

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
NORTHERN DIVISION

U.S. EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
PROLEASE HR, INC.)
VALLEYWOOD INDUSTRIES, INC.)
)
Defendants.)
)
_____)

C.A. No. 03-02240-AMD

CONSENT DECREE

This action was instituted by Plaintiff, the U.S. Equal Employment Opportunity Commission (the "EEOC" or the "Commission"), against Defendants Valleywood Industries, Inc., and Prolease HR, Inc., (collectively "Defendants"), alleging that Defendants violated Section 703(a) of Title VII of the Civil Rights Act of 1964 ("Title VII"), as amended, 42 U.S.C. § 2000e-2(a), by subjecting former employee Lisa Rager to sexual harassment and by constructively discharging her because of her sex.

The Commission and Defendants 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.

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

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

2. This Decree shall be in effect for a period of one year from the date it is entered by the Court.

3. Defendants, their 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 Valleywood Industries, Inc. 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(a)(1). Defendants, their officers, agents, servants, employees, successors, assigns, and all persons acting or claiming to act on their behalf are further enjoined from retaliating against any employee of Valleywood Industries, Inc., who complains of sexual harassment, as set forth in the following provision:

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.

42 U.S.C. § 2000e-3(a).

4. Within twenty days after entry of this Decree, Defendant ProLease HR, Inc., will pay Lisa Rager a total of \$30,000. Defendants will issue to Ms. Rager an IRS form 1099 for the 2004 tax year.

5. Within 90 days after the entry of this Decree, all employees of Valleywood Industries, Inc., shall be required to attend a training program lasting at least two hours for managers and at least one hour for non-managerial employees to cover prevention of employment discrimination and compliance with federal anti-discrimination laws. Within seven days after this training has been completed, Defendants will provide certification to Commission counsel of record that such training has been provided, including the identity of the trainer, the date and location of the training, the identities of the trainees, and the length of the training. Defendants will show an orientation videotape that addresses appropriate conduct and preventing harassment in the workplace to its new employees and to all employees promoted to managerial positions.

6. Defendants shall revise its harassment policy in the following manner: by providing the name, address, and telephone number of an official not employed by Valleywood Industries, Inc., who will serve as the recipient of harassment complaints of Valleywood

Industries' employees, investigate these complaints, and recommend appropriate remedial action, if appropriate; by assuring that employees who make complaints of harassment or provide information related to such complaints will be protected against retaliation; by assuring that the complaint process will be confidential and will include a prompt, thorough, and impartial investigation; and by assuring that the employer will take immediate and appropriate corrective action when it determines that harassment has occurred. This policy, once revised and approved as discussed below, will be distributed to all employees of Valleywood Industries, Inc., both managerial and non-managerial, and shall be included in any relevant policies or employee manuals maintained by Valleywood Industries, Inc. The policy will also be posted in a conspicuous and accessible place for all employees of Valleywood Industries, Inc.

a. Within 30 days after entry of the Consent Decree, Defendants shall submit the revised policy to the Commission's counsel of record for approval by the EEOC. EEOC will then notify Defendants within 14 days as to whether the policy is acceptable. In the event the proposed policy is not acceptable to the EEOC, the parties will confer in good faith and attempt to reach an agreement no later than 10 days after receiving the EEOC's objection. In the event the parties are unable to reach an agreement they shall submit their dispute to the Court with a request for a referral to a United States Magistrate for mediation.

b. Within seven days after the revised policy has been approved by the EEOC, Defendants will provide certification to Commission's counsel of record that the revised policy has been distributed and posted in the manner described above.

7. Within ten days after entry of the Consent Decree, Defendants will post

immediately in all places where notices to employees customarily are posted at Valleywood Industries, Inc., the Notice attached hereto and made a part hereof. Said Notice shall be posted and maintained for a period of 180 days from the date of posting and shall be signed by a responsible official of Defendant Valleywood Industries, Inc., 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 30 days of approval of this Decree, Defendants 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.

8. On the 330th day following the entry of this 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 of Valleywood Industries, Inc., and for every complaint, whether oral or written, the name of the complainant, and a detailed explanation of Defendants' actions taken in response to the complaint, including any investigative and corrective measures taken.

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

