO:
FOR THE DEFENDANTS

by: _____ Date: August 4, 2000

Alan Gerlach, Esq.
Attorney for Defendant
390 North Orange Avenue
Suite 1100
Orlando, Florida 32802

NOTICE TO ALL EMPLOYEES

This notice is being posted pursuant to an agreement reached in Civil Action No.99-1181-Civ-Orl-~~19A~~ 28A in the Middle District of Florida. Medical Center Radiology Group of Drs. Curry, Harding, George & Eliscu, P.A., will not discriminate against employees in violation of Title VII of the Civil Rights Act of 1964 ("Title VII"). Title VII protects individuals from discrimination in all aspects of their employment, including hiring, because of their race, religion, color, national origin, or sex.

Medical Center Radiology Group of Drs. Curry, Harding, George & Eliscu, P.A., assures its employees that it supports Title VII and will not take any action against an individual because he/she has exercised his/her rights under the law to oppose discriminatory acts or to file charges with the EEOC.

This notice shall remain posted for three years from the date signed. Employees or applicants for employment who have questions about their rights under Title VII or any other federal anti-discrimination law may telephone the Miami District Office of the Equal Employment Opportunity Commission at 1-800-669-4000, (305) 530-6000 or (305)530-6007.

Signed this _____ day of _____, 2000.

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PRESIDENT/CEO, Medical Center Radiology Group