

FILED

OCT 10 2001

DAVID W. DANIEL, CLERK
US DISTRICT COURT
E. DIST. N. CAROLINA

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

Equal Employment)
Opportunity Commission,)
)
Plaintiff,)
)
v.)
)
Sears, Roebuck and Co.,)
)
Defendant.)
)

Civil Action No. 4:98-CV-136-H(4)

CONSENT DECREE

This action was instituted by the Equal Employment Opportunity Commission (the "Commission") pursuant to Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991, alleging that Defendant Sears, Roebuck and Co. ("Defendant") failed to hire Francisco G. Santana because of his national origin. Defendant denies any national origin discrimination. The Court has jurisdiction over this lawsuit pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345.

The Commission and Defendant hereby stipulate to jurisdiction of the Court over the subject matter of this action.

The parties have advised this Court that they desire to resolve allegations in the Complaint without the burden, expense and delay of further litigation.

It is therefore the finding of the Court, made on the pleadings and the record as a whole, that: (1) the Court has jurisdiction over the partes and subject matter of this action; (2) the

purpose and provisions of Title VII of the Civil Rights Act of 1964 and the Civil Rights Act of 1991 will be promoted and effectuated by the entry of the Consent Decree; and (3) this Decree resolves all matters in controversy between the parties as provided in paragraphs 1 through 9 below:

It is therefore, ORDERED, ADJUDGED AND DECREED as follows:

1. Defendant shall not discriminate against applicants on the basis of national origin by failing to hire them at its Morehead City, North Carolina store.
2. Within thirty (30) days of the entry of the approval of this Consent Decree and for the term of this Consent Decree, Defendant shall conspicuously post an Employee Notice, marked as Exhibit "A", in a place where it is visible to all employees at its Morehead City, North Carolina store.
3. Defendant shall conduct training for all management employees at its Morehead City, North Carolina store during the term of this Consent Decree. The training program will include an explanation of the requirements of the federal equal employment opportunity laws, including Title VII and the Civil Rights Act of 1991, particularly in the area of discrimination due to national origin. Upon completion of the training program, Defendant shall certify to the Commission the specific training which was undertaken and shall provide the Commission with a roster of all management employees in attendance. The training program will be conducted within sixty (60) days of the Court's approval of this Decree. Management employees who are hired or transferred by Defendant into its Morehead City, North Carolina store, after the training, but during the term of the Consent Decree, shall be given a written copy of Defendant's nondiscrimination policy at the time of hire or transfer.

4. During the term of this Consent Decree, Defendant shall provide the Commission with reports at six (6) month intervals, with the first report being due five (5) months after approval of this Decree and the second being due six (6) months after the first. The reports shall include the following information: the name, address and telephone number of all applicants at Defendant's Morehead City, North Carolina store, if any, who, during the reporting period, complained to store management about discrimination due to national origin, a description of the complaint, the identity of each person to whom each complaint was made, and the action taken by the Defendant about each complaint. The reports shall be submitted to the Commission at the time intervals outlined immediately above.

5. In order to review compliance with this Decree, the Commission may inspect Defendant's premises, interview employees, examine and copy documents related to any complaints reported in accordance with paragraph 4 above.

6. If at any time during the term of this Decree, the Commission believes that the Defendant is in violation of this Decree, the Commission shall give written notice of the alleged violation to the Defendant. The Defendant shall have thirty (30) days in which to investigate and respond to the allegations. Thereafter, the parties shall have a period of ten (10) days, or such additional period as may be agreed upon by them, in which to engage in negotiation and conciliation regarding such allegations, before the Commission exercises any right provided by law.

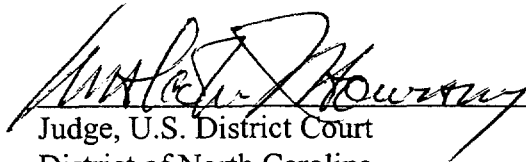
7. The term of this Decree shall be for one (1) year from its entry by the Court.

8. With the exception of costs previously paid pursuant to court order, Defendant and Plaintiff EEOC shall bear its own costs and attorney fees associated with the litigation of this

case, styled EEOC v. Sears, Roebuck and Co., Civil Action No. 4:98-CV-136H(4), and the entry of this Decree.

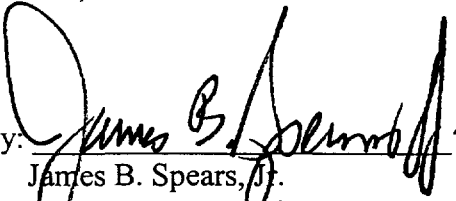
9. This Court shall retain jurisdiction of this action for purposes of enforcing this Decree and entry of such further orders as may be necessary or appropriate.

10-8-01
Date

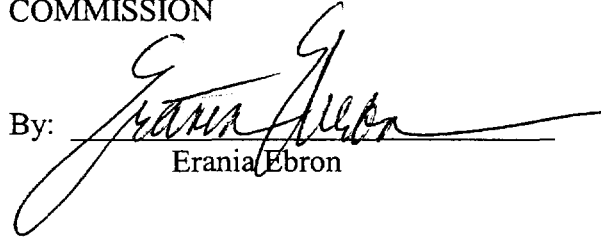

Judge, U.S. District Court
District of North Carolina

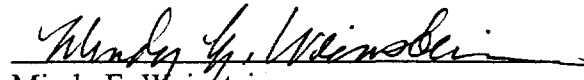
The parties jointly request that the Court approve and enter this Consent Decree:

SEARS, ROEBUCK AND CO.

By: 
James B. Spears, Jr.
Haynsworth Baldwin
Johnson & Greaves LLC

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

By: 
Erania Ebron


Mindy E. Weinstein
Regional Attorney
Charlotte District Office

copies to:

Erania Ebron, Esq.
U.S. Equal Employment Opportunity
Commission
129 West Trade Street
Charlotte, NC 28202

James B. Spears, Jr.
Haynsworth Baldwin Johnson & Greaves LLC
400 West Trade Street
Charlotte, NC 28202

Attachment "A"

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

Equal Employment)	
Opportunity Commission,)	
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Plaintiff,)	
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v.)	Civil Action No. 4:98-CV-136-H(4)
)	
Sears, Roebuck and Co.,)	
)	
Defendant.)	

NOTICE TO EMPLOYEES

This Notice is being posted pursuant to a Consent Decree entered in Equal Employment Opportunity Commission v. Sears, Roebuck and Co., Civil Action No. 4:98-CV-136-H(4), in the United States District Court for the Eastern District of North Carolina, Eastern Division.

Federal law prohibits discrimination against any employee or applicant for employment because of the individual's race, color, religion, sex, national origin, disability or age (40 and over), with respect to hiring, promotion, discipline, firing, compensation or other terms, conditions or privileges of employment.

Federal law prohibits the failure to hire an individual due to his or her national origin.

Sears, Roebuck and Co. supports and will comply with such federal law in all respects. Specifically, Sears, Roebuck and Co.: (a) will seek to maintain a work environment that is free of discrimination due to national origin; (b) will provide annual training to all Store managers concerning the federal employment discrimination laws, particularly as they apply to Title VII and discrimination due to national origin; and (c) will provide a copy of its policy concerning discrimination to all managers.

Sears, Roebuck and Co. has an equal employment opportunity policy and will ensure that all management, supervisory and other employees abide by the requirements of that policy, and that employees will not be subjected to discrimination due to national origin.

If you believe that you have been subjected to discrimination due to your national origin, you should promptly report the discriminatory conduct to a member of Sears, Roebuck and Co. management, or to the U.S. Equal Employment Opportunity Commission.

This Notice will remain posted for one (1) year by agreement with the U.S. Equal Employment Opportunity Commission.

DO NOT REMOVE THIS NOTICE UNTIL: _____, 2002.

Date

For Sears, Roebuck and Co.