

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION



EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION, )  
 )  
Plaintiff, )  
 ) NO. 00-0092 CV-W-2-ECF  
v. )  
 )  
PRAXAIR SURFACE TECHNOLOGIES, )  
INC. )  
 )  
Defendant. )

**CONSENT DECREE**

Plaintiff, Equal Employment Opportunity Commission (the "EEOC"), has instituted this action alleging that Defendant, Praxair Surface Technologies, Inc. ("Praxair"), twice failed to promote Judy Kebler because of her sex in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e et seq. (hereinafter "Title VII"). The EEOC subsequently dismissed one of its allegations that Praxair failed to promote Kebler because of her sex.

For purposes of settlement and compromise only, the parties have advised the Court that they wish to resolve the instant controversy without the expense, delay, and burden of further litigation;

THEREFORE, it is the finding of this Court, made on the pleadings and on the record as a whole and upon agreement of the parties, that: (i) this Court has jurisdiction over the parties to and the subject matter of this action; (ii) the requirements

of Title VII will be carried out by the implementation of this Decree; (iii) this Decree is intended to and does resolve all matters in controversy in this lawsuit among the parties; and (iv) the terms of this Decree constitute a fair and equitable settlement of all issues in this lawsuit.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED as follows:

**I. General Provisions**

1. This Decree, being entered with the consent of the parties for purposes of settlement, shall not constitute an adjudication on the merits of this lawsuit and shall not be construed as an admission by Defendant of any violation of Title VII or any executive order, law, rule or regulation dealing with or in connection with sex discrimination in employment, or retaliation for opposing unlawful employment practices.

2. Defendant shall not discriminate with respect to any terms or conditions of employment on the basis of sex or subject any employee to sex discrimination.

3. Defendant shall not discriminate or take any adverse employment action against any person because he or she: (a) has opposed any practices alleged in this lawsuit as unlawful under Title VII; (b) has participated in any investigation conducted under Title VII connected with or leading up to this lawsuit; (c) has participated in this lawsuit; or (d) has benefitted or will benefit in any way as a result of this Consent Decree.

## **II. Relief for Charging Party**

1. Defendant will pay a total of \$30,200 ("Settlement Sum"), including \$25,000 for payment of alleged economic and non-economic injuries and damages, other than lost wages, \$5,000 for alleged backpay damages, less the employee's share of applicable federal, state and any other required withholdings, and \$200 for attorneys fees for Kebler to obtain legal advice concerning a Release to be provided by Defendant. Defendant's agreement to pay the Settlement Sum is dependant upon Kebler executing the Release. Within 10 days after entry of this Consent Decree, Defendant will mail the check(s) in the amount of the Settlement Sum to Kebler at her current home address.

2. Defendant will also send a copy of the check(s) mailed to Kebler, as described in Part II, paragraph 1 above, to the EEOC's Regional Attorney in its St. Louis District Office.

## **III. Posting and Policies**

1. Defendant shall post and cause to remain posted copies of the "Notice to Employees" attached hereto as Exhibit A, in locations publicly visible to all employees in its Kansas City, Missouri facility for a period of one (1) year, starting from the date of entry of this Decree.

2. Defendant shall post and cause to remain posted the posters required to be displayed in the workplace by EEOC

regulation 29 C.F.R. §1601.30 in all facilities owned and operated by Defendant.

#### **IV. Leadership Training**

1. Praxair shall offer leadership training on an annual basis during the fourth quarter of 2001 and 2002. The course shall be offered one day a week for two hours over the course of four consecutive weeks. The classes shall be held at a time that would be convenient for both day and evening shift employees to attend. Both day shift employees and evening shift employees, who attend the classes, shall be compensated at either their regular wage rate or an overtime rate, or a combination of both, depending upon when the classes are scheduled. The course shall cover the following topics:

- a) Understanding Praxair Aviation Services.
- b) Leadership and Management Skills.
- c) Job Advancement.
- d) The importance of equal employment opportunities in the workplace.
- e) Individual Skills Assessments and Feedback.

2. Defendant shall make efforts to encourage female employees to attend the leadership training course.

3. Within forty-five (45) days of completion of each leadership training course described above, Defendant shall prepare and submit to the EEOC's Regional Attorney in its St.

Louis District Office a letter affirming that the training has been completed.

**V. Reporting, Record-keeping, and Access**

1. During the effective period of this Decree, Defendant shall, within thirty (30) days of such complaint, provide written notification to the EEOC's Regional Attorney in its St. Louis District Office of any internal complaint of disparate treatment in hiring, termination or promotion, that Defendant understands, in good faith, to be a complaint of sex discrimination made by any employee, including the name(s) of the complaining employee(s), a description of the investigation of the complaint(s), the finding of the investigation and a description of action taken and/or resolution of the complaint(s).

2. Within forty-five (45) days of the entry of this Decree, Defendant shall prepare and submit to the EEOC's Regional Attorney in its St. Louis District Office a letter affirming that the notice has been posted and that the posters have been posted as required by Section III, above.

3. Defendant shall each six months for a period of two years, starting from the date of entry of this Decree, prepare and submit to the EEOC's Regional Attorney in its St. Louis District Office a letter identifying the following with regard to each Team Leader position Defendant has posted:

- a) The name, sex and number of years of experience at the plant of each applicant;
- b) The name of the applicant selected for each position;
- c) The name and title of each decision-maker, interviewer or selection committee member.

#### **VI. Term and Effect of Decree**

1. By entering into this Decree, the parties do not intend to resolve any charges of discrimination currently pending before the EEOC other than the charge that created the procedural foundation for the complaint in this case.

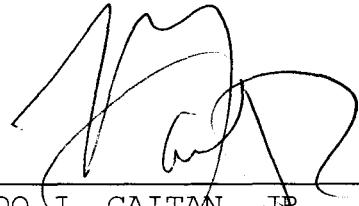
2. Except as set forth in paragraph 3, below, this Decree shall be binding upon the parties hereto, their successors and assigns. Defendant shall affirmatively notify any purchasers of the obligations of this Decree prior to any sale which may take place.

3. This Decree shall be in effect for a period of two (2) years and can only be extended for good cause shown. During the Decree's term, the Court shall retain jurisdiction of this cause for purposes of compliance.

4. Each party shall bear that party's own costs and attorneys' fees.

DATE:

5-11-01



FERNANDO J. GAITAN, JR.  
UNITED STATES DISTRICT JUDGE

JUN 04 2001

BY CONSENT:

FOR DEFENDANT:

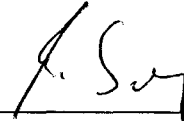


Michael Puett  
Plant Manager  
Praxair Surface Technologies,  
Inc.  
Kansas City, Missouri

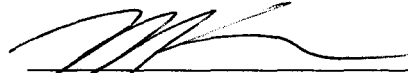
FOR PLAINTIFF:



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(Praxair letterhead)  
**NOTICE TO EMPLOYEES**

This Notice is being posted as part of a remedy agreed to pursuant to a Consent Decree entered in the case of Equal Employment Opportunity Commission (EEOC) v. Praxair Surface Technologies, Inc., Case No. 00-0092-CV-W-2-ECF, on file in the Federal District Court for the Western District of Missouri, Kansas City, Missouri.

Federal law prohibits discrimination against any employee or applicant for employment because of the individual's race, national origin, color, religion, sex, disability or age (forty and over) with respect to hiring, promotion, firing, compensation, or other terms, conditions or privileges of employment. It also prohibits sexual harassment of employees and retaliation against employees because they have opposed practices they believe discriminate or are unlawful on the basis of race, national origin, color, religion, sex, disability or age (forty and over) or because they have filed charges with the EEOC or participated in or cooperated with an EEOC investigation.

Praxair supports and will comply with such Federal law in all respects and will not take any action against employees because they have exercised their rights under the law. Specifically, Praxair will not tolerate discrimination against any employee, with regard to the terms and conditions employment or opportunities for promotion, because of his or her sex. Furthermore, Praxair will not tolerate retaliation against any employee because an employee reports, protests or opposes any employment practice which is believed by such employee to be unlawful under Federal law.

Employees should report instances of disparate treatment in hiring, termination or promotion they perceive as sex discrimination to any management official at any time. Praxair has established policies and procedures to investigate promptly any such reports and to protect the employee(s) making such reports from retaliation. In addition to reporting any perceived sex discrimination to Praxair, employees also should feel free to make complaints about gender discrimination or retaliation to the Office of the Regional Attorney, United States Equal Employment Opportunity Commission, at 1222 Spruce, 8th Floor, Room 8.100, St. Louis Missouri, 63108 (Attention: Melvin D. Kennedy, Trial Attorney) or by telephone at (314) 539-7915.

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Plant Manager

Exhibit A