

BLW

U.S. DISTRICT COURT

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HONORABLE B. LYNN WINMILL

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

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EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

CIVIL CASE NO. 00-0570-E-BLW

Plaintiff,

v.

CONSENT DECREE AND  
~~(PROPOSED)~~ ORDER OF  
DISMISSAL

J. C. PENNEY COMPANY, INC.,

Defendant.

BECKY TURNER, MERRIBETH PARRIS  
HICKS, TROY HURLEY, SARAH JOHNSON,  
AND CAROL MAYER,

Plaintiff-Intervenors,

v.

J. C. PENNEY COMPANY, INC.,

Defendant.

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I. INTRODUCTION

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1. This action originated with discrimination charges filed by Becky Turner and Merribeth Parris Hicks with the Idaho Human Rights Commission ("IHRC") on June 9, 1999 and July 28, 1999, respectively. Troy Hurley, Sarah Johnson and Carol Mayer filed additional discrimination charges with the Idaho Human Rights Commission on January 31, 2000, May 11,

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CONSENT DECREE - PAGE 1

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EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Seattle District Office  
Federal Office Building  
909 First Avenue, Suite 400  
Seattle, Washington 98104-1081  
Telephone (206) 220-6883  
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TDD (206) 220-6882

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2000, and July 20, 2000, respectively. Turner, Parris Hicks, Hurley, Johnson and Mayer alleged that  
1 J.C. Penney Company, Inc. ("J.C. Penney" or "the Defendant") discriminated against them on the  
2 basis of sex and retaliation, in violation of Title VII of the Civil Rights Act of 1964, as amended  
3 ("Title VII"), 42 U.S.C. § 2000e et seq. Copies of the charges are attached to this Consent Decree as  
4 Exhibit 1.

5 2. With regard to the Parris Hicks and Turner charges of discrimination, the IHRC  
6 issued probable cause determinations on January 12, 2000 and January 24, 2000, respectively. The  
7 Parris Hicks and Turner charges were transferred to the Equal Employment Opportunity  
8 Commission ("EEOC") for further processing. On May 4 and 5, 2000, EEOC sent J.C. Penney  
9 Letters of Determination finding reasonable cause that J.C. Penney violated Title VII. Copies of the  
10 Letters of Determination are attached to this Consent Decree as Exhibit 2. The EEOC issued  
11 Notices of Right to Sue to Hurley, Johnson and Mayer on November 1, 2000.

12 3. The Commission filed this lawsuit on September 29, 2000 in the United States  
13 District Court for the District of Idaho. The complaint alleges sexual harassment and retaliation.

14 4. Becky Turner, Merribeth Parris Hicks, Troy Hurley, Sarah Johnson and Carol Mayer  
15 ("Plaintiff-Intervenors") filed a motion to intervene in the lawsuit filed by EEOC and the court  
16 entered an order granting intervention on January 10, 2001.

17 5. The EEOC, Plaintiff-Intervenors and J.C. Penney want to conclude all claims arising  
18 out of the above charges without expending further resources in contested litigation.

## 19 **II. SETTLEMENT SCOPE**

20 6. This consent decree is the final and complete resolution of all Title VII allegations of  
21 unlawful employment practices contained in: (1) Becky Turner, Merribeth Parris Hicks, Troy  
22 Hurley, Sarah Johnson and Carol Mayer's discrimination charges; (2) the IHRC's and EEOC's

administrative determinations; and (3) the complaint filed herein, including all claims by the parties  
1 for attorney fees and costs.

2 **III. JURISDICTION AND VENUE**

3 7. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337, 1343  
4 and 1345. Plaintiff EEOC's action is authorized pursuant to Sections 705(g)(6), 706(f)(1) and (3)  
5 and Section 707 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§2000e-  
6 4(f)(6), 2000e-5(f)(1) and (3) and 2000e-6 ("Title VII") and Section 102 of the Civil Rights Act of  
7 1991, 42 U.S.C. §1981a. The employment practices alleged to be unlawful in the EEOC's and  
8 Intervenors' Complaints filed herein occurred within the jurisdiction of the United States District  
9 Court for the District of Idaho.

10 **IV. NON ADMISSION OF LIABILITY**

11 8. This Consent Decree is not an adjudication or finding on the merits of this case and  
12 shall not be construed as an admission by the Defendant of a violation of Title VII or any other law.

13

14 **V. PURPOSE OF THE AGREEMENT**

15 9. The parties are entering into this Consent Decree in order to achieve the following  
16 purposes:

17 a. To assure the implementation of policies and procedures which prohibit  
18 discrimination or retaliation against employees on the basis of sex, and from  
19 retaliation against employees who complain about sex discrimination or  
20 participate in the investigation of a complaint.

21 b. To assure that J.C. Penney enforces its policy and enforcement program to  
22 effectively prevent sex discrimination and sex harassment and whenever

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appropriate to address and correct situations in which such discrimination or harassment is alleged.

c. To assure that the Plaintiff-Intervenors are fully compensated for the alleged damages they claim to have suffered in connection with their employment by J.C. Penney.

d. To avoid the time, expense and uncertainty of further litigation.

## VI. GENERAL PROVISIONS

10. This Consent Decree is intended to and does effectuate the full, final, and complete resolution of all allegations of unlawful employment practices and discrimination encompassed by the original discrimination charges and the Complaints filed in EEOC and Turner, Parris Hicks, et al. v. J.C. Penney Company, Inc., Civil No. 00-0570-E-BLW.

11. This Consent Decree constitutes the complete understanding between the EEOC and J.C. Penney with respect to matters herein. No waiver, modification or amendment to any provisions of this Consent Decree will be effective unless it is agreed to in accordance with provisions of Section XI, Consent Decree Amendment Procedures.

12. This Consent Decree in no way affects EEOC's right to process, in accordance with standard Commission procedures, charges filed by individuals against J.C. Penney alleging violations of Title VII. Charges include those pending as of the effective date of the Agreement and filed in the future. Processing includes the administrative investigation and conciliation and commencement of civil actions on the basis of such charges.

13. It is expressly agreed that if EEOC concludes that J.C. Penney has failed to comply with this Consent Decree, the Commission may bring an action in the United States District Court for the District of Idaho to enforce the Agreement after compliance with the terms in Section X,

**EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
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Dispute Resolution Procedures.

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**VII. DEFINITION OF TERMS**

For the purposes of this Consent Decree, the following definitions shall apply:

- 14. "The Effective Date of the Consent Decree" is the date the United States District Court for the District of Idaho enters the Consent Decree and (Proposed) Order of Dismissal.
- 15. The scope of this Decree shall limited to the state of Idaho.
- 16. Unless otherwise indicated, the word "days" refers to calendar days
- 17. "Formal or Informal Complaints" includes any complaint alleging sex discrimination, sexual harassment or retaliation whether written or oral, made to a supervisory employee of J.C. Penney.

**VIII. MONETARY RELIEF**

18. Defendant and Plaintiff-Intervenors have agreed to a settlement of undisclosed terms in satisfaction of all claims in this action. In return, each Plaintiff-Intervenor will release Defendant from all claims arising out of this lawsuit.

**IX. TERMS OF SPECIFIC COMPLIANCE**

**A. COMPLIANCE WITH TITLE VII**

19. Defendant reaffirms its commitment to comply with Title VII. In furtherance of this commitment, J.C. Penney will monitor the affirmative obligations of this Consent Decree. J. C. Penney specifically agrees that it will not discriminate against employees on the basis of sex in any employment decisions, including decisions regarding the terms and conditions of employment.

20. Defendant will not retaliate against any employee for making a charge of discrimination or for testifying, assisting, or participating in any investigation, proceeding, or

hearing associated with this lawsuit.

1 21. In recognition of its obligations under Title VII, J.C. Penney will institute the policies  
2 and practices set forth below.

3 22. J.C. Penney will collect and share with the EEOC data concerning the impact of its  
4 current policy and procedures as set forth in Section IX, Reporting, Record Keeping and Compliance  
5 Review.

6 **B. POLICY AGAINST SEXUAL HARASSMENT**

7 23. Defendant shall institute and carry out anti-discrimination policies, procedures and  
8 training for employees, supervisors and management personnel, to the extent not already established,  
9 and will continue to provide equal employment opportunities for all employees. Specifically, in its  
10 Idaho Falls store, Defendant will institute policies and conduct training consistent with the J.C.  
11 Penney Human Resource Programs previously provided to the EEOC.

12 24. Within sixty (60) days of the date of the effective date of this Consent Decree,  
13 Defendant will distribute a written copy of its policy regarding discrimination, sexual harassment  
14 and retaliation to all employees at the J.C.Penney Store, 2320 E.17<sup>th</sup> St. Idaho Falls, Idaho 83404  
15 and to the management in all stores covered by this Decree (the state of Idaho) Defendant will  
16 provide EEOC with a written copy of this policy as part of its first semi-annual report as provided in  
17 paragraph 35 below.

18 **C. EXPUNGING RECORDS**

19 25. Defendant will not disclose any information or make references to any charge of  
20 discrimination or this lawsuit in responding to employment reference requests for information about  
21 the Plaintiff-Intervenors.

22 26. Defendant will expunge from the personnel files of the Plaintiff-Intervenors, and any

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1 other records where such information is kept by J.C. Penney, any references to a charge of  
2 discrimination against J.C. Penney and this lawsuit. If any of the five named plaintiffs wish to do  
3 so, J.C. Penney will permit each to review his/her personnel file within thirty (30) days after the  
4 entry of this Consent Decree to ensure that all such references have been expunged. J.C. Penney  
5 will not add any information or references to the personnel files of the five named plaintiffs or  
6 records regarding their charges of discrimination and this lawsuit after such references have been  
7 expunged. Files containing information about the Plaintiff-Intervenors that have been developed  
8 during the subject litigation will be maintained at the offices of defendant's counsel, Nicholas  
9 O'Kelly.

10 **D. TRAINING AND AWARENESS PROGRAM**

11 27. To further the purposes and requirements of this Consent Decree, J.C. Penney will  
12 provide training to managers in all of its Idaho stores, and to managers, supervisory employees, and  
13 hourly employees at its Idaho Falls store, regarding J.C. Penney policies and procedures regarding  
14 sexual harassment and retaliation.

15 28. The objectives of this training will be to (1) convey to employees J.C. Penney's  
16 commitment to its policy prohibiting sexual harassment and non-retaliation, and (2) provide clear  
17 direction on how to utilize the complaint procedure set forth in the policy. In addition, managers  
18 and/or supervisors will be given information and guidance on how to carry out the policy.

19 29. For the duration of this Decree, the training will be conducted pursuant to the  
20 schedule set forth in Paragraph 34 infra: (1) within six (6) months of the date of execution of this  
21 Consent Decree for all current employees; (2) at the orientation program for all new hires thereafter;  
22 and (3) training shall be conducted at least annually.

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30. The person(s) conducting the training shall be reviewed and approved by the  
1 Commission prior to the entry and implementation of this decree.

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3 **E. POLICIES DESIGNED TO PROMOTE SUPERVISOR ACCOUNTABILITY.**

4 31. J.C. Penney's agrees that it shall impose appropriate discipline – up to and including  
5 termination, suspension without pay or demotion -- upon any supervisor or manager employed in the  
6 state of Idaho within the scope of this Consent Decree, who engages in sex harassment or sexually-  
7 based harassment, or with active or constructive knowledge permits any such conduct to occur in his  
8 or her work area or among employees under his or her supervision, or who retaliates against any  
9 person who complains or participates in any investigation or proceeding concerning any such  
10 conduct. J.C. Penney shall communicate this policy to all of its supervisors and managers in the  
11 state of Idaho.

12 32. J.C. Penney agrees that it shall continue to advise all managers and supervisors of  
13 their duty to actively monitor their work areas to ensure employees' compliance with the company's  
14 sex discrimination and harassment policy, and to report any incidents and/or complaints of sex  
15 harassment, and/or retaliation of which they become aware to the department charged with handling  
16 such complaints.

17 33. J.C. Penney agrees that in its appraisals and consideration for promotion of  
18 management personnel employed in the state of Idaho, it will consider that associate's awareness,  
19 understanding and adherence to the company's policies of non- discrimination and harassment in  
20 employment.

21 **F. REPORTING, RECORD KEEPING AND COMPLIANCE REVIEW**

22 34. The reports to be submitted by J.C. Penney on a periodic basis as provided in this  
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27 **CONSENT DECREE - PAGE 8**

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Section will be forwarded (so as to arrive at the Commission within thirty (30) days after the close  
1 of the reporting period.) pursuant to the following schedule:

- 2 a. Distribution of JCPenney Human Resource policies and posting of Notice within  
3 60 days of execution of Consent decree by the Court.
- 4 b. Conduct first round of training by November 1, 2002
- 5 c. First report due to EEOC of training and any recorded complaints of harassment,  
6 discrimination or retaliation by December 15, 2002
- 7 d. Second Report to EEOC regarding incidents and where appropriate investigations  
8 into claims of discrimination, harassment or retaliation due by June 3, 2003
- 9 e. Conduct second round of training between May 1, 2003 and November 1, 2003
- 10 f. Third Report due to EEOC by December 15, 2003
- 11 g. Fourth and last report due to the EEOC on June 4, 2004

12 35. On or before December 15, 2002, J.C. Penney will provide the Commission with a  
13 report confirming the date of the distribution of copies of the J.C. Penney discrimination, harassment  
14 and retaliation policy, as provided in paragraph 23. (Report A)

15 36. For the duration of this Decree, J.C. Penney will prepare and submit the reports  
16 described below:

- 17 a. A report on any oral or written complaints of sexual harassment and/or retaliation  
18 made by any employee or applicant at the Idaho Falls store. This report will  
19 provide for each such formal or informal complaint filed and/or resolved during  
20 the period, the name and sex of the person making the complaint, the date the  
21 complaint was made, a description of the complaint, and resolution or status of  
22 each complaint. Copies of any complaint made during the reporting period will  
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26 CONSENT DECREE - PAGE 9

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- 1                   be provided along with the report. (Report B)
- 2                   b. A report of all training activities conducted pursuant to this Consent Decree
- 3                   during the period. (Report C)

4           37. All records required by this Consent Decree will be retained by J.C. Penney for the

5 duration of this Consent Decree. J.C. Penney will also maintain records necessary to demonstrate

6 compliance with the provisions of this Consent Decree and to verify reports submitted, which

7 records shall include, but are not limited to:

- 8                   a. Records concerning sexual harassment and/or retaliation incidents or complaints
- 9                   made by any employee of the Idaho Falls store, including documentary evidence
- 10                  and summaries of interviews conducted during the investigations, and the
- 11                  findings, resolutions and/or conclusions reached;
- 12                  b. Documents relating to any disciplinary action taken by J.C. Penney against any
- 13                  employee employed at the Idaho Falls Store resulting from inappropriate conduct,
- 14                  which could be construed as harassment of another employee on the basis of sex.
- 15                  c. Documentation on individual and group training materials used during the
- 16                  training sessions outlined above.
- 17                  d. It is understood that J.C. Penney will provide a description of any documents
- 18                  withheld from the EEOC under these provisions where such documents are
- 19                  asserted to be covered by the attorney/client or work product privilege, or which
- 20                  are deemed confidential pursuant to court order. If there is any dispute as to
- 21                  whether a particular document is subject to being withheld under a privilege or
- 22                  court order, the parties shall resort to the Alternative Dispute Resolution

interviews, attending training held pursuant to the Consent Decree, and examining documents and data maintained by J.C. Penney pursuant to this Consent Decree and Commission regulations for the purpose of confirming compliance with this Consent Decree Order. The Commission agrees that it will provide reasonable notice to J.C. Penney's attorney prior to conducting any review.

39. After the expiration of this Consent Decree, records will be maintained by J.C. Penney as required by law and Commission regulations.

#### **G. SETTLEMENT NOTICE**

40. Within sixty (60) days after the Effective Date of this Consent Decree, J.C. Penney will post a copy of the Notice of Settlement (Exhibit 3) in all of its stores in Idaho where the Company posts information on Company Policies and other pertinent Company information, and will maintain this posting for the life of the Consent Decree.

#### **X. ALTERNATIVE DISPUTE RESOLUTION PROCEDURES**

41. Either party shall have the right to initiate an action pursuant to the Court's continuing jurisdiction for an unresolved dispute or for non-compliance with any provision of the Consent Decree, as follows:

- a. If one party believes that there is an issue to resolve, it shall promptly give notice, in writing, to the other party regarding (1) the specific provision, which it believes has not been met, and (2) a complete factual statement of the issue.
- b. The parties shall promptly undertake efforts to resolve the areas of dispute or alleged non-compliance, through meetings, mediation or other appropriate means.
- c. If one party determines that efforts to resolve the matter have failed, the party so finding shall notify the other party in writing of such failure to resolve the matter and provide a description of the facts and circumstances surrounding the matter.

- 1 c. If one party determines that efforts to resolve the matter have failed, the party so  
2 finding shall notify the other party in writing of such failure to resolve the matter  
3 and provide a description of the facts and circumstances surrounding the matter.
- 4 d. The parties shall select a mutually agreeable mediator or request that the Court  
5 appoint a mediator within thirty (30) days of receipt in writing of the notice of  
6 impasse. Discussions will be engaged in with the assistance of the Court  
7 appointed mediator until the mediator determines that discussions are no longer  
8 productive.

8 **XI. CONSENT DECREE AMENDMENT PROCEDURES**

- 9 42. This Consent Decree may be modified by mutual written agreement between the  
10 Commission and J.C. Penney, or by motion to the Court.
- 11 43. Any modification to the Consent Decree is subject to approval by the Court.

12 **XII. DURATION OF THE AGREEMENT**

- 13 44. This Agreement will be in effect for two (2) years commencing with the date the  
14 Agreement is approved by the Court. The United States District Court Western District of Idaho will  
15 have jurisdiction to enforce the Consent Decree. If either party petitions the Court for breach of the  
16 Agreement, and the Court finds a violation of the terms of the Agreement, the Court may extend the  
17 duration of the Agreement and award the petitioning party its costs in bringing an enforcement  
18 action.

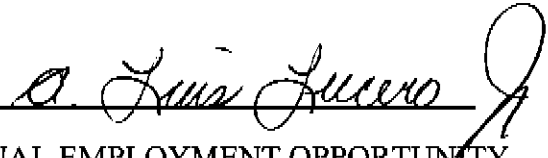
19  
20 DATED this 28th day of May, 2002.

21 A. LUIS LUCERO, JR.  
22 Regional Attorney

GWENDOLYN YOUNG REAMS  
Associate General Counsel

KATHRYN OLSON  
Supervisory Trial Attorney

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EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
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EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
Office of the General Counsel  
1801 "L" Street, N.W.  
Washington, D.C. 20507

Attorneys for Plaintiff EEOC

BY: 

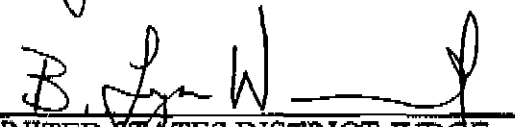
NICHOLAS O'KELLY, Esq.  
J.C. PENNEY COMPANY, INC.  
P.O. Box 10001  
Dallas, TX 75301-0001  
6501 Legacy Drive  
Plano, TX 75024-3698  
Tel: (972) 431-1000

Attorneys for Defendant

ORDER APPROVING CONSENT DECREE AND DISMISSING ACTION

1 The Court having considered the foregoing stipulated agreement of the parties, HEREBY  
2 ORDERS THAT the foregoing Consent Decree is approved and this lawsuit is hereby dismissed with  
3 prejudice and without costs or attorneys' fees to either the EEOC or Defendant J.C. Penney Company,  
4 Inc. The Court retains jurisdiction of this matter solely for purposes of enforcing the Consent Decree  
5 as provided by the parties.

6 DATED this 31<sup>st</sup> day of May, 2002.

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9 UNITED STATES DISTRICT JUDGE  
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CONSENT DECREE - PAGE 14

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STATE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974; See Privacy Act Statement completing this form.

FEPA  
 EEOC

E-0699-490  
38099029

Idaho Human Rights Commission and EEOC  
*State or local Agency, if any*

NAME (Indicate Mr., Ms., Mrs.) Ms. Becky Turner HOME TELEPHONE (Include Area Code) (208) 528-8778

STREET ADDRESS 1715 Curlew, Ammon, ID 83406 CITY, STATE AND ZIP CODE AMMON, ID 83406 DATE OF BIRTH 08/27/67

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME J.C. Penney Co. NUMBER OF EMPLOYEES, MEMBERS 15 - 100 Employees TELEPHONE (Include Area Code)

STREET ADDRESS 2320 E. 17th St., Idaho Falls, ID 83402 CITY, STATE AND ZIP CODE IDAHO FALLS, ID 83402 COUNTY 019

NAME \_\_\_\_\_ TELEPHONE NUMBER (Include Area Code) \_\_\_\_\_

STREET ADDRESS \_\_\_\_\_ CITY, STATE AND ZIP CODE \_\_\_\_\_ COUNTY \_\_\_\_\_

CAUSE OF DISCRIMINATION BASED ON (check appropriate box(es))  
 RACE  COLOR  SEX  RELIGION  NATIONAL ORIGIN  
 RETALIATION  AGE  DISABILITY  OTHER (Specify) \_\_\_\_\_  
DATE DISCRIMINATION TOOK PLACE  
EARLIEST 06/30/96 LATEST 10/01/98  
 CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):

\*\*\*see Attached\*\*\*

RECEIVED

JUN 15 1999

IDAHO HUMAN RIGHTS COMMISSION

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - (When necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)

Date 6/19/99

Becky E. Turner  
Charging Party (Signature)

EXHIBIT-1-19.199

COMPLAINANT: Becky Turner vs. JC Penney Company

PAGE TWO

THE PARTICULARS ARE:

**I. COMPLAINANT'S STATEMENT OF HARM:**

I was sexually harassed and had no alternative but to quit in October 1998. After I quit, Respondent continued the sexual harassment and made sexual comments and propositions to my minor daughter.

**II. RESPONDENT'S REASON FOR ADVERSE ACTION:**

Respondent gives no reason for the adverse action.

**III. COMPLAINANT'S STATEMENT OF DISCRIMINATION:**

I believe I have been discriminated against based on my sex, female. In support of this statement, I offer the following facts:

- A. I began working for Respondent on June 23, 1996. My position was a hairdresser in Respondent's salon.
- B. Immediately after I was hired, my supervisor, Christopher Gee, began to subject me to what became a continuous stream of sexual stories, requests for sexual favors, and demands for sexual favors in exchange for concessions to my work schedule. This conduct continued until October, when Mr. Gee began to make similar comments and propositions to ~~Becky~~, my minor daughter.  
*Crystal P.*
- C. I had not notified anyone above my supervisor Mr. Gee about this inappropriate sexual conduct. I believe that previous coworkers had complained, however, and that Respondent was aware of Mr. Gee's sexual conduct.
- D. In October 1998, I felt I had no alternative but to constructively discharge my employment.  
*January 8<sup>th</sup>*
- E. In ~~April~~ 1999, Mr. Gee came to my home and made inappropriate sexual comments in front of my daughter. At this time, I notified Respondent of Mr. Gee's sexual harassment.
- F. I believe that I was sexually harassed by my supervisor, and that I had no alternative but to quit my job. After I quit, Mr. Gee came to my home and continued his sexual harassment of me.
- G. Respondent employs at least 15 employees.

( ) Action based on the same grievance as alleged in this complaint has been instituted with \_\_\_\_.

I believe the practices of the above-named Respondent are in violation of:

- (x) Title 67, Chapter 59 of the Idaho Code
- ( ) Title 44, Chapter 17 of the Idaho Code
- (x) Title VII of the Civil Rights Act of 1964, as amended

**EXHIBIT**

*Pg. 2 of 11*



STATE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974; See Privacy Act Statement on the back of this form.

FEPA  
 EEOC  
E-0699-49  
38099029

Idaho Human Rights Commission and EEOC  
State or local Agency, if any

NAME (Indicate Mr., Ms., Mrs.) HOME TELEPHONE (Include Area Code)  
Ms. Becky Turner (208) 528-8778

STREET ADDRESS CITY, STATE AND ZIP CODE DATE OF BIRTH  
1715 Curlew, Ammon, ID 83406 08/27/67

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME NUMBER OF EMPLOYEES, MEMBERS TELEPHONE (Include Area Code)  
J.C. Penney Co. 15 - 100 Employees

STREET ADDRESS CITY, STATE AND ZIP CODE COUNTY  
2320 E. 17th St., Idaho Falls, ID 83402 019

NAME TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS CITY, STATE AND ZIP CODE COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es)) DATE DISCRIMINATION TOOK PLACE  
 RACE  COLOR  SEX  RELIGION  NATIONAL ORIGIN EARLIEST LATEST  
 RETALIATION  AGE  DISABILITY  OTHER (Specify) 06/30/96 10/01/98  
 CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):

\*\*\*See Attached\*\*\*

RECEIVED

JUN 15 1999

IDAHO HUMAN RIGHTS COMMISSION

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.  
I declare under penalty of perjury that the foregoing is true and correct.

NOTARY - (When necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

Date 6/19/99  
Charging Party (Signature) Becky E. Turner

SUBSCRIBED AND SWORN TO BEFORE ME (Day, month, and year)

EXHIBIT

COMPLAINANT: Becky Turner vs. JC Penney Company

PAGE TWO

THE PARTICULARS ARE:

**I. COMPLAINANT'S STATEMENT OF HARM:**

I was sexually harassed and had no alternative but to quit in October 1998. After I quit, Respondent continued the sexual harassment and made sexual comments and propositions to my minor daughter.

**II. RESPONDENT'S REASON FOR ADVERSE ACTION:**

Respondent gives no reason for the adverse action.

**III. COMPLAINANT'S STATEMENT OF DISCRIMINATION:**

I believe I have been discriminated against based on my sex, female. In support of this statement, I offer the following facts:

- A. I began working for Respondent on June 23, 1996. My position was a hairdresser in Respondent's salon.
- B. Immediately after I was hired, my supervisor, Christopher Gee, began to subject me to what became a continuous stream of sexual stories, requests for sexual favors, and demands for sexual favors in exchange for concessions to my work schedule. This conduct continued until October, when Mr. Gee began to make similar comments and propositions to ~~Becky~~, my minor daughter.  
*Crystal B*
- C. I had not notified anyone above my supervisor Mr. Gee about this inappropriate sexual conduct. I believe that previous coworkers had complained, however, and that Respondent was aware of Mr. Gee's sexual conduct.
- D. In October 1998, I felt I had no alternative but to constructively discharge my employment.
- E. In ~~April~~ *January* 1999, Mr. Gee came to my home and made inappropriate sexual comments in front of my daughter. At this time, I notified Respondent of Mr. Gee's sexual harassment.
- F. I believe that I was sexually harassed by my supervisor, and that I had no alternative but to quit my job. After I quit, Mr. Gee came to my home and continued his sexual harassment of me.
- G. Respondent employs at least 15 employees.

( ) Action based on the same grievance as alleged in this complaint has been instituted with \_\_\_\_.

I believe the practices of the above-named Respondent are in violation of:

- (x) Title 67, Chapter 59 of the Idaho Code
- ( ) Title 44, Chapter 17 of the Idaho Code
- (x) Title VII of the Civil Rights Act of 1964, as amended

**EXHIBIT-**

*Pg. 4 of 1*

# CHARGE OF DISCRIMINATION

AGENCY

CHARGE NUMBER

FEPA  
 EEOC

E-0899-046  
380990352

This form is affected by the Privacy Act of 1974; See Privacy Act Statement on the back of this form.

Idaho Human Rights Commission

and EEOC

*State or local Agency, if any*

NAME (Indicate Mr., Ms., Mrs.)

HOME TELEPHONE (Include Area Code)

Ms. Merribeth Parris

(208) 523-9947

STREET ADDRESS

CITY, STATE AND ZIP CODE

DATE OF BIRTH

1540 Laprele Apt 49, Idaho Falls, ID 83402

02/25/61

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

NUMBER OF EMPLOYEES, MEMBERS

TELEPHONE (Include Area Code)

J.C. Penney, Co.

501+ Employees

(208) 523-3071

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

2320 E. 17th Street, Idaho Falls, ID 83402

019

NAME

TELEPHONE NUMBER (Include Area Code)

208 523 3071

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

Bannock

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

DATE DISCRIMINATION TOOK PLACE

RACE     COLOR     SEX     RELIGION     NATIONAL ORIGIN  
 RETALIATION     AGE     DISABILITY     OTHER (Specify)

EARLIEST    LATEST  
05/01/98    01/09/99

CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):

\*\*\*See Attached\*\*\*

RECEIVED

IDAHO HUMAN RIGHTS  
COMMISSION

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - (When necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct.

SIGNATURE OF COMPLAINANT

Date July 28-99 Merribeth Parris  
Charging Party (Signature)

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(Day, month, and year)

EXHIBIT-1

THE PARTICULARS ARE:

**I. COMPLAINANT'S STATEMENT OF HARM:**

I was sexually harassed and had no alternative but to constructively discharge my employment in January 1999.

**II. RESPONDENT'S REASON FOR ADVERSE ACTION:**

Respondent gives no reason for the adverse action.

**III. COMPLAINANT'S STATEMENT OF DISCRIMINATION:**

I believe I have been discriminated against based on my sex, female. In support of this statement, I offer the following facts:

- A. I began working for the above-named Respondent in April 1997. My position was nail technician.
- B. Within four to six weeks of my employment, I was subjected to working in a hostile work environment and sexual harassment from my Supervisor Chris Gee. Mr. Gee uttered to my coworkers a continuous stream of sexual stories, requests for sexual favors, and demands for sexual favors in exchange for work privileges. The first comments directed toward me, personally, occurred about four to six weeks into my employment, and continued on a more or less monthly basis. Mr. Gee repeatedly made comments to me about my children such as he wanted to take my son "out and butt fuck him." He made similar comments about my daughter. Other similar comments directed to other employees occurred in my presence almost daily.
- C. In addition to the offensiveness of the work environment created by Mr. Gee's conduct, there was an actual disparate treatment between women who played along and those that did not. Menial Job assignments in the shop, such as dusting and cleaning, stocking the stockroom, and taking inventory, were assigned to those who did not respond favorably to Mr. Gee's conduct. Those who did respond were relieved of such tasks.
- D. Mr. Gee's behavior created a hostile environment and I was not willing to remain at work any longer than what it would take to complete my appointments. This meant that I missed any walk-in customers. This situation cost me the minimum wage I would have earned for those hours, and possibly commissions that would have been earned if my revenues had been greater.
- E. I am aware that others complained about Mr. Gee's sexual harassment, but nothing was done to address it. Consequently, I did not complain to the company about my

supervisor Mr. Gee's sexual harassment because I did not think anything would be done. In addition, I am aware that Mr. Gee would not schedule client appointments for employees he did not like. I feared his retaliation and that he would not schedule me for client appointments.

- F. In January 1999, it became apparent that nothing was going to change, so I determined that I had no alternative but to constructively discharge my employment.
- G. I believe that Mr. Gee created a sexually hostile working environment that became so unbearable that I had no alternative but to quit.
- H. Respondent employs at least 15 employees.

( ) Action based on the same grievance as alleged in this complaint has been instituted with \_\_\_\_.

I believe the practices of the above-named Respondent are in violation of:

- Title 67, Chapter 59 of the Idaho Code
- Title 44, Chapter 17 of the Idaho Code
- Title VII of the Civil Rights Act of 1964, as amended
- Age Discrimination in Employment Act of 1967 (ADEA)
- Americans with Disabilities Act

**CHARGE OF DISCRIMINATION**

AGENCY \_\_\_\_\_ CHARGE NUMBER \_\_\_\_\_

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form

FEPA  
 EEOC

Idaho State Human Rights Commission and EEOC  
*State or local Agency, if any*

NAME (Indicate Mr., Ms., Mrs.) Ms. Sarah Johnson HOME TELEPHONE (Include Area Code) (208) 552-1569  
STREET ADDRESS 391 N. Placer Avenue, Idaho Falls, ID 83402 CITY, STATE AND ZIP CODE  
DATE OF BIRTH 8/2/1976

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME J.C. Penney Company, Inc. NUMBER OF EMPLOYEES, MEMBERS Cat D (501 +) TELEPHONE (Include Area Code) (972) 431-1000  
STREET ADDRESS 12700 Park Central Place, Attn: Ron Winkler, Attorney, Dallas, TX 113 CITY, STATE AND ZIP CODE COUNTY

NAME J.C. Penney Company, Inc. TELEPHONE NUMBER (Include Area Code) \_\_\_\_\_  
STREET ADDRESS Idaho Falls, Id CITY, STATE AND ZIP CODE COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))  
 RACE  COLOR  SEX  RELIGION  NATIONAL ORIGIN  
 RETALIATION  AGE  DISABILITY  OTHER (Specify) \_\_\_\_\_  
DATE DISCRIMINATION TOOK PLACE  
EARLIEST 08/20/1998 LATEST 10/18/1999  
 CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):  
I began working as a salon employee on August 8, 1998. From the time of my employment through September 1999, I was subjected to sexually offensive comments, and unwelcome touching and other unwelcome behavior by my salon manager which created a hostile work environment. When I complained, I was retaliated against until I constructively discharge on October 18, 1999. I believe these actions occurred because of my gender, female in violation of Title VII of the Civil Rights Act of 1964, as amended.

See also attached Charge of Discrimination filed with the Idaho Human Rights Commission.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.  
I declare under penalty of perjury that the foregoing is true and correct.

NOTARY - (When necessary for State and Local Requirements)  
I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT  
6/12/00 Sarah L Johnson  
Date Charging Party (Signature)

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Month, day and year)

**EXHIBIT-1**

**CHARGE OF DISCRIMINATION**

AGENCY  
 FEPA  
 EEOC

CHARGE NUMBER  
 E-0200-298  
 38CA00-152

This form is affected by the Privacy Act of 1974; See Privacy Act Statement on the reverse side of this form.

Idaho Human Rights Commission and EEOC  
*State or local Agency, if any*

NAME (Indicate Mr., Ms., Mrs.) Mr. Troy Hurley HOME TELEPHONE (Include Area Code) (208) 745-1442

STREET ADDRESS 302 W. Main Street, Rigby, ID 83442 CITY, STATE AND ZIP CODE ID 83442 DATE OF BIRTH 07/13/1977

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME J C Penney Co., Inc. NUMBER OF EMPLOYEES, MEMBERS Cat D (501 +) TELEPHONE (Include Area Code) (208) 524-4241

STREET ADDRESS 2320 E. 17th Street, Idaho Falls, ID 83402 CITY, STATE AND ZIP CODE ID 83402 COUNTY 019

NAME \_\_\_\_\_ TELEPHONE NUMBER (Include Area Code) \_\_\_\_\_

STREET ADDRESS \_\_\_\_\_ CITY, STATE AND ZIP CODE \_\_\_\_\_ COUNTY \_\_\_\_\_

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))  
 RACE  COLOR  SEX  RELIGION  NATIONAL ORIGIN  
 RETALIATION  AGE  DISABILITY  OTHER (Specify) \_\_\_\_\_

DATE DISCRIMINATION TOOK PLACE  
 EARLIEST \_\_\_\_\_ LATEST \_\_\_\_\_  
09/01/1997 11/30/1999  
 CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):

SEE ATTACHED

FEB 03 2000

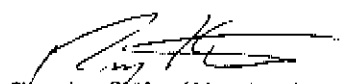
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.  
 I declare under penalty of perjury that the foregoing is true and correct.

~~NOTARY - (When necessary for State and Local Requirements)~~

~~I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.~~

~~SIGNATURE OF COMPLAINANT~~

Date 1-31-2000

  
 Charging Party (Signature)

~~SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_\_ DATE \_\_\_\_\_ (Month, day and year)~~

**EXHIBIT 1**

I. Complainant's Statement of Personal Harm

I have been sexually harassed and then retaliated against for complaining of the behavior. The retaliation left me no alternative but to involuntarily resign.

II. Respondent's Reason for Adverse Action

Respondent has provided no explanation for the sexual harassment and has simply failed to respond to my complaints.

III. Complainant's Statement of Discrimination

I believe I have been discriminated against by the above named Respondent. In support of this, I offer the following:

- A. I began working for Respondent in September 1997. Shortly after being hired, my supervisor, who is the salon manager Christopher Gee, asked me if I was interested in "swapping wives." In making these requests, Mr. Gee used offensive and obscene language such as "Hey, I'm going to take your wife out and fuck her," or "Bring your wife over to my house and we will swap. Your wife won't know the difference in the dark except that I'm better."
- B. After refusing the invitation and objecting to his coarse language, I have been subjected to discriminatory treatment in my job as stylist. Mr. Gee refused to comply with the salon's policies related to walk-in clients, referral clients, scheduling or credits for redoing another stylist's work. Further, Mr. Gee thwarted my efforts to apply for a position as salon manager. When I complained to Mr. Gee about his discriminatory treatment, he simply stated that my problems arose from the fact that I refused to "go out and party" with him.
- C. In December 1998, I filed a complaint with the store manager, Pat Boyce, related to Mr. Gee's sexual harassment and retaliation. Ms. Boyce did not respond to my complaint at that time. Subsequently, when I complained to Ms. Boyce about Mr. Gee's continuing discrimination and harassing conduct, she informed me that Mr. Gee could do whatever he wished because he was the salon manager.
- D. Throughout my employment, I have witnessed Mr. Gee's continuous stream of sexual stories, requests for sexual favors, and demands for sexual favors in exchange for concessions from my female coworkers. In fact, in December 1998, Mr. Gee displayed his newly pierced penis to coworkers.
- E. I have been victimized by Mr. Gee's sexual harassment because favorable job opportunities were bestowed upon female coworkers based on Mr. Gee's requests for sexual favors. Management personnel were notified of Mr. Gee's obscene, offensive, degrading and intimidating verbal and physical acts. Numerous salon employees lodged complaints with the following management personnel: Carol

EXHIBIT

7.10.1



Mayer (loss prevention manager), Steve Aller (former store manager), and Patricia Boyce (store manager). Management routinely ignored the complaints, failing to prevent or correct Mr. Gee's sexually harassing behavior.

- F. In addition, after I complained about Mr. Gee's sexually harassing behavior, management began selectively enforcing salon rules, treating me differently than my coworkers. For instance, management originally granted me flexibility in my work schedule. However, after I complained about Mr. Gee, the store manager, Pat Boyce, became confrontational and objected to my work schedule. On another occasion, I was selectively reprimanded for arriving late to work due to road construction. However, other employees in the salon were not reprimanded for being late on other occasions. These instances only occurred after I complained about Mr. Gee's illegal conduct.
- G. After Mr. Gee was discharged, the new salon manager continued to discriminate against me in my employment. I was instructed to stop charging my normal rate for the unique color technique I used on at least 90% of my clients, even though my prices were in accordance with long-standing company policy. Essentially, management demanded that I reduce my rates for this treatment by approximately 50% even though the salon manager acknowledged that none of my clients had complained about my prices. Management's decision to charge less money was totally illogical and was not a good business decision. I believe management's decision was based on its desire to retaliate against me for raising a sexual harassment complaint against Mr. Gee.
- H. As a result of Respondent's discrimination and retaliatory conduct against me, I was forced to find other employment and I believe I had no alternative but to quit my job with Respondent.
- I. Respondent employs more than 15 individuals.

I believe the practices of the above named Respondent are in violation of:

- Title 67, Chapter 59 of the Idaho Code
- Title 44, Chapter 17 of the Idaho Code
- Title VII of the Civil Rights Act of 1964, as amended
- Age Discrimination in Employment Act of 1967, as amended
- Americans with Disabilities Act of 1990
- Equal Pay Act

EXHIBIT-1

7.11.81



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Seattle District Office  
MAY - 4 2000

Federal Office Building  
909 First Avenue, Suite 400  
Seattle, WA 98104-1061  
PH (206) 220-6883  
TTY (206) 220-6882  
FAX (206) 220-6911

Charge No. 38C990352

Merribeth Parris  
1540 Laprele Apt. 49  
Idaho Falls, ID 83402

Charging Party

J.C. Penney Company  
Attn.: Ron Winkler, Attorney  
12700 Park Central Place  
Dallas, TX 75251

Respondent

**DETERMINATION**

Under the authority vested in me by the Commission, I issue the following determination as to the merits of the subject charge filed under Title VII of the Civil Rights Act of 1964, as amended.

All requirements for coverage have been met. Charging Party alleged that Respondent discriminated against her by subjecting her to a hostile, offensive work environment which constitutes illegal sexual harassment. She alleges that there was a continuous stream of sexual stories, requests for sexual favors and demands for sexual favors. She alleges that those who "played along" received more favorable treatment. She claims that the work atmosphere forced her to resign.

I have considered all the evidence disclosed during the investigation and have determined that the Respondent maintained a work environment which was rampant with sexually offensive language and sexual requests, and those who "played along" were treated more favorably. The Respondent failed to respond to complaints and failed to correct this sexually charged work environment by taking effective action to curtail the hostile environment. Respondent's failure to take appropriate action forced the Charging Party to resign.

**EXHIBIT 2**  
Pg. 1 of 4


Charge No. 38C990352

Upon finding that there is reason to believe that violations have occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, the Commission now invites the parties to join with it in reaching a just resolution of this matter. The Commission will also consider compensatory and punitive damages available under the law.

If the Respondent declines to discuss settlement or when, for any other reason, a settlement acceptable to the office Director is not obtained, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission. Disclosure of information obtained by the Commission during the conciliation process will be made in accordance with Section 706(b) of Title VII and Section 1601.26 of the Commission's procedural regulations. A Commission representative will contact each party in the near future to begin conciliation.

On behalf of the Commission:

**MAY - 4 2000**

  
JEANETTE M. LEINO  
District Director

**EXHIBIT-2**

pg. 2 of 4



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**Seattle District Office**

Federal Office Building  
909 First Avenue, Suite 400  
Seattle, WA 98104-1061  
PH (206) 220-6883  
TTY (206) 220-6882  
FAX (206) 220-6911

Charge No. 38C990295

Becky Turner  
1715 Curlew  
Ammon, ID 83406

Charging Party

J.C. Penney Company  
Attn: Ron Winkler, Attorney  
12700 Park Central Place  
Dallas, TX 75251

Respondent

**DETERMINATION**

Under the authority vested in me by the Commission, I issue the following determination as to the merits of the subject charge filed under Title VII of the Civil Rights Act of 1964, as amended.

All requirements for coverage have been met. Charging Party alleged that Respondent discriminated against her by subjecting her to a hostile, offensive work environment which constitutes illegal sexual harassment. She alleges that there was a continuous stream of sexual stories, requests for sexual favors and demands for sexual favors. She alleges that those who "played along" received more favorable treatment. She alleges that the work atmosphere forced her to resign.

I have considered all the evidence disclosed during the investigation and have determined that the Respondent maintained a work environment which was rampant with sexually offensive language and sexual requests, and those who "played along" were treated more favorably. The Respondent failed to respond to complaints and failed to correct this sexually charged work environment by taking effective action to curtail the hostile environment. Respondent's failure to take appropriate action forced the Charging Party to resign.

**EXHIBIT-2**

pg. 3 of 4

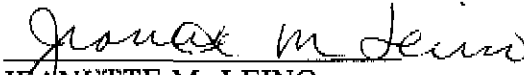
Charge No. 38C990295

Upon finding that there is reason to believe that violations have occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, the Commission now invites the parties to join with it in reaching a just resolution of this matter. The Commission will also consider compensatory and punitive damages available under the law.

If the Respondent declines to discuss settlement or when, for any other reason, a settlement acceptable to the office Director is not obtained, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission. Disclosure of information obtained by the Commission during the conciliation process will be made in accordance with Section 706(b) of Title VII and Section 1601.26 of the Commission's procedural regulations. A Commission representative will contact each party in the near future to begin conciliation.

On behalf of the Commission:

**MAY - 5 2000**

  
JEANETTE M. LEINO  
District Director

**EXHIBIT-2**

*pg 4 of 4*

NOTICE TO ALL EMPLOYEES

This notice is being posted pursuant to an agreement between J.C. Penney Company, Inc. and the U.S. Equal Employment Opportunity Commission, entered as the result of a settlement of a lawsuit pending in the federal district court for the District of Idaho at Pocatello, Civil No. 00-570-E-BLW.

Title VII of the Civil Rights Act of 1964, as amended, is enforced by the EEOC and requires the following:

That there be no discrimination against any employee or applicant for employment because of the employee's race, color, religion, sex or national origin, with respect to hiring, firing, compensation, or other terms, conditions or privileges of employment.

It is an unlawful employment practice for an employer to retaliate against any employees or applicants for employment because they have opposed a practice or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this statute.

J.C. Penney will institute a training program to train its managers regarding the requirements of the above statutes, with particular emphasis on sexual harassment and retaliation.

J.C. Penney has posted this notice because the company supports and will comply with this federal law in all respects and will not take any retaliatory action against employees because they have exercised their rights under the law.

DATED \_\_\_\_\_

J.C. Penney Company, Inc.  
\_\_\_\_\_

United States District Court  
for the  
District of Idaho  
June 3, 2002

\* \* CLERK'S CERTIFICATE OF MAILING \* \*

Re: 4:00-cv-00570

I certify that a copy of the attached document was mailed or faxed to the following named persons:

A Luis Lucero Jr, Esq.  
US EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Seattle District Office  
909 First Ave #400  
Seattle, WA 98104-1061

Claire Cordon, Esq.  
US EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Seattle District Office  
909 First Ave #400  
Seattle, WA 98104-1061

Lisa Guarnero, Esq.  
US EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Seattle District Office  
909 First Ave #400  
Seattle, WA 98104-1061

Bradley J Williams, Esq.  
MOFFATT THOMAS BARRETT ROCK & FIELDS  
PO Box 1367  
Idaho Falls, ID 83403-1367

Chrys Meador, Esq.  
JC PENNEY CO., INC.  
PO Box 10001  
Dallas, TX 75301-0001

Nicholas A O'Kelly, Esq.  
JC PENNEY CO., INC.  
6501 Legacy Dr MS-1122  
Plano, TX 75024

Richard H Greener, Esq. 1-208-338-3290  
COSHO HUMPHREY GREENER & WELSH  
815 W Washington  
Boise, ID 83702

Daniel Loras Glynn, Esq. 1-208-338-3290  
COSHO HUMPHREY GREENER & WELSH  
815 W Washington

Boise, ID 83702

Daniel L Glynn, Esq. 1-208-338-3290  
COSHO HUMPHREY GREENER & WELSH  
815 W Washington  
Boise, ID 83702

Lary S Larson, Esq.  
HOPKINS RODEN CROCKETT HANSEN & HOOPES  
PO Box 51219  
Idaho Falls, ID 83405-1219

Chief Judge B. Lynn Winmill  
 Judge Edward J. Lodge  
 Chief Magistrate Judge Larry M. Boyle  
 Magistrate Judge Mikel H. Williams

Cameron S. Burke, Clerk

Date: 6-4-02

BY: *[Signature]*  
(Deputy Clerk)