

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

EQUAL EMPLOYMENT)
OPPORTUNITY COMMISSION,)
)
Plaintiff,)
)
and)
)
SHARONDA GRIFFIN,)
)
Plaintiff-Intervenor,)
v.)
)
HOUSE OF PHILADELPHIA CENTER,)
INC.,)
)
Defendant.)
_____)

CIVIL ACTION NO: 1:05-530-KD-M

CONSENT DECREE

The Equal Employment Opportunity Commission (“EEOC” or “Commission”) filed this action against House of Philadelphia Center, Inc. (“House of Philadelphia” or “Defendant”) on September 19, 2005, in this Court, to enforce Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e et seq. (Title VII) and the Civil Rights Act of 1991, 42 U.S.C. §1981a. In the Complaint, the Commission alleged that House of Philadelphia discriminated against Sharonda Griffin (“Griffin”) on the basis of sex, female, by discharging Ms. Griffin due to her pregnancy, in violation of Title VII.

House of Philadelphia denies all allegations of unlawful or wrongful conduct raised in the complaint, and nothing stated in this Decree constitutes an admission of liability or wrongdoing on the part of House of Philadelphia.

The Parties do not object to the jurisdiction of the Court over this action and waive their rights to a hearing and the entry of findings of fact and conclusions of law. Venue is appropriate in the Southern District of Alabama (Southern Division). The parties agree that this Consent Decree is fair, reasonable, and does not violate the law or public policy. The rights of Ms. Griffin, House of Philadelphia, and the Commission are protected adequately by this Decree.

In the interest of resolving this matter, avoiding the expense of further litigation, and as a result of having engaged in comprehensive settlement negotiations, the Commission and House of Philadelphia have agreed that this action should be finally resolved by entry of this Consent Decree.

It is ORDERED, ADJUDGED AND DECREED:

1. This Decree resolves all claims arising out of the issues between the Commission and Defendant House of Philadelphia in this lawsuit, including without limitation, back pay, compensatory and punitive damages, injunctive relief, costs, and attorney fees. This decree is limited in its scope to matters covered explicitly herein and in particular only to the House of Philadelphia facilities in the State of Alabama. This Decree expires when House of Philadelphia has provided the relief and taken the action provided for herein, or as provided under paragraph 12 of this Decree, whichever is later.
2. Defendant and its officers, agents, employees, successors, and assigns both at the time that this Decree becomes effective and for the duration of this Decree agree to comply with Federal law and acknowledge that it is unlawful to: (a) discriminate against any employee on the basis of pregnancy or sex, (b) harass any employee based on pregnancy or sex; (c) retaliate against any employee because he or she: (i) opposes or opposed discriminatory practices made unlawful by Title VII; (ii) files or filed a charge of discrimination or assists, assisted,

participates, or participated in the filing of a charge of discrimination; or (iii) assists, assisted, participates or participated in an investigation or proceeding brought under the federal laws prohibiting discrimination or retaliation; and (d) alter the terms and conditions of any employee's employment because of pregnancy or sex .

MONETARY RELIEF

3. House of Philadelphia shall pay, by certified checks, a total amount of \$8,000.00 to Sharonda Griffin. Of this sum, \$4,000.00 (four thousand dollars) shall be paid by House of Philadelphia to Ms. Griffin by October 6, 2006 and \$4,000.00 (four thousand dollars) shall be paid by House of Philadelphia to Ms. Griffin by Monday, November 6, 2006. House of Philadelphia will not condition the receipt of individual relief on Ms. Griffin's agreement to (a) maintain as confidential the terms of this Decree, or (b) waive her statutory rights to file a charge with any federal or state anti-discrimination agency. House of Philadelphia will issue applicable United States Internal Revenue Service Forms to Ms. Griffin for all such payments on or before January 31, 2007.

4. The payments provided for in paragraph 3 of this Decree shall be mailed directly by House of Philadelphia's attorney to Ms. Griffin's attorney, Daniel A. Hannan, at Mr. Hannan's business address. Within three (3) business days of the issuance of each check, House of Philadelphia shall submit a copy of the check and related correspondence to the United States Equal Employment Opportunity Commission, Regional Attorney, Birmingham District Office, 1130 22nd Street South, Suite 2000, Birmingham, Alabama, 35205-2886.

OTHER RELIEF

5. Defendant will institute and carry out policies, practices and training at its Alabama facilities that help assure a work environment free from sex and pregnancy-based discrimination

for its employees that allow employees to raise concerns or complaints without retaliation about matters, whether alleged, perceived or actual, made unlawful by Title VII, and that guide, direct and encourage employees to report incidents of pregnancy and sex-based discrimination.

6. Defendant will develop and adopt policies that include, at a minimum:

a. A clear and strong commitment to a workplace free of pregnancy and sex-based discrimination;

b. A clear and strong message of encouragement to persons who believe they have been discriminated against to come forward;

c. A description of the consequences, up to and including termination, that will be imposed upon violators of the policy;

d. An assurance of non-retaliation for persons who believe they have been discriminated against and for witnesses;

e. That discrimination on the basis of sex by anyone, including management officials, supervisors, vendors, suppliers, third parties and customers, is prohibited and will not be tolerated;

f. Assurances that Defendant will investigate allegations of pregnancy and sex-based discrimination promptly, fairly, reasonably, effectively and as confidentially as possible under the circumstances, by appropriate investigators and that appropriate corrective action and appropriate follow-up will be taken by Defendant to make victims whole and to eradicate the discrimination;

g. That information will be provided each employee regarding the employee's right to file a charge of discrimination with the EEOC, including contact telephone numbers, TDY/TDD and addresses for the EEOC.

7. Within sixty (60) days following the date of entry of this Decree, and annually thereafter for the duration of this Decree, Defendant will provide training at each of its Alabama facilities which shall explain:(1) what constitutes pregnancy and sex-based discrimination; (2) that Title VII prohibits this misconduct; (3) how to prevent this misconduct; (4) to whom employees may complain if they feel they have been subjected to this misconduct; and (5) that managers will be evaluated on their enforcement of House of Philadelphia's anti-discrimination policies. This training will also include an explanation of House of Philadelphia's policies regarding pregnancy and sex-based discrimination; the importance of maintaining an environment free from pregnancy and sex discrimination; and the discipline that may be taken against other employees and the managers or supervisors who are found to have allowed the discrimination to occur. Pursuant to this Decree, House of Philadelphia will also conduct the same or similar training at intervals of approximately twelve (12) months during the pendency of this Decree. The following subparagraphs refer to each of the two training periods.

a. The annual training session shall be at least two (2) hours in length, plus an additional thirty (30) minutes for questions and answers. Defendant's Alabama management staff, including all managers who may investigate employee complaints shall attend the annual training sessions together with all hourly and salaried employees. The employees who are unable to attend the annual training session may watch a videotape of it.


b. Employees shall sign a registry when they attend the annual training session or watch the videotape of the annual training session. Defendant shall keep, for the duration of the Decree, this written record of all employees who attend the annual training session or watch it on videotape.


c. House of Philadelphia will confirm in writing to the EEOC Regional Attorney that this additional training has been completed in full compliance with the terms of this Decree. Within ten (10) days following its receipt, EEOC will confirm that this training requirement has been met or provide specific comments about how the training is not in compliance with the Decree. The parties would communicate to resolve any disputed issues on this training or, if necessary, have the court resolve the matter.

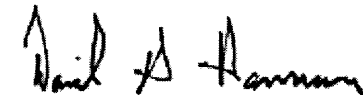
8. House of Philadelphia will post its current EEO policies in a prominent location, frequented by employees, at each of Defendant's facilities in Alabama. These policies shall also be distributed to each current employee within thirty (30) days of the entry of the Decree, and distributed to all new employees when hired.

9. Defendant shall promptly and appropriately investigate all complaints of pregnancy and sex-based discrimination. The investigation must include a finding of whether discrimination occurred; a credibility assessment; interviews of all potential victims and witnesses identified; and concurrent notes of the investigation. Defendant shall take immediate appropriate corrective action to make discrimination victims whole, to discipline violators, and to eradicate the discrimination. Defendant, if corrective action was required as a result of the investigation, shall follow up with complainants at appropriate intervals to ensure that the discrimination does not reoccur. Defendant shall provide notice to EEOC of the resolutions of complaints of sex or pregnancy-based discrimination during the pendency of this decree. That notice shall describe the investigation, and the resolution of the investigation shall be provided to the EEOC within six (6) months of the initial complaint.

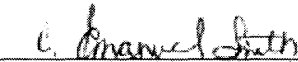
APPROVED AND CONSENTED TO BY:



Chief Executive Officer
HOUSE OF PHILADELPHIA.
CENTER, INC.



Attorney for Defendant
RAYMOND L. BELL, ESQ.
Bell & Adams, P.C.
P.O. Box 1932
Mobile, AL 36602
Telephone: (251) 694-9020


Attorney for Plaintiff-Intervenor
DANIEL A. HANNAN, ESQ.
63 S. Royal Street, Suite 1109
Mobile, Alabama 36602
Telephone: (251) 433-0051

ATTORNEYS FOR PLAINTIFF EEOC:


C. EMANUEL SMITH
Regional Attorney


MILDRED BYRD
Supervisory Trial Attorney


MASON D. BARRETT
Senior Trial Attorney
EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
Birmingham District Office
1130 22nd Street South, Suite 2000
Birmingham, AL 35205-2886
Telephone: (205) 212-2047
Facsimile: (205) 212-2041

NOTICE

10. Defendant will post the Notice attached as Attachment A at each of Defendant's facilities in Alabama. The Notice will be posted in a highly visible location, frequented by employees, for the duration of this Decree. The Notice shall be posted in both English and in Spanish, and shall be the same type, size, and style as Attachment A.

11. The parties shall bear their own attorneys' fees and costs incurred in this action up to the date of entry of this Decree.

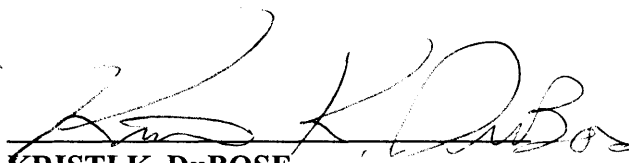
FORCE AND EFFECT

12. The duration of this Decree shall be thirty-six (36) months from its entry. This Court shall retain jurisdiction over this action for the duration of the Decree, during which the Commission may petition this Court for compliance with this Decree. Should the Court determine that defendant has not complied with this Decree, appropriate relief, including extension of this Decree for such period as may be necessary to remedy its non-compliance, may be ordered. Absent extension, this Decree shall expire by its own terms at the end of thirty-six (36) months from the date of entry, without further action by the Parties.

13. The parties agree to the entry of this Decree subject to final approval by the Court.

IT IS SO ORDERED:

This 9th day of January 2007.


KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE