

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA
2005 JUN 10 P 2:37

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

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CIVIL ACTION
N O. 04-3513

VERSUS

JUDGE -A.J. MCNAMARA
MAGISTRATE- ROBY

PARAGON SYSTEMS, INC.

LORETTA B. WHYTE
CLERK

CONSENT DECREE

1. The United States Equal Employment Opportunity Commission ("the Commission" or "EEOC") has instituted the above captioned action in this the United States District Court for the Eastern District of Louisiana, charging Paragon Systems, Inc. , (hereinafter "Paragon" or the "Defendant"), with violations of Title VII of the Civil Rights Act of 1964, as amended ("Title VII" or the "statute"), and alleging that Defendant discriminated against, Nikita Barjon, on the basis of sexual harassment and retaliation after she filed a complaint of sexual harassment. And in behalf of Sean C. Johnson , a co-worker of Ms. Barjon, who gave testimony during the company's internal investigation which supported Ms. Barjon's complaint, and who was discharged in retaliation for his support of Ms. Barjon's complaints.

2. Defendant has not admitted and does not admit that it has engaged in any unlawful employment practices and no court finding of any unlawful practice has been made.

3. This Court has jurisdiction over the subject matter and over the parties to this action.

4. Defendant and EEOC now wish to resolve all claims and controversies encompassed by this lawsuit without the burden, expenses or delay of further litigation:

Therefore it is **ORDERED, ADJUDGED, AND DECREED** that:

1. The negotiation, execution and entry of this consent decree will fully and finally

Fee _____
Process _____
X Dkt _____
CtRinDep _____
Doc. No. _____

resolve any and all claims of the Title VII violations brought by the Commission against the Defendant alleged in the instant civil action.

2. The purposes of Title VII will be furthered by the entry of this Decree, the terms of which constitute a fair and equitable settlement.

3. Neither the negotiation, nor the execution, nor the entry of this Consent Decree shall constitute an acknowledgment or admission of any kind by Defendant that its officers, agents or employees have violated, or have not been in compliance with Title VII or any other applicable law, regulation or order. The parties agree that this Consent Decree is not evidence of any alleged violation of, or non-compliance with, Title VII.

4. This Consent Decree relates only to the violations raised in EEOC Charge Number 270-2003-02432 and Charge Number 270-2004-01852 and Civil Action Number CV04-3513 filed by the Commission in the United States District Court for the Eastern District of Louisiana on December 28, 2004.

5. a. Paragon Systems, Inc., its directors, officers, agents, employees and successors or assigns shall not maintain or permit discrimination in the workplace against any applicant for employment or employee based upon the employee or applicant exercising their rights to make a complaint under Title VII, and will not tolerate any management decision whose basis is retaliation as complained of in EEOC Charge Numbers 270-2003-02432 and 270-2004-01852 and Civil Action Number CV04-3513

b. Defendant agrees to keep all records of any complaints made by employees under Title VII for the two year effective period of this Decree.

c. Defendant agrees to keep all records of sexual harassment complaints made by

employees under Title VII for the two (2) year period of this Decree and agrees to provide the EEOC, every six (6) months, with a written report setting forth all complaints of sexual harassment at its facility. The reports should set forth an explanation of the investigation and disposition of such complaints, its investigation, and its disposition.

d. Defendant agrees that the Commission may review Defendant's compliance with this Decree in the event there is reasonable cause to believe non-compliance exists by: 1) notifying Defendant of the facts supporting the reasonable cause belief of non-compliance and 2) after thirty (30) days following such notification, the Commission may inspect the relevant areas of Defendant's premises relating to the alleged non-compliance, interview employees who have relevant knowledge of the alleged non-compliance and examine and copy documents relevant to the alleged non-compliance.

e. Defendant has paid to Nikita Barjon TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) as compensatory damages for all loses incurred.

f. Defendant agrees to pay Sean C. Johnson FIFTEEN THOUSAND DOLLARS (\$15,000.00) as compensatory damages within fifteen days of the signing of this Decree.

6. Defendant agrees to continue to implement and distribute to all employees, and to enforce an effective policy and procedure for preventing and investigating complaints (be they written or oral) of harassment as well as an anti-retaliation policy in the workplace. A copy of their policy has been provided to EEOC.

7. The EEOC will provide annual customer specific training at the Commission's applicable cost for Paragon's current managers, manager-trainees, supervisors, and board members on compliance with Title VII and its prohibitions.

8. Paragon Systems, Inc. shall post conspicuously at its principal place of business, within ten (10) days of the entry of this Decree, a copy of a notice detailing Title VII's prohibitions against sex discrimination and retaliation, stating that employees who believe they have been subjected to discrimination on the basis of sex or retaliation are encouraged to contact the Equal Employment Opportunity Commission to seek information or to file a charge of discrimination. A copy of the text of the language to be utilized in this notice is attached hereto and made a part hereof as Appendix A. The notices will be posted for a period of one (1) year. Thereafter copies of the poster entitled, "Equal Employment Opportunity is the Law" (GPO 920-752) will be permanently posted in place of notices.

9. Paragon Systems, Inc. shall provide the Commission, within thirty (30) days of the entry of this Decree, with a copy of its current policy against sex discrimination and retaliation in the workplace. If no such policy exist, the Paragon Systems, Inc. shall provide the Commission, within sixty (60) days of the entry of the Decree, a written policy against sex discrimination and retaliation which provides specific procedures for handling complaints and taking disciplinary actions against managers and supervisors and any other employee found to be discriminating against applicants for employment or employees. The defendant shall also certify to the EEOC within sixty (60) days of the entry of this Decree that this policy prohibiting discrimination on the basis of sex and retaliation, has been distributed to each of its employees and directors.

10. In the event that Defendant fails to perform its obligations herein, Plaintiff, EEOC is empowered to enforce this Consent Decree through applicable judicial enforcement procedures and to seek sanctions which may be due as a result of the need to enforce this Decree.

11. This Decree sets forth the entire agreement between the Commission and Defendant

as to the captioned lawsuit, and fully supersedes any and all prior agreements or understandings between the Commission and Defendant pertaining to the subject matter herein.

12. The Defendant and the EEOC will bear their own attorney's fees and costs incurred in connection with the litigation of this case.

13. This Decree shall remain in effect for a period of two years from the date of its execution.

14. The Commission does not agree to any confidentiality concerning the resolution of this matter.

IT IS SO ORDERED.

THUS DONE AND SIGNED, New Orleans, Louisiana, this 9th day of June, 2005.


UNITED STATES JUDGE

APPROVED AS TO FORM AND CONTENT:


FOR THE PLAINTIFF:

FOR THE DEFENDANT

ERIC S. DREIBAND
General Counsel

ALLEN & COOCH

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U.S. EQUAL EMPLOYMENT

OPPORTUNITY COMMISSION

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DINSMORE & SHOHL

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EMPLOYEE NOTICE

Posted Pursuant to an Agreement between
U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
New Orleans District Office and PARAGON SYSTEMS, INC.

This Notice to all employees of PARAGON SYSTEMS, INC. of New Orleans is being posted as part of a mutually agreed settlement between Paragon Systems, Inc. and the EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC).

Federal law requires that there be no discrimination against any employee or applicant for employment because of the employee's race, color, religion, sex, national origin, age (40 or over) or disability with respect to compensation, hiring, promotion, firing, or other terms, conditions or privileges of employment.

Paragon Systems, Inc. supports and will comply with such Federal law in all respects and will not take any action against present or former employees and applicants because they have exercised their rights under the law by filing charges with the Equal Employment Opportunity Commission, or protesting practices made illegal under the law.

Paragon Systems, Inc. will not retaliate against employees, because they have filed charges of discrimination, by providing adverse job references to prospective employers that the applicant had filed charges of discrimination with the Equal Employment Opportunity Commission.

This Notice will remain posted for one year from the date of signature by directions of the Equal Employment Opportunity Commission.

Signed this ____ day of _____ 2005.

For: PARAGON SYSTEMS, INC.

Questions concerning this notice may be addressed to:
Equal Employment Opportunity Commission
701 Loyola Avenue
New Orleans, LA 70113
Telephone (504) 589-2329