

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY *
COMMISSION *

Plaintiff *

v. *

* CIVIL ACTION NO.
* 1:04-cv-3106-WNN

HENLEY ENTERPRISES, INC. d/b/a *
VALVOLINE INSTANT OIL CHANGE *

and *

MID-ATLANTIC LUBES, LCC d/b/a *
VALVOLINE INSTANT OIL CHANGE *

Defendants *

CONSENT DECREE

This action was instituted by Plaintiff, Equal Employment Opportunity Commission (the "EEOC" or the "Commission"), against Defendants, Henley Enterprises, Inc. d/b/a Valvoline Instant Oil Change and Mid-Atlantic Lubes, LLC d/b/a Valvoline Instant Oil Change (hereinafter Defendants), alleging that Defendants violated Sections 703(a) and 704(a) of Title VII of the Civil Rights Act of 1964, as amended, ("Title VII") 42 U.S.C. Section 2000e-2(a) and 3(a) by subjecting Ivan Pridgeon, a black male, to a racially hostile work environment and thereafter terminating him in retaliation for complaining about this environment.

Both the Commission and Defendants 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 Ivan Pridgeon.

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

It shall be an unlawful employment practice for an employer (1) to discriminate against any individual with respect to his ... terms, conditions, or privileges of employment, because of such individual's race

42 U.S.C. §2000e-2(a)(1).

It shall be an unlawful employment practice for an employer to discriminate against any of his employees ... because [the employee] has opposed any practices 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.

42 U.S.C. §2000e-3(a).

3 In furtherance of paragraph 2, above, within six months following the entry of this Decree, Defendants 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 supervision, discipline, and termination decisions of employees at their Cockeysville and Glen Burnie, Maryland facilities, specifically with regard to making race-neutral employment decisions and imposing race-neutral employment conditions as they relate to Defendants’ obligations under Title VII. Upon the completion of such training, Defendants 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 ten days after entry of this Consent Decree, Defendants will pay to Ivan Pridgeon a total of \$30,000, and will issue the .R.S. 1099 forms to reflect this payment.

5. Upon approval of this Decree, Defendants will post immediately in all locations at their Cockeysville and Glen Burnie, Maryland facilities, 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 one year from the date of posting and shall be signed by a responsible official of Defendants with the date of actual posting shown thereon. Should the Notice become defaced, marred, or otherwise made unreadable, Defendants 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, Defendants 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 Defendants 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/

Carolyn C. Williamson
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& Dent
The B&O Building – Suite 310
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(410) 539-7990

/s/

Gerald S. Kiel
Regional Attorney


/s/

Debra M. Lawrence
Supervisory Trial Attorney

EEOC
Baltimore District Office
10 S. Howard Street, 3rd Floor
Baltimore, Maryland 21201
(410) 962-4349

SO ORDERED.

Signed and entered this 7th day of April, 2005



William M. Nickerson
United States District Court Judge

EXHIBIT A

**NOTICE TO EMPLOYEES POSTED PURSUANT TO A CONSENT DECREE
BETWEEN THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
AND HENLEY ENTERPRISES, INC. d/b/a VALVOLINE INSTANT OIL
CHANGE AND MID-ATLANTIC LUBES, LLC d/b/a VALVOLINE INSTANT
OIL CHANGE**

Under Section 703(a) of Title VII,

It shall be an unlawful employment practice for an employer (1) to discriminate against any individual with respect to his ... terms, conditions, or privileges of employment, because of such individual's race

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 decisions regarding the terms and conditions of anyone's employment based on that employee's race.

WE WILL NOT make any discipline or discharge decisions based on any employee's complaints of race-based mistreatment under any employment discrimination statutes.

**HENLEY ENTERPRISES, INC. d/b/a VALVOLINE INSTANT OILCHANGE and
MID-ATLANTIC LUBES, LLC d/b/a VALVOLINE INSTANT OIL CHANGE**

Dated: _____ By: _____
(Name of Employer Representative and Title)