

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
SOUTHERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION, )  
 )  
Plaintiff, )  
 )  
v. ) C. A. No. 8:04-cv-1322-PJM  
 )  
ADVANCEMED CORPORATION, )  
 )  
Defendant. )  
\_\_\_\_\_)  
\_\_\_\_\_)

CONSENT DECREE

This action was instituted by Plaintiff, Equal Employment Opportunity Commission (the "EEOC" or the "Commission"), against Defendant, AdvanceMed Corporation (hereinafter Defendant), alleging that Defendant violated Section 703(a) of Title VII of the Civil Rights Act of 1964, as amended, ("Title VII") 42 U.S.C. Section 2000e-2(a) by refusing to hire Denise Gaston, a black female, for the position of Head Nurse, in favor of a less qualified non-black applicant, because of her race.

Both the Commission and Defendant desire to resolve the Commission's action without the time and expense of continued litigation, and they desire to formulate a plan to be embodied in a Decree which will promote and effectuate the purposes of Title VII.

This Decree shall not constitute an adjudication on the merits of the Commission's case and shall not be construed as an

admission by Defendant of any discriminatory practice or as a waiver by the Commission of any contentions of discrimination.

The Court has examined this Decree and finds that it is reasonable and just and in accordance with the purposes of Title VII. Therefore, upon due consideration of the record herein and being fully advised in the premises, it is ORDERED, ADJUDGED AND DECREED:

1. This Decree resolves all issues and claims alleged in the Complaint filed by the Commission in this Title VII action which emanated from the Charge of Discrimination filed by Denise Gaston.

2. Defendant, its officers, agents, servants, employees and all persons acting or claiming to act in its behalf and interest shall be permanently enjoined and restrained from engaging in any employment practice which discriminates against its applicants and employees based on race, in violation of Title VII, particularly the following provision:

It shall be an unlawful employment practice for an employer (1) to fail or refuse to hire any individual ... because of such individual's race . . . .

3. In furtherance of paragraph 2, above, within six months following the entry of this Decree, Defendant will provide a minimum of two hours equal employment opportunity ("EEO") training, through a qualified lawyer or trainer with expertise in EEO matters, to all personnel involved in the screening,

selection, and hire of employees at its Bethesda, Maryland facility, specifically with regard to making race-neutral employment decisions as it relates to Defendant's obligations under Title VII. Upon the completion of such training, Defendant will provide certification to Commission counsel that such training has been provided including the identity of the provider, the dates and location of the training, the names of the attendees, and the number of hours of training.

4. Within twenty days after entry of this Consent Decree, Defendant will pay to Denise Gaston a total of \$22,000, less applicable taxes and other deductions.

5. Upon approval of this Decree, Defendant will post immediately in the staff room, the place where notices to employees customarily are posted, the Notice attached hereto as Exhibit "A" and made a part hereof. Said Notice attached hereto as Exhibit "A" shall be posted and maintained for a period of at least six months from the date of posting and shall be signed by a responsible official of Defendant with the date of actual posting shown thereon. Should the Notice become defaced, marred, or otherwise made unreadable, Defendant will ensure that new readable copies of the Notice are posted in the same manner as heretofore specified. Within thirty (30) days of approval of this Decree, Defendant shall forward to the attorney of record at the Baltimore District Office a copy of the signed Notice

attached hereto as Exhibit "A" and written certification that the Notice referenced herein has been posted and a statement of the location(s) and date of posting.

6. The Commission and Defendant shall bear their own costs and attorneys' fees.

The undersigned counsel of record in the above-captioned action hereby consent, on behalf of their respective clients, to the entry of the foregoing Consent Decree.

For Defendant:

For Plaintiff:

ERIC S. DREIBAND  
General Counsel

JAMES L. LEE  
Deputy General Counsel

GWENDOLYN YOUNG REAMS  
Associate General Counsel

\_\_\_\_\_  
/s/  
LARRY R. SEEGULL  
DLA Piper Rudnick Gray Cary US LLP  
6225 Smith Avenue  
Baltimore, Maryland 21209-3600  
(410) 580-4253

\_\_\_\_\_  
/s/  
GERALD S. KIEL  
Regional Attorney

\_\_\_\_\_  
/s/  
DEBRA M. LAWRENCE  
Supervisory Trial  
Attorney

EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION  
10 S. Howard Street  
3rd Floor  
Baltimore, Maryland  
21201  
(410) 962-4349

**SO ORDERED.**

Signed and entered this \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_, 2005.

\_\_\_\_\_  
United States District Court Judge

NOTICE TO EMPLOYEES POSTED PURSUANT TO A CONSENT  
DECREE BETWEEN THE EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION AND ADVANCEMED CORPORATION

Under Section 703(a) of Title VII, it is unlawful for an employer to "fail or refuse to hire any individual ... because of such individual's race ...." Making hiring decisions based upon an applicant's race is prohibited by this provision.

Under Section 704(a) of Title VII, "it shall be an unlawful employment practice for an employer to discriminate against any of his employees ... because he has opposed any practice made an unlawful employment practice by this subchapter, or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this subchapter."

WE WILL NOT engage in any acts or practices made unlawful by the above sections.

WE WILL NOT make any hiring decisions or any other type of employment decisions based on an applicant's or employee's race.

ADVANCEMED CORPORATION  
(Employer)

Dated: \_\_\_\_\_ By: \_\_\_\_\_  
(Representative) (Title)

**EXHIBIT "A"**