

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

EQUAL EMPLOYMENT OPPORTUNITY )  
 COMMISSION, )  
 Washington Field Office )  
 1400 L Street N.W., Suite 200 )  
 Washington D.C. 20005 )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 HARCO, INC. d/b/a ARCHIBALD'S )  
 1520 K. Street, N.W. )  
 Washington, D.C. 20005 )  
 )  
 Defendant. )

CIVIL ACTION NO. 11-02-2039

Judge Emmet G. Sullivan

CONSENT DECREE

THE LITIGATION

1. Plaintiff, Equal Employment Opportunity Commission (the "Commission" or "EEOC"), filed this action alleging that Defendant, HARCO/Archibald's ("Defendant"), violated Section 703(a) of Title VII of the Civil Rights Act of 1964, as amended ("Title VII"), 42 U.S.C. Section 2000e-2(a), by discriminating against Michelle O'Connor because of her sex. Defendant denies the Commission's allegations.
2. In the interest of resolving this matter, and as a result of having engaged in comprehensive settlement negotiations, the parties have agreed that this action should be finally resolved by entry of this Consent Decree (hereafter "Decree"). This Decree fully and finally resolves any and all Title VII issues arising out of the Complaint filed by the EEOC in this action.
3. The parties acknowledge that this Decree represents a compromise of disputed claims. This Decree shall not be construed as an admission by Defendant of liability or violation of Title

VII, an adjudication on the merits, or a waiver by the EEOC of any contentions of discrimination.

#### FINDINGS

4. Having carefully examined the terms and provisions of this Decree, and based on the pleadings, record, and stipulations of the parties, the Court finds the following:
  - (a) This Court has jurisdiction over the subject matter of this action and of the parties.
  - (b) The terms of this Decree are adequate, fair, reasonable, equitable, and just. The rights of the parties and the public interest are adequately protected by this Decree.
  - (c) This Decree conforms with the Federal Rules of Civil Procedure and Title VII and is not in derogation of the rights or privileges of any person. The entry of this Decree will further the objectives of Title VII and will be in the best interests of the parties and the public.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

#### NON-DISCRIMINATION

5. Defendant, its officers, agents (including management personnel), successors, and assigns will not unlawfully discriminate on the basis of sex in violation of Title VII.

#### TRAINING

6. Defendant will conduct training on sex discrimination for its managers at its facility at 1520 K Street, N.W., Washington, D.C. The training must be completed within one year from the date of this Decree. Defendant will select the individual(s) or company who will conduct the training, the tentative dates the training is to take place, and the manner in which the training will be conducted. Defendant will provide this information, in addition to a copy of the

training materials, to Washington Field Office trial attorney JuanCarlos Hunt, at least thirty (30) days prior to the scheduled training date. The individual(s) conducting the training and Defendant will work with the EEOC to alleviate any concerns it may have with the scheduled training, including the training materials. The Commission is not expected to participate in the training but will be permitted to attend the training if it so chooses.

#### MONETARY RELIEF

7. Defendant shall, on or prior to October 31, 2002, tender to MICHELLE O'CONNOR two checks made payable to her. The first check shall be in the amount of three thousand dollars (\$3,000.00), less Ms. O'Connor's share of FICA and federal withholding taxes and state taxes, constituting back wages. Defendant shall not deduct from the check its share of FICA and FUTA on the back wages. The second check shall be in the amount of twelve thousand dollars (\$12,000.00), constituting compensation for prejudgment interest and compensatory damages. Defendant shall be liable for interest payments to Ms. O'Connor at the rate of one and one half percent (1.5%) per month if the above-referenced checks are not tendered to her at the time indicated in this paragraph.

#### DRESS CODE

8. Male and female bartenders will be required to wear substantially equivalent casual attire. Male and female manager/bartenders will be required to wear substantially equivalent formal attire. Defendant shall not retaliate against any female bartender who chooses not to wear sexually provocative clothing. Defendant shall provide a copy of Archibald's revised dress code policy to Washington Field Office trial attorney JuanCarlos Hunt within thirty (30) days from the date of this Decree.

## POSTING OF NOTICE

9. Within seven (7) business days after entry of this Decree, Defendant shall post a same-sized copy of the Notice attached as Exhibit A to this Decree at the Archibald's facility in a conspicuous location easily accessible to and commonly frequented by employees. The Notice shall remain posted for two (2) years from the date of entry of this Decree. Defendant shall take all reasonable steps to ensure that the posting is not altered, defaced or covered by any other material. Defendant shall certify to the EEOC in writing within fifteen (15) business days after entry of the Decree that the Notice has been properly posted. Defendant shall permit a representative of the EEOC to enter Defendant's premises for purposes of verifying compliance with this Paragraph at any time during normal business hours without prior notice.

## MONITORING

10. Starting no later than sixty (60) days from the effective date of the Decree, and every six (6) months thereafter for two (2) years, Defendant will provide JuanCarlos Hunt, EEOC Trial Attorney, with a status report on the implementation of the Decree. The status report will include the following information: (i) certification that the funds described in Paragraph Seven (7) above have been dispersed to Ms. O'Connor; (ii) certification that a copy of the revised dress code has been provided to the Commission in accordance with Paragraph Eight (8) above, that the revised dress code has been distributed to all current employees, and that the revised dress code will be distributed to all future employees in accordance with regular new hire procedures; (iii) certification that the notice referred to in Paragraph Nine (9) above remains posted in accordance with the terms of this Decree; and, (iv) whether any

discrimination charges or complaints have been filed by Archibald's employees during the reporting period.

#### DISPUTE RESOLUTION

11. In the event that either party to this Decree believes that the other party has failed to comply with any provision(s) of the Decree, the complaining party shall notify the other party of the alleged non-compliance and shall afford the alleged non-complying party ten (10) business days to remedy the non-compliance or to satisfy the complaining party that the alleged non-complying party has, in fact, complied with the terms of the Decree. If the alleged non-complying party has not remedied the alleged non-compliance or satisfied the complaining party that it has complied within ten (10) business days, the complaining party may apply to the Court for appropriate relief.

#### DURATION OF THE DECREE AND RETENTION OF JURISDICTION

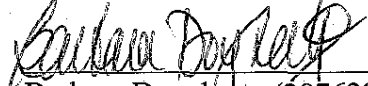
12. All provisions of this Decree shall be in effect (and the Court will retain jurisdiction of this matter to enforce this Decree) for a period of two (2) years immediately following entry of the Decree, provided, however, that if, at the end of the two (2) year period, any disputes under Paragraph 11, above, remain unresolved, the term of the Decree shall be automatically extended (and the Court will retain jurisdiction of this matter to enforce the Decree) until such time as all such disputes have been resolved.


#### FORCE AND EFFECT

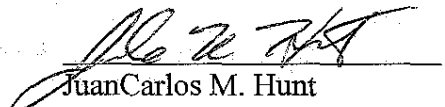
13. The terms of this Decree are and shall be binding upon the present and future representatives, agents, directors, officers, assigns, and successors of Defendant.

ON BEHALF OF PLAINTIFF,  
U.S. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION

Gwendolyn Young Reams  
Associate General Counsel

  
Barbara Dougherty (387628)  
Assistant General Counsel  
1801 L Street, NW, 7<sup>th</sup> Floor  
Washington, D.C. 20507

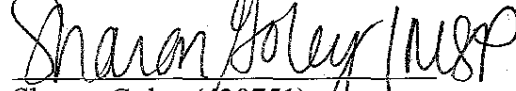
  
Barbara Brice-Brown (421142)  
Senior Trial Attorney  
1400 L Street, NW, Suite 200  
Washington, D.C. 20005

  
Juan Carlos M. Hunt  
Trial Attorney  
1400 L Street, N.W., Suite 200  
Washington, D.C. 20005

10/21/02  
DATE

Washington, D.C.

ON BEHALF OF DEFENDANT,  
HARCO/ARCHIBALD'S

  
Sharon Goley (430751)  
Margolius, Mallios, Davis, Rider  
& Tomar, LLP  
1828 L Street, Suite 500  
Washington, D.C. 20036

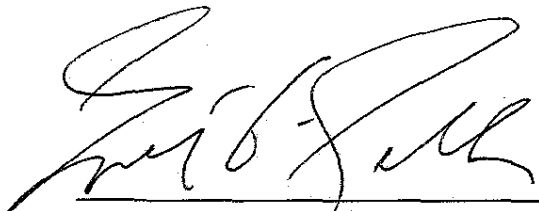
  
UNITED STATES DISTRICT JUDGE

EXHIBIT A

NOTICE TO HARCO/ARCHIBALD'S EMPLOYEES

This Notice is being posted pursuant to a consent decree entered into between HARCO/Archibald's ("Archibald's ") and the Equal Employment Opportunity Commission ("EEOC"). On October 17, 2002, the EEOC filed a lawsuit against Archibald's. Archibald's denies the allegations in the lawsuit. However, in an effort to amicably resolve the matter, the EEOC and Archibald's have decided to settle the lawsuit. As part of the settlement, all bartenders, regardless of their sex, are required to wear substantially equivalent clothing (casual attire) and all manager/bartenders, regardless of their sex, are required to wear substantially equivalent clothing (formal attire). Defendant will not retaliate against any female bartender or manager/bartender who chooses not to wear sexually provocative clothing.

Archibald's will not discriminate on the basis of sex in any employment action. All women are encouraged to apply for employment positions as they may arise. Archibald's will, as necessary, take appropriate disciplinary action, up to and including discharge, to ensure compliance with its EEO policies, especially its policy prohibiting all forms of sex discrimination.

All employees are urged to bring any concerns or complaints involving illegal discrimination, at the earliest possible time, without fear of retaliation, to the company's EEO office, Human Resources, or the EEOC.

The EEOC is responsible for enforcing Title VII of the Civil Rights Act of 1964, as amended, which prohibits employment discrimination based on sex, race, color, national origin and religion; the Age Discrimination in Employment Act of 1967, as amended, which prohibits discrimination based upon age for persons 40 years of age and older; the Equal Pay Act of 1963, as amended, which prohibits wage discrimination on the basis of sex; and the Americans with Disabilities Act of 1990, which prohibits discrimination on the basis of disability.

For more information, you may contact the Archibald's EEO Office toll free at 1-888-692-1655 or the EEOC Washington Field Office, 1400 L Street, NW, Washington, DC at (202) 275-7377 or log onto [www.EEOC.gov](http://www.EEOC.gov).

\_\_\_\_\_  
Date

\_\_\_\_\_  
Archibald's President