

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

UNITED STATES EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

CASE NO.: 4:04cv391-SPM/AK

ELLEN GLASS, KIMENY BILLINGTON,
and KAREN STEWART,

Interveners,

v.

ASSOCIATED SECURITY
ENFORCEMENT, INC.,

Defendant.

_____ /

JUDGMENT FOR EQUITABLE RELIEF

This matter comes before the Court for consideration of Plaintiff EEOC's Post-Trial Motion for Injunctive Relief (doc. 65). A copy was mailed to Defendant Associated Security Enforcement, Inc., but no response has been filed.

Plaintiff EEOC is entitled to injunctive relief in this case. Defendant Associated Security Enforcement, Inc. defaulted on liability for discrimination. A trial took place to establish damages. The evidence at trial showed that Defendant Associated Security Enforcement, Inc. subjected Ellen Glass, Kimeny

Billington, Karen Stewart, and Lydia Hall to severe and pervasive harassment based on sex throughout their employment with Defendant Associate Security Enforcement, Inc. Despite notice of the harassment, neither the owner and co-owner of Defendant Associated Security Enforcement, Inc. made effort to remedy the situation. Instead, efforts were made to deny wrongdoing and manufacture false documentation to cover-up unlawful conduct. Associated Security Enforcement, Inc. falsified disciplinary write-ups of Kimeny Billington and Ellen Glass, and created false reasons for terminating Lydia Hall, Kimeny Billington, and Ellen Glass.

To remedy Defendant Associated Security Enforcement, Inc.'s past discrimination and to vindicate the public interest by preventing Defendant Associated Security Enforcement, Inc. from engaging in discrimination in the future,

IT IS ORDERED:

1. Plaintiff EEOC's Post-Trial Motion for Injunctive Relief (doc. 65) is granted.
2. Defendant Associated Security Enforcement, Inc., its officers, assigns, and all persons acting in concert with it are hereby permanently enjoined from engaging in the future in any employment activities that discriminate against individuals on the basis of their sex in violation of Title VII of the Civil Rights Act of 1964, as amended.

3. Defendant Associated Security Enforcement, Inc., its officers, assigns, and all persons acting in concert with it are hereby permanently enjoined from retaliating against any employees who seek or who have sought to enforce their federally protected rights, or who have participated in any manner in an investigation or proceeding under Title VII of the Civil Rights Act of 1964, as amended.

4. Defendant Associated Security Enforcement, Inc. shall, within ninety (90) days of this Order, create and distribute an anti-harassment and anti-retaliation policy to all individuals currently employed by Defendant and to all of the management officials with supervisory authority over those employees.

5. Defendant Associated Security Enforcement, Inc. shall implement an annual half-day training session for the next four (4) years, the first occurring no later than 180 days from this Order, regarding Title VII's anti-harassment and anti-retaliation policy, to be attended by all individuals currently employed by Defendant Associated Security Enforcement, Inc., and all of the management officials with supervisory authority over those employees. Each annual training thereafter must take place by July 30th. The training must be presented by a law firm or organization that specializes in the area of employment discrimination. Within thirty (30) days after each training session, Defendant Associated Security Enforcement, Inc., must provide the EEOC with a report that includes the date of the training, subjects discussed, materials used, and the names and job titles of

the individuals in attendance.

6. Defendant Associated Security Enforcement, Inc., shall post a laminated notice (text provided in Exhibit A) at its Tallahassee, Florida, facility for a period of no less than three (3) years. The notice shall be 11 x 14 inches with 15 point font lettering, and posted in a conspicuous location accessible to all employees (i.e., bulletin board of employee break room or where other employee information is commonly posted). The notice shall be signed by the chief executive officer of Defendant Associated Security Enforcement, Inc. and posted within thirty (30) days of the date of this Order.

7. Defendant Associated Security Enforcement, Inc., shall file semi-annual reports with the EEOC's Miami District Office for a period of no less than four (4) years regarding the receipt of any complaints of unlawful discrimination or retaliation made by any employee of Defendant Associated Security Enforcement, Inc. The reports must include the name of the individual making the complaint(s), the nature of the complaint(s), and a description of all action taken by the Defendant Associated Security Enforcement, Inc., to address the complaint(s).

8. Defendant Associated Security Enforcement, Inc., shall give only positive job references, if asked, stating that Lydia Hall, Kimeny Billington, Ellen Glass, and Karen Stewart were good employees. Within thirty (30) days of this order, Defendant Associated Security Enforcement, Inc. shall complete reference

letters for Lydia Hall, Kiminey Billington, Ellen Glass, and Karen Stewart, and mail those letters to Cheryl A. Cooper, Senior Trial Attorney, U.S. Equal Employment Opportunity Commission, One Biscayne Tower, Suite 2700, Two South Biscayne Boulevard, Miami, Florida 33131. The letters shall be on company stationery and signed by Defendant Associated Security Enforcement, Inc.'s chief executive office, as attached in Exhibit B.

9. Defendant Associated Security Enforcement, Inc. shall, within thirty (30) days from this Order, remove and expunge from its records any termination warnings, reports, or disciplinary counseling documents regarding Lydia Hall, Kimeny Billington, Ellen Glass, and Karen Stewart. In addition, within thirty (30) days from this Order, Defendant Associated Security Enforcement, Inc. shall remove and expunge from the personnel files of Lydia Hall, Kimeny Billington, Ellen Glass, and Karen Stewart any documents referencing their termination or separation from employment.

10. Defendant Associated Security Enforcement, Inc. shall provide letters of apology to Lydia Hall, Kimeny Billington, Ellen Glass, and Karen Stewart. The letters shall be completed within thirty (30) days of this order and mailed to Cheryl A. Cooper, Senior Trial Attorney, U.S. Equal Employment Opportunity Commission, One Biscayne Tower, Suite 2700, Two South Biscayne Boulevard, Miami, Florida 33131. The letter shall be on company stationery and signed by the chief executive officer of Defendant Associated Security

Enforcement, Inc. A suggested letter of apology is attached as Exhibit C.

DONE AND ORDERED this 5th day of February, 2007.

s/ Stephan P. Mickle

Stephan P. Mickle
United States District Judge

EXHIBIT A

NOTICE POSTED PURSUANT TO COURT ORDER

This notice being posted as part of a Judgment entered by the Court in EEOC et al. v. Associated Security Enforcement, Inc., Civil Action No. 4:04cv391-SPM. The Court found that Associated Security Enforcement, Inc. discriminated against four women by engaging in and condoning sexual harassment and retaliation in violation of Title VII of the Civil Rights Act of 1964, as amended (“Title VII”). Title VII protects individuals from employment discrimination based on race, religion, color, national origin, or sex. Title VII also protects individuals from retaliation for having complained of an unlawful employment practice. Associated Security Enforcement, Inc. shall not discriminate against employees in violation of Title VII. Furthermore, Associated Security Enforcement, Inc. assures employees that it supports Title VII and will not condone employment discrimination of any kind as set forth in federal anti-discrimination laws, including, but not limited to, sexual harassment and retaliation.

Associated Security Enforcement, Inc. assures employees that it supports Title VII and will not take any action against an individual because he or she has exercised rights under the law to oppose discriminatory acts or to file charges with the EEOC. Appropriate corrective action, to and including termination, based on the circumstances involved, shall be taken against any employee (including management personnel) found to have violated Associated Security Enforcement, Inc.’s policy prohibiting discrimination.

This notice shall remain posted for three (3) 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 United States Equal Employment Opportunity Commission at 1-800-669-4000.

Signed this ____ day of February, 2007.

PRESIDENT/CEO, Associated Security Enforcement, Inc.

DO NOT REMOVE BEFORE FEBRUARY 2010.

EXHIBIT B-1

[INSERT COMPANY LETTERHEAD]

[Date]

TO WHOM IT MAY CONCERN:

Lydia Hall was employed by Associated Security Enforcement from May 20, 2002, until August 9, 2002. She was an excellent receptionist. We wish her well in her future endeavors.

Sincerely,

[Signature] _____

[Full Printed Name]

PRESIDENT/CEO

NOTE:

IT IS ASSOCIATED SECURITY ENFORCEMENT, INC.'S POLICY NOT TO PROVIDE ANY INFORMATION REGARDING ITS FORMER EMPLOYEES EXCEPT THE INFORMATION PROVIDED ABOVE. ANY FURTHER INFORMATION REGARDING EMPLOYMENT SHOULD BE OBTAINED FROM THE NAMED FORMER EMPLOYEE.

EXHIBIT B-2

[INSERT COMPANY LETTERHEAD]

[Date]

TO WHOM IT MAY CONCERN:

Kimeny Billington was employed by Associated Security Enforcement from July 1, 2002, until February 16, 2003. She was an excellent security guard. We wish her well in her future endeavors.

Sincerely,

[Signature] _____
[Full Printed Name]
PRESIDENT/CEO

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EXHIBIT B-3

[INSERT COMPANY LETTERHEAD]

[Date]

TO WHOM IT MAY CONCERN:

Ellen Glass was employed by Associated Security Enforcement from April 13, 2002, until June 10, 2003. She was an excellent security guard and roving patrol supervisor. We wish her well in her future endeavors.

Sincerely,

[Signature] _____

[Full Printed Name]

PRESIDENT/CEO

NOTE:

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EXHIBIT B-4

[INSERT COMPANY LETTERHEAD]

[Date]

TO WHOM IT MAY CONCERN:

Karen Stewart was employed by Associated Security Enforcement from May 5, 2003, until July 8, 2003. She was an excellent Human Resources Representative. We wish her well in her future endeavors.

Sincerely,

[Signature] _____
[Full Printed Name]
PRESIDENT/CEO

NOTE: IT IS ASSOCIATED SECURITY ENFORCEMENT, INC.'S POLICY NOT TO PROVIDE ANY INFORMATION REGARDING ITS FORMER EMPLOYEES EXCEPT THE INFORMATION PROVIDED ABOVE. ANY FURTHER INFORMATION REGARDING EMPLOYMENT SHOULD BE OBTAINED FROM THE NAMED FORMER EMPLOYEE.

EXHIBIT C-1

[INSERT COMPANY LETTERHEAD]

[Date]

Dear Lydia Hall:

Associated Security Enforcement, Inc acknowledges that its actions toward you violated Title VII of the Civil Rights Act of 1964, as amended. On behalf of Associated Security Enforcement, Inc., I apologize to you for our actions.

Sincerely,

[Signature]
[Full Printed Name]
PRESIDENT/CEO

EXHIBIT C-2

[INSERT COMPANY LETTERHEAD]

[Date]

Dear Kimeny Billington:

Associated Security Enforcement, Inc acknowledges that its actions toward you violated Title VII of the Civil Rights Act of 1964, as amended. On behalf of Associated Security Enforcement, Inc., I apologize to you for our actions.

Sincerely,

[Signature] _____

[Full Printed Name]

PRESIDENT/CEO

EXHIBIT C-3

[INSERT COMPANY LETTERHEAD]

[Date]

Dear Ellen Glass:

Associated Security Enforcement, Inc acknowledges that its actions toward you violated Title VII of the Civil Rights Act of 1964, as amended. On behalf of Associated Security Enforcement, Inc., I apologize to you for our actions.

Sincerely,

[Signature]_____

[Full Printed Name]

PRESIDENT/CEO

EXHIBIT C-4

[INSERT COMPANY LETTERHEAD]

[Date]

Dear Karen Stewart:

Associated Security Enforcement, Inc acknowledges that its actions toward you violated Title VII of the Civil Rights Act of 1964, as amended. On behalf of Associated Security Enforcement, Inc., I apologize to you for our actions.

Sincerely,

[Signature]
[Full Printed Name]
PRESIDENT/CEO