

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF KENTUCKY  
PADUCAH DIVISION**

EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
THE H.T. HACKNEY COMPANY, )  
 )  
Defendant. )  
\_\_\_\_\_ )

**CIVIL ACTION NO.**  
5:03CV-38-R

**CONSENT DECREE**

The United States Equal Employment Opportunity Commission (the "Commission") commenced this action against the H.T. Hackney Company ("H.T. Hackney") pursuant to Title VII of the Civil Rights Act of 1964 and Title 1 of the Civil Rights Act of 1991 in order to correct H.T. Hackney's alleged unlawful employment practices on the basis of sex and to provide appropriate relief to Ms. Angie (Baird) Byas. This action was instituted and authorized by Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3) ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

The Commission and H.T. Hackney stipulate to the Court's jurisdiction over the parties. Further, the Commission and H.T. Hackney desire to resolve Civil Action No. 5:03CV-38-R without the burden and expense of further litigation. As a result, and based on the pleadings and the record as a whole, the Court finds that: [i] the Court has jurisdiction over the parties and the subject matter of this action; and [ii] the purpose and provisions of Title VII of the Civil Rights Act of 1964 and Title 1 of the Civil Rights Act of 1991 will be promoted and

effectuated by the entry of this Decree.

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

1. H.T. Hackney expressly denies any wrongdoing whatsoever on the basis of any of the allegations set forth in the underlying charge of discrimination filed with the Commission or on the basis of any of the allegations set forth in the Commission's Complaint. This Consent Decree, being entered with the consent of the Commission, Ms. Angie (Baird) Byas and H.T. Hackney, shall not constitute an adjudication or finding on the merits of this case against H.T. Hackney.

2. H.T. Hackney agrees that it and all of its officers, directors, employees, agents, shareholders, members, representatives and any affiliated entity will not discriminate against nor harass any H.T. Hackney employee on the basis of his or her sex.

3. H.T. Hackney agrees that there will be no discrimination or retaliation of any kind against any person because of opposition to any practice made unlawful under Title VII of the Civil Rights Act of 1964 and Title 1 of the Civil Rights Act of 1991, or because of the filing of a charge, the giving of testimony, assistance, or participation in any manner in an investigation, proceeding or hearing under Title VII of the Civil Rights Act of 1964 and Title 1 of the Civil Rights Act of 1991.

4. H.T. Hackney shall pay the total sum of Twenty Five Thousand Dollars (\$25,000.00) to Ms. Angie Byas located at 568 Scales Lane, Calvert City, KY 42029. H.T. Hackney shall effect payment to Ms. Byas by issuing a check by certified mail in the amount specified and to the address identified above by August 15, 2003.

5. H.T. Hackney shall mail a copy of the check and proof of its delivery (assigned

certified mail receipt) to Laurie A. Young (or her successor), Regional Attorney, Equal Employment Opportunity Commission, Indianapolis District Office, 101 West Ohio St., Suite 1900, Indianapolis, Indiana 46204-4203, within thirty (30) days of mailing.

6. The term of this Decree shall be for twenty four months (24) months from and after July 31, 2003.

7. H.T. Hackney agrees to submit periodic reports to the Commission detailing its compliance with this Decree. H.T. Hackney agrees to submit four (4) semi-annual reports during the term of this Decree. The first report shall be due seven (7) months after the execution of this decree, and the subsequent reports shall be mailed to the Commission no later than the final day of the month of each sixth month after the preceding report and continuing throughout the term of years covered by the Decree.

a. Each semi-annual report shall include the following information for the six (6) month period preceding the report: [i] the name, home address, and home telephone number of any H.T. Hackney employee filing an internal or external complaint or grievance alleging sexual discrimination or harassment; and [ii] the nature of the complaint and the corrective action taken.

b. All reports shall be directed to Laurie A. Young (or her successor), Regional Attorney, at the address specified in paragraph 5.

8. Within ninety (90) days of the date of execution of this Decree, H.T. Hackney shall provide a training program to all of its employees, supervisors and managers regarding the provisions of Title VII of the Civil Rights Act as it pertains to sex discrimination and sexual harassment in the work place. This training program shall include an explanation of the

prohibition against retaliation for those employees reporting sex discrimination or sexual harassment. Thirty (30) days before the training, H.T. Hackney shall provide: [i] notice to the Commission of the date, time, and place of the training; [ii] shall send to the Commission a copy of the training program and all written materials, if any, to be used; and [iii] shall provide the Commission with a roster of all employees who will receive the training. The Commission may provide reasonable input on the content of the training but shall do so no later than ten (10) days prior to the training.

Upon completion of the training, H.T. Hackney shall certify to the Commission the specific training that was undertaken and shall provide the Commission with a roster of all employees who received the training. All reports shall be sent to the attention of Laurie A. Young, Regional Attorney, at the address specified in paragraph 5.

9. H.T. Hackney agrees that the EEOC may review compliance with this Decree. As part of such review and after making reasonable arrangements, the EEOC may: inspect H.T. Hackney's premises; interview its employees with management employee interviews conducted in the presence of an authorized company representative or H.T. Hackney's counsel; and examine and copy pertinent documents.

10. In the event that the EEOC determines that a violation of this Decree has occurred, it will, prior to exercising any remedy provided by law, provide written notice to H.T. Hackney and its attorney specifically identifying the alleged violation(s). H.T. Hackney will have thirty (30) days or any additional period which may be agreed to by the parties in which to investigate and respond to the allegation. Thereafter, the parties will have a period of thirty (30) days, or any such additional period as may be agreed upon by them, in which to negotiate and

confer regarding such allegation before the Commission exercises any remedy provided by law.

11. H.T. Hackney shall post the Notice attached hereto as Appendix A. The Notice shall be placed within a conspicuous area where it shall be visible to all employees.

12. The Commission and H.T. Hackney shall each bear its own costs and attorney fees.

13. The EEOC and Ms. Angie (Baird) Byas shall fully and forever release and discharge H.T. Hackney, its successors and assigns, including present and former directors, officers, employees, and agents from any alleged claim or obligation based on the allegations of sexual harassment in violation of Title VII of the Civil Rights Act 1964, which was or could have been raised in Civil Action No. 5:03CV-38-R, provided that H.T. Hackney complies with all provisions of this Decree during the pendency of this Decree.

14. **RETENTION OF JURISDICTION BY COURT:** The Court will retain jurisdiction of this cause throughout the duration of this Decree for purposes of monitoring compliance with this Decree and entry of such further orders as may be necessary or appropriate.

Aug 22, 2003  
Date

Christine B. Russell  
Judge, United States District Court

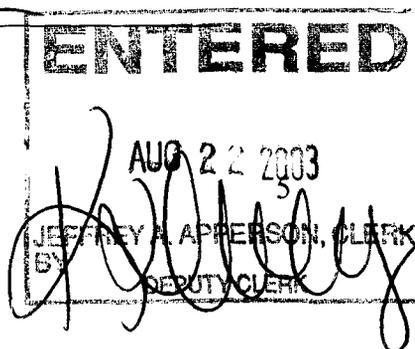
This Consent Decree is approved and consented to by the following authorized representatives of the parties:

Angie Byas  
Angie Byas

8-11-03  
Date

Kenneth W. Brown  
Kenneth W. Brown  
Senior Trial Attorney

8/18/03  
Date

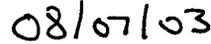


EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

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Signature of Authorized Representative/Counsel  
for the H.T. Hackney Company



Date

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Counsel for Defendant the H.T. Hackney Company