

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
SOUTHERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY	)	
COMMISSION,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. PJM-06-2018
	)	
KBJN, INC., t/a BURGER KING,	)	
	)	
Defendant.	)	
	)	
	)	
	)	

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CONSENT DECREE

This action was instituted by Plaintiff, the U.S. Equal Employment Opportunity Commission (the “EEOC” or the “Commission”) against KBJN, Inc. t/a Burger King, (hereinafter “Defendant”), alleging that Defendant violated Section 703 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e-2(a)(1), when it subjected a minor (known as “Jane Doe” for purposes of this litigation) to sexual harassment and constructively discharged her.

The parties agree that it is in their mutual interest to fully resolve the matter without further litigation.

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

Scope of Decree

1. This Decree resolves all issues and claims alleged in the Complaint filed by the Commission in this Title VII action which emanated from a charge of discrimination, charge number 120-2006-00149, filed by a minor known as “Jane Doe” for purposes of this litigation.

2. This Decree shall be in effect for a period of three years from the date it is entered by the Court. During that time, this Court shall retain jurisdiction over this matter and the parties for purposes of enforcing compliance with the Decree, including issuing such orders as may be required to effectuate the purposes of the Decree.

3. This Decree, being entered with the consent of the EEOC and Defendant, shall not constitute an adjudication or finding on the merits of the case.

Relief to Jane Doe

4. Within ten business days of entry of this decree, Defendant shall pay relief in the total amount of \$20,000, representing \$4,000 in back wages, \$8,000 in compensatory damages, and \$8,000 in attorneys' fees. The check will be sent directly to the individual known as Jane Doe for purposes of this litigation, and a photocopy of the check and related correspondence will be mailed to the EEOC's counsel of record. Plaintiff will provide Defendant with Jane Doe's legal name, social security number, and current address within five business days of entry of this decree. Defendant will issue to the individual known as Jane Doe a United States Internal Revenue Services W-2 Form for the back pay amount paid and a United States Internal Revenue Service 1099 Form for the compensatory damages paid. The check for the attorneys' fees shall be sent directly to Lebau & Neuworth, LLC, 606 Baltimore Avenue, Suite 201, Baltimore, MD 21204.

Injunctive Relief

5. Defendant, its officers, agents, servants, employees, successors, assigns, and all persons acting or claiming to act on their behalf are hereby enjoined from sexually harassing, and condoning the sexual harassment of, any employee of Defendant. The prohibited harassment includes the use of offensive or derogatory comments, or other verbal or physical conduct based on an individual's sex, which creates an intimidating, hostile, or offensive working environment, or interferes with the individual's work performance. Such sex-based harassment violates Title VII, which, in part, is forth below:

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

42 U.S.C. § 2000e-2(1).

6. Within 30 days of the Court's entry of the Decree, Defendant shall review its sexual harassment policy which shall clearly describe the proper procedure to file an internal sexual harassment complaint and shall include a 1-800 hotline to report sexual harassment. Such policy shall be provided within 30 days of the Court's entry of the Consent Decree to the Commission's counsel of record.

7. Within 45 days for managerial employees and 180 days for nonmanagerial employees, all Defendant employees shall be required to attend a training program lasting at least two hours for managers and at least one hour for non-managerial employees. The training shall cover the prevention of employment discrimination and compliance with federal anti-discrimination laws, with a particular emphasis on the prohibition against sexual harassment, and shall be conducted by a qualified representative of the Maryland Commission on Human

Relations or a qualified consultant or law firm agreed upon by the parties. Within ten business days of providing each such training session, Defendant will furnish EEOC with a signed attendance list, the date and duration of the training, an outline of the training conducted, and a certification of completion of the mandatory training. For the duration of the Decree, Defendant shall provide this same training to all newly hired officers, managers, supervisors, and employees. Such training may include videotape or other forms of recorded presentations and shall be conducted within 30 days after the newly hired person begins working for the Defendant.

8. For duration of this Decree, Defendant shall implement and promote a "Youth at Work Initiative" at its facilities. This Youth at Work Initiative will include the issuance of a notice of rights to all employees who are eighteen (18) years of age or younger at the time of their hire as well as to their custodial parents(s). Attachment A contains a copy of the notice of rights.

9. Upon approval of this Decree, Defendant will post immediately in all places where notices are customarily posted for the employees, the Notice attached hereto as Attachment B and made a part hereof. Said Notice shall be posted and maintained for the duration of the Decree 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 30 days of approval of this Decree, Defendant shall forward to the EEOC's attorney of record a copy of the signed Notice attached hereto and written certification that the Notice referenced herein has been posted and a statement of the

location(s) and date of posting.

Reporting & Monitoring

10. Every 90 days following the entry of this Consent Decree, and continuing throughout the life of the Decree, Defendants will report in writing to the Commission's counsel of record concerning the implementation of this Decree. The report will include the following information: Copies of any formal or informal complaints of sexual harassment made by any employee, including but not limited to internal complaints, administrative charges, and lawsuits, and for every complaint, whether oral or written, the name of the complainant, and a detailed explanation of Defendant's actions taken in response to the complaint, including any investigative and corrective measures taken.

11. The Commission may monitor compliance during the duration of this Decree by reasonable inspection of Defendant's premises and records, and by interviewing its employees. Upon five business days notice, Defendant will make available any facility for inspection and make available for inspection and copying any records or witnesses.

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

13. The undersigned counsel of record in the above-captioned action hereby consent to the entry of the foregoing Consent Decree.

FOR DEFENDANT:

\_\_\_\_\_  
/s/  
Joseph B. Chazen, Esq..  
(signed by Maria Salacuse w/ permission  
of Joseph B. Chazen, Esq.)  
Counsel for KBJN, Inc. t/a Burger King  
Meyers Rodbell & Rosebaum, P.A.  
6801 Kenilworth Avenue

FOR PLAINTIFF:

\_\_\_\_\_  
/s/  
Jacqueline McNair  
Regional Attorney  
  
\_\_\_\_\_  
/s/  
Debra M. Lawrence  
Supervisory Trial Attorney

Riverdale, MD 20737-1385

\_\_\_\_\_/s/\_\_\_\_\_  
Maria Salacuse  
Senior Trial Attorney  
EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
Baltimore Field Office  
10 S. Howard Street, 3d Floor  
Baltimore, MD 21201

**SO ORDERED, ADJUDGED, AND DECREED**

Signed this 18 day of Jan, 2007

  
\_\_\_\_\_  
Peter J. Messitte, United States District Court Judge

ATTACHMENT A

**KBJN, INC. T/A BURGER KING'S YOUTH AT WORK INITIATIVE  
FOR ASSOCIATES 18 AND UNDER**

KBJN, Inc. t/a Burger King (KBJN) employees have a right to work in an environment free from any form of harassment or discrimination regarding race, sex, religion, age (40 or older), color, national origin, or disability. As a young worker who may be in the workplace for the first time, we want to make sure you fully understand your rights and responsibilities, and we want to make sure you are aware of the numerous avenues we provide to report concerns you may have about your work environment.

I. Your Rights As an Employee

1. You have a right to work in an environment free from harassment or discrimination based on race, sex, religion, age (40 or older), color, national origin, or disability. A more detailed definition of prohibited harassment and discrimination is set forth in your Employee Handbook.
2. You have a right to complain about treatment that you believe is inconsistent with the rights outlined above. You will not be punished for complaining, and you will not be harassed or treated differently if you report inappropriate conduct or help another associate report inappropriate conduct, even if it turns out that the conduct was not illegal. This is known as your right to be protected against retaliation.

II. Your Responsibilities as an Employee

1. You have a responsibility to behave professionally at work and to avoid engaging in conduct that interferes with other employees' right to work in an environment free from harassment and discrimination.
2. If you feel you or anyone else has been harassed or discriminated against, you have a responsibility to immediately contact supervisor, manager, District Manager, Director of Human Resources, or any other executive management person, or you can call [INSERT 1-800 NUMBER]. Never delay reporting any concerns you have. We cannot help you until you help us learn about your concerns.

Please sign below to acknowledge you understand the rights and responsibilities described above. Welcome to the KBJN team!

Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Parent's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Parent's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

General Manager: \_\_\_\_\_ Date: \_\_\_\_\_



# EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

This Notice is being posted as part of an agreement between the Equal Employment Opportunity Commission ("EEOC") and KBJN, Inc. t/a Burger King ("KBJN") which outlines KBJN's obligations under Title VII of the Civil Rights Act of 1964, as amended.

Title VII prohibits employment discrimination based on sex (including pregnancy), race, color, national origin, or religion. Unlawful discrimination can take the form of harassment based on one of these protected categories. Title VII also prohibits retaliation against individuals who have complained of or opposed discrimination.

Therefore, in accordance with the applicable law:

**KBJN WILL NOT engage in any acts or practices made unlawful under Title VII.**

**KBJN WILL NOT tolerate sexually offensive comments or conduct in the workplace.**

KBJN's policy provides that persons who believe that they have been subjected to unlawful discrimination may report it to a supervisor, General Manager, District Manager, Director of Human Resources, or any other executive management person. Reports of discrimination may also be reported to KBJN at [INSERT 1-800 NUMBER]. KBJN will thoroughly investigate all such complaints with due regard for the privacy of the individuals involved. Any employee who knowingly retaliates against an employee who has complained of discrimination shall be subject to immediate disciplinary action, up to and including discharge.

If you have a complaint of employment discrimination or questions regarding laws prohibiting employment discrimination, you may seek assistance from the EEOC by visiting the EEOC's Baltimore Field Office at 10 South Howard Street, 3<sup>rd</sup> Floor, Baltimore, Maryland 21201 or by calling 1-800-669-4000. General information may also be obtained on the Internet at [www.eeoc.gov](http://www.eeoc.gov).

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President  
KBJN, Inc. t/a Burger King



Date Posted:

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