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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
CITY OF INDIANAPOLIS,)
)
Defendant.)
_____)

CIVIL ACTION NO.
1:02-CV-1499-DFH

CONSENT DECREE

The Equal Employment Opportunity Commission ("Commission" or "EEOC") instituted Civil Action No. 1:02-CV-1499 under the authority granted by Sections 16(c) and 17 of the Fair Labor Standards Act of 1938 (the "FLSA"), as amended, 29 U.S.C. §§ 216(c) and 217, to enforce the requirements of the Equal Pay Act of 1963, codified as Section 6(d) of the FLSA, 29 U.S.C. § 206(d). The EEOC's action was brought to correct unlawful employment practices on the basis of sex.

The Commission and Defendant City of Indianapolis hereby stipulate to the jurisdiction of the Court over the parties and the subject matter.

The parties have advised the Court that they desire to resolve Civil Action No. 1:02-CV-1499 without the burden, expense, and delay of further litigation. Defendant does not admit liability to the class members but desires to resolve this matter for the sole purpose of avoiding the risks, expense, and disruption of further litigation of Plaintiff's claim.

It is, therefore, the finding of the Court, based on the pleadings and the record as a whole, that: (1) the Court has jurisdiction over the parties and the subject matter of this action, (2) implementation of this Decree will advance the purposes and provisions of the Equal Pay Act, and (3) this Consent Decree resolves all matters and claims in controversy in this lawsuit between the EEOC and the City of Indianapolis as provided in paragraphs 1 through 17 below.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED as follows:

1. The City of Indianapolis agrees that it will not engage in any act, policy, or practice that has the purpose or effect of unlawfully discriminating against female employees or applicants for employment on the basis of sex. Specifically, the City of Indianapolis agrees that, as required by the Equal Pay Act, within any establishment, it will pay its female employees at rates equal to the rates paid to male employees performing equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to (i) a seniority system, (ii) a merit system, (iii) a system which measures earnings by quantity or quality of production, or (iv) a differential based on any other factor other than sex.
2. The City of Indianapolis will not retaliate or discriminate against any of its employees, former employees, or applicants for employment because the individual (a) has made a charge or opposed an unlawful employment practice under any of the laws enforced by the EEOC or (b) has assisted or participated in any manner in an investigation, proceeding, or hearing under any of the laws enforced by the EEOC.

3. The City of Indianapolis agrees to post the Notice of Non-Discrimination Policy attached to this Decree as Appendix A in conspicuous locations in DPW Dispatch visible to applicants and employees. Said notices shall remain posted throughout the term of this Decree.

4. The City of Indianapolis shall pay the cumulative sum of \$15,000 to the class members, or to their heirs or assigns in the event of an individual's death (all of whom collectively shall be referred to as "class members" for purposes of this Decree). The money shall be distributed as follows:

name	damages
Mary Coleman	\$ 4,858
Dorothy Etter	426
Kelly Lacey	4,858
Charline Polin	4,858

If the City of Indianapolis is unable to pay the allotted sum to a class member, then, pursuant to 29 U.S.C. § 216(c), such sum shall be covered into the Treasury of the United States as a miscellaneous receipt.

5. The City of Indianapolis will pay the class members, subject to applicable taxes and withholdings. The City of Indianapolis will not deduct from any amount the employer's share of any costs, taxes, or social security required by law to be paid by the City of Indianapolis.

6. Within twenty-one days of the Court's approval of this Consent Decree, the City of Indianapolis shall mail checks, in the amounts specified in ¶ 4, payable to the individuals, by

certified mail. The City of Indianapolis shall mail a copy of the checks and proof of their delivery (signed certified mail receipts) to the Commission.

7. Effective September 1, 2003, the City of Indianapolis will raise Mary Coleman's annual salary to \$22,250.00. For purposes of merit and annual increases thereafter, Ms. Coleman shall be treated as any other employee in her position.

8. Effective September 1, 2003, the City of Indianapolis will raise Kelly Lacey's annual salary to \$22,780.00. For purposes of merit and annual increases thereafter, Ms. Lacey shall be treated as any other employee in her position.

9. Effective September 1, 2003, the City of Indianapolis will raise Charline Polin's annual salary to \$24,186.00. For purposes of merit and annual increases thereafter, Ms. Polin shall be treated as any other employee in her position.

10. If the salary for Coleman, Lacey, or Polin is currently higher than the amount designated in ¶ 7, 8, or 9 above, then the higher salary shall apply rather than the salaries stated in ¶ 7, 8, or 9. After the salaries of these employees are adjusted pursuant to the Consent Decree, any future reductions in pay shall occur, if at all, only (1) pursuant to a collective bargaining agreement between the City and any recognized representative of the DPW dispatchers or (2) pursuant to established procedures if any of the employees covered by this agreement are demoted or voluntarily transfer to a lesser paying position.

11. The City of Indianapolis shall adopt and implement a training program for all of its supervisors and managers who have authority to hire and/or set pay rates in the Department of Public Works. This training shall cover what constitutes unlawful employment practices under the Equal Pay Act of 1963. The training must be conducted within 120 days from the date of

entry of this Decree, and will be repeated approximately 12 and 24 months after the date of entry of this Decree, with appropriate updates and revisions. Thirty days before each training, the City of Indianapolis shall provide notice to the Commission of the date, time, and place of the training; and shall send to the Commission a copy of the training program and all written materials, if any, to be used. The Commission may provide reasonable input on the content of the training but shall do so no later than ten days prior to the training.

12. The City of Indianapolis will submit a report to the EEOC detailing compliance with this Decree within 120 days of the date of the Decree. The City of Indianapolis will certify to the EEOC's Regional Attorney that it has complied with ¶¶s 3 - 9 of this Decree. In addition, the City of Indianapolis shall submit two annual reports, the first due on February 1, 2005, and the second on February 1, 2006. In each report, The City of Indianapolis shall include the following information:

- i. the dates and topics of all training programs offered in the Department of Public Works concerning the Equal Pay Act;
- ii. a copy of all written materials relied on or disseminated at the training programs identified in subparagraph (i);
- iii. the name and position of each employee who attended the training programs identified in subparagraph (i); and
- iv. the salaries of dispatchers in the Department of Public Works, identified by name and sex, along with the salary grade scale then in effect.

All reports shall be sent to the attention of Laurie A. Young, Regional Attorney, or her successor, Equal Employment Opportunity Commission, 101 West Ohio Street, Suite 1900, Indianapolis IN 46204-4203.

13. The EEOC may review compliance with this Decree. As part of such review, the EEOC may inspect the DPW's premises, interview employees, and examine and copy documents.

14. In the event that the EEOC alleges that a violation of this Decree has occurred, the EEOC shall give notice in writing specifically identifying the alleged violation to the City of Indianapolis. The City of Indianapolis will have ten days in which to investigate and respond to the allegation.

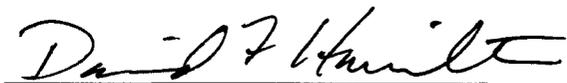
15. The term of this Decree shall be for three years following the date of entry of the Decree.

16. Each party will each bear its own costs.

17. The Court will retain jurisdiction of this cause for three years for purposes of monitoring compliance with the Decree and entry of such further orders or modifications as may be necessary or appropriate.

SO ORDERED.

Date: Sept. 4, 2003



Honorable David F. Hamilton
District Judge

Copies to:

Kenneth L. Bird
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
101 West Ohio Street, Suite 1900
Indianapolis IN 46204-4203

Robin M. Lybolt
OFFICE OF CORPORATION COUNSEL
1601 City/County Building
200 E. Washington Street
Indianapolis IN 46204

EMPLOYEE NOTICE

**Posted Pursuant to an Agreement Resolving a Charge of
Employment Discrimination filed with the**

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

This Notice is being distributed and posted by agreement between The City of Indianapolis and the United States Equal Employment Opportunity Commission, resolving Civil Action No. 1:02-CV-1499 in the United States District Court for the Southern District of Indiana.

Federal law prohibits discrimination against any employee, former employee, or job applicant because of the individual's sex, race, color, religion, national origin, disability, or age (over 40).

Federal law also prohibits retaliation of any kind against any person who has opposed any practice made unlawful under federal law or because an individual has filed a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing.

The City of Indianapolis supports and will comply with federal law in all respects and will not take any actions against employees because they have exercised their rights under the law. The City of Indianapolis agrees not to violate the anti-discrimination laws, will conduct a training program for supervisors on the Equal Pay Act, and will not retaliate against an individual who files a charge of discrimination.

If you have any complaints of discrimination, you may contact the EEOC at the address or telephone number given below. An employee has the right, and is encouraged to exercise that right, to report allegations of employment discrimination in the workplace. An employee may contact the U. S. Equal Employment Opportunity Commission for the purpose of filing a charge of employment discrimination.

**Questions concerning this notice may be addressed to:
Equal Employment Opportunity Commission
101 West Ohio Street, Suite 1900
Indianapolis, Indiana 46204-4203
Telephone (317) 226-7212
EEOC 800 # 1-800-669-4000
TTY (317) 226-5162**

APPENDIX A