

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MARYLAND
NORTHERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)

Plaintiff,)

v.)

Civil Action No. MJG-03-CV-1698

CARROLL COUNTY FOODS, INC.,)

Defendant.)

CONSENT DECREE

This action was instituted by Plaintiff, the U.S. Equal Employment Opportunity Commission (the "EEOC" or the "Commission"), against Defendant Carroll County Foods ("Defendant"), alleging that Defendant violated Sections 703(a) and 709(c) of Title VII of the Civil Rights Act of 1964 ("Title VII"), as amended, 42 U.S.C. §§ 2000e-2, 2000e-8(c), by denying employment to qualified female applicants because of their sex and by failing to make and preserve records relevant to the determination of whether unlawful employment practices have been or are being committed.

The Commission and Defendant desire to resolve this 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.

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 in the Amended Complaint filed by the Commission in this Title VII action which emanated from the Charge of Discrimination filed by Rhonda L. Chalk.

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.

Monetary Relief

4 Defendant shall pay the total settlement amount of \$350,000.00 to be distributed to the classmembers identified below:

- a. Rhonda Chalk
- b. Pamela Aurand
- c. Holly Litchauer
- d. Robin Uttermohlen
- e. Cathy Corbin
- f. Karen Palmer
- g. Katina Huff

5 Within five days of entry of this decree, the Commission will provide Defendant with the amounts to be distributed to each classmember identified in paragraph 4, indicating whether the amounts constitute backpay and/or compensatory damages.

6. Within ten days of receipt the amounts to be paid, Defendant shall mail all checks, cashier's checks, or money orders directly to each classmember identified. Within ten days of payment, Defendant will submit a copy of each check and related correspondence to the EEOC, Baltimore District Office, 10 S. Howard Street, 3rd Floor, Baltimore, Maryland 21201

7. Defendant will issue to each identified classmember W-2 forms for backpay amounts and/or United States Internal Revenue 1099 Forms for compensatory damages amounts.

Injunctive Relief

8. Defendant, its officers, agents, servants, employees and all persons acting or claiming to act in its behalf and interest hereby agree to comply with the provisions of Title VII and agree in this Decree to be enjoined, and are enjoined, from refusing to hire female applicants for employment because of their sex and from utilizing disparate qualifications for male and female applicants. Such sex-based discrimination violates Title VII, which, in part, is forth below

It shall be an unlawful employment practice for an employer --
(1) to fail or refuse to hire . . . or otherwise 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(a). Defendant its officers, agents, servants, employees and all persons acting or claiming to act in its behalf and interest are further enjoined from failing to comply with the recordkeeping provisions of Title VII:

Every employer. . . shall (1) make and keep such records relevant to the determinations of whether unlawful employment practices have been are being committed, (2) preserve such records for such periods, and (3) make such reports therefrom as the Commission shall prescribe by regulation or order. . .

42 U.S.C. § 2000e-8(c).

9. Defendant will provide, within sixty days from the date of entry of the Decree, no fewer than three hours of training in federal laws prohibiting discrimination in employment for all current officers, managers, supervisors and employees. This training shall be conducted by an outside consultant or law firm approved by the EEOC, which approval shall not be unreasonably withheld. For the duration of the Decree, Defendant shall provide this same training to all newly hired officers, managers, supervisors, and employees, as set forth herein. Within ten (10) 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.

10. Defendant will take adequate measures to achieve the following goals:
- a. the development of defined, uniform, objective, job-related qualifications for the positions of CDL Driver and Driver Helper;
 - b. the implementation of objective, defined, uniform, and published procedures for hiring;
 - c. the implementation of defined and consistent job application, record-keeping, and records retention procedures, including the development and retention of applicant flow data; and

- d. the affirmative recruitment of qualified females in order to enhance the number of qualified female applicants for the positions of CDL Driver and Driver Helper.

Notice Posting

11. Within ten days after entry of this Decree, Defendant will post the Notice attached hereto in all places where notices to employees are customarily posted at its facility. The Notice shall be posted and maintained for the duration of the Decree and shall be signed by the President of Defendant, George Dwight Gorsuch, and the Vice President of Human Resources, Steven Stacharowski, 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 days of entry of the Decree, Defendant shall forward to the EEOC's Baltimore District Office, a copy of the signed Notice and written certification that the Notice referenced herein has been posted and a statement of the location(s) and date of posting.

Reporting & Inspection

12. Beginning on the first day of the quarter (October, January, April or July) immediately following the entry of the Decree and continuing on Defendant will submit to the Commission's Baltimore District Office a quarterly report, detailing its activities with respect to the recruitment and hiring of employees, both male and female, for the positions of CDL Driver and Driver Helper, along with its progress in meeting the goals outlined in paragraph 10.

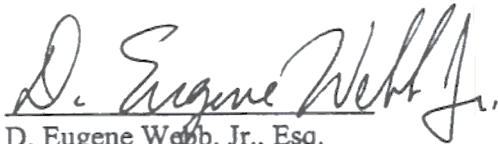
13. In addition to furnishing the above-referenced reports, Defendant agrees that EEOC may monitor compliance with the Consent Decree throughout the duration of the Decree

by conducting unannounced audits of Defendant's facilities and records, and by interviewing employees at a reasonable time. Defendant agrees to make available for inspection and copying any records reasonably related to the implementation of this Decree. Such monitoring shall not unduly interfere with Defendant's normal business operations and procedures.

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

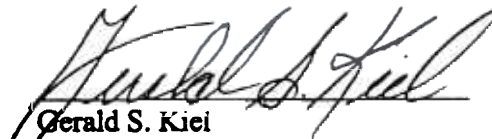
15. The undersigned counsel of record in the above-captioned action hereby consent, on behalf of their respective clients, to the entry of the foregoing Consent Decree.

FOR DEFENDANTS:



D. Eugene Webb, Jr., Esq.
Kristina H. Vaquera, Esq.
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FOR PLAINTIFF:



Gerald S. Kiei
Regional Attorney



Debra M. Lawrence
Supervisory Trial Attorney



Maria Salacuse
Trial Attorney

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION**
Baltimore District Office
10 S. Howard Street, 3d Floor
Baltimore, Maryland 21201
(410) 962-4341

SO ORDERED.

Signed and entered this 3rd day of June, 2004.

/s/

United States District Court Judge
Marvin J. Garbis



EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

This Notice is being posted as part of the resolution of a lawsuit filed by the Equal Employment Opportunity Commission ("EEOC") against Carroll County Foods, Inc. in the United States District Court for the District of Maryland (EEOC v. Carroll County Foods, Inc., Civil Action No. MJG-O3-1698). The EEOC brought this action to enforce provisions of Title VII of the Civil Rights Act of 1964 which prohibit discrimination on the basis of sex.

Carroll County Foods WILL NOT engage in any acts or practices made unlawful under Title VII.

Carroll County Foods WILL conduct its hiring practices without regard to the sex of an applicant and ensure that females are given equal encouragement and opportunities to assume the positions of CDL driver and driver helper.

Carroll County Foods WILL NOT tolerate comments based on gender stereotyping in the workplace.

Carroll County Foods WILL take all complaints of discrimination in the workplace seriously and address them appropriately.

Carroll County Foods' policy provides that persons who believe that they have been subjected to sex-based or other unlawful discrimination may report it by:

calling Carroll County Foods' Hotline at 1-800-634-3364, reporting it to Carroll County Foods' Human Resources office which is located at 1333 Avondale Road, New Windsor, Maryland 21776 and may be reached by calling (410) 876-2113 or reporting it to any Carroll County Foods' manager or Vice President.

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 District Office at 10 S. Howard Street, 3rd Floor, Baltimore, Maryland 21201 or by calling (410) 962-3932. General information may also be obtained on the Internet at www.eeoc.gov.

George Dwight Gorsuch, President
Carroll County Foods, Inc.

Steven Stacharowski
Vice President of Human Resources
Carroll County Foods, Inc.

Date Posted: