

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	4-07-CV- 00887
BFI WASTE SERVICES, LLC d/b/a ALLIED WASTE SERVICES of LITTLE ROCK)	
)	
Defendant.)	

CONSENT DECREE

INTRODUCTION

Plaintiff, Equal Employment Opportunity Commission (“the Commission”), instituted this action on September 28, 2007, against Defendant BFI Waste Services, LLC d/b/a Allied Waste Services of Little Rock (the “Defendant” or “BFI”) under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et. seq.* (“Title VII”). In its Complaint, the Commission alleged that Charging Parties Dawn Gaddy and Sherry Morehead and other females were subjected to unlawful employment practices on the basis of sex, female, in violation of Title VII when Defendant denied them employment as truck drivers.

The Defendant has denied that it engaged in any unlawful employment practices as alleged by the Commission or that it otherwise violated Title VII. This Decree is not an adjudication or finding on the merits of this case and shall not be construed as an

admission of liability on the part of BFI.

In the event this proposed Consent Decree is not approved or does not become final, then it shall not be admissible in evidence in any subsequent proceeding in this action. Further, this Consent Decree shall not be admissible in any other action now pending or which may be filed in the future.

The Court has reviewed the terms of the proposed Consent Decree in light of the applicable laws and regulations and the statements and representations of counsel for all parties and hereby approves the Consent Decree.

I. JURISDICTION

A. This Court has jurisdiction over the parties and subject matter of this litigation.

B. The Court shall retain jurisdiction of this action during the duration of the Decree for the purposes of entering all orders that may be necessary to implement the relief provided herein.

II. MODIFICATION

This Consent Decree constitutes the complete and exclusive agreement between the parties with respect to the matters referred to herein. No waiver, modification, or amendment of any provision of this Consent Decree shall be effective unless made in writing and signed by both parties.

III. DURATION OF AGREEMENT

This Decree shall remain in effect for a period of three years.

IV. INJUNCTIVE RELIEF

A. Defendant, its officers, agents, management, (including supervisory

employees), successors, and assigns are hereby enjoined from failing to hire female applicants on the basis of their sex.

B. Defendant is hereby enjoined from retaliating against Sherry Morehead, Dawn Gaddy, Karen Coleman, and any employee or applicant for employment as a result of their participation in this litigation.

V. TRAINING

A. Defendant shall provide employment-discrimination awareness training to all of its General Managers, Supervisors, and Dispatchers at its Little Rock, Arkansas facility according to the following terms:

B. The training session will include at least two (2) hours of instruction;

C. The training will include the following topics:

1. what constitutes sex discrimination;
2. how to prevent, identify, and remedy sex discrimination in hiring;
3. what constitutes retaliation in violation of Title VII;
4. Defendant's policy against sex discrimination and retaliation; and
5. procedures and responsibilities for reporting, investigating, and remedying conduct an employee believes may be in violation of Defendant's policy against sex discrimination.

D. Within forty-five (45) days after execution of this Consent Decree by the parties, Defendant shall submit to the Commission the date of the proposed training session and a detailed outline of the proposed training.

E. The training session will be conducted within ninety (90) days after the date of the entry of this Consent Decree by the Court.

F. Within 120 days of this Decree, Defendant shall provide documentation to the Commission that the training session identified above has been conducted

VI. POSTING AND POLICIES

A. Within thirty (30) days of the entry of this Consent Decree, Defendant shall post and cause to remain posted for three years the notice attached hereto as Exhibit A.

B. Defendant will continue to keep conspicuously posted at its Little Rock facility the notice required by Title VII, § 711, 42 U.S.C. 2000e-10.

C. Defendant will post notices for open truck driving positions at the following locations in addition to those locations at which Defendant currently posts open truck driving positions:

- a. Pulaski County Health Department
- b. Pulaski Technical College
- c. Little Rock Job Corps

VII. MONETARY RELIEF

A. Defendant shall pay Sherry Morehead, Dawn Gaddy, and a female class member monetary relief in settlement of this lawsuit that shall be distributed as follows.

B. Defendant will pay a total of \$60,500.00 in damages and \$24,745.09 in back pay and interest, less applicable withholding taxes, to Sherry Morehead. The check will be mailed to the following address:

Sherry Morehead
#12 Clint Court, Apt. A
Little Rock, Arkansas 72205

C. Defendant will pay a total of \$68,500 in damages and \$6,753.48 in back

pay and interest, less applicable withholding taxes, to Dawn Gaddy. The check will be mailed to the following address:

Dawn Gaddy
6408 Tulip Road
Little Rock, Arkansas 72209

D. Defendant will pay a total of \$10,000.00 in damages and \$20,281.49 in back pay and interest, less applicable withholding taxes, to Karen Coleman. The check will be mailed to the following address:

Karen Coleman
13024 Highway 365 South, Apt. #25
Little Rock, Arkansas 72206

E. A copy of the checks will be mailed to Pamela B. Dixon, Senior Trial Attorney.

F. The checks will be mailed within fourteen (14) days of the entry of the Decree by the Court, and late payment of the checks shall be subject to the accrual of interest pursuant to 28 U.S.C. §1961.

VIII. REPORTING

A. Defendant will submit two reports to the Commission. The first report will be submitted within twelve (12) months of entry of the Decree. The second report will be submitted within thirty (30) months of entry of the Decree.

B. The first report will include:

1. a list of the names, sex, date of hire, and date employment ended, if applicable, of all drivers hired during the relevant period;
2. any complaints of sex discrimination based on failure to hire brought to the attention of management and/or human resources at

the Little Rock Arkansas facility;

3. the investigation conducted by Defendant in response to each complaint and indicate how the complaint was resolved.

C. The second report will include the same information outlined in B 1, 2, and 3.

D. Each report will describe Defendant's training of managers at the Little Rock, Arkansas facility in the requirements of Title VII of the Civil Rights Act of 1964, as amended, as set forth herein.

E. Each report will be forwarded to Pamela B. Dixon, Senior Trial Attorney, at the Commission's Little Rock Area office.

IX. COSTS

Each party shall bear that party's own costs, attorneys' fees, and expenses.

SO ORDERED THIS 27th DAY OF March, 2008.



WILLIAM R. WILSON, JR.
UNITED STATES DISTRICT JUDGE

FOR DEFENDANT:




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FOR THE COMMISSION:

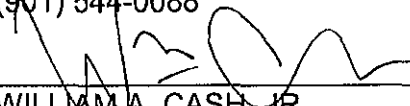
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General Counsel

JAMES LEE
Deputy General Counsel

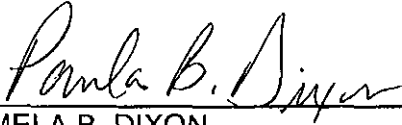
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NOTICE

1. Title VII of the Civil Rights Act of 1964, as amended, is a federal law that provides that it shall be an unlawful employment practice for an employer discriminate against any individual because of such individual's sex.
2. BFI supports and will comply with Title VII in all respects and will not discriminate against employees.
3. BFI will not take any action against employees because they have opposed employment practices made illegal by Title VII or exercised their rights under the law by filing charges with the Equal Employment Opportunity Commission, or because they testified, assisted, or participated in any manner in any investigation, proceeding, or hearing under Title VII.

BFI

Date

Title

EXHIBIT A