

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO DISTRICT
EASTERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
And)
)
JERI HAGEMEYER)
)
Plaintiff-Intervener,)
)
vs.)
)
CORPORATE SECURITY SOLUTIONS,)
INC.,)
)
Defendant.)

Case No. 1:05-CV-00507
Judge Michael R. Barrett
Magistrate Judge Kemp

CONSENT DECREE

The Equal Employment Opportunity Commission (the "Commission"), an agency of the United States government, filed this action, alleging violations of Title VII of the Civil Rights Act of 1964 ("Title VII"), Title I of the Civil Rights Act of 1991 ("1991 CRA"), the Age Discrimination in Employment Act ("ADEA") and the Equal Pay Act of 1963 ("EPA"). In its Complaint, the Commission alleged that Defendant Corporate Security Solutions, Inc. ("CSS"), violated Title VII and the 1991 CRA by terminating the employment of Jeri Hagemeyer, because of her sex, female, due to condition of pregnancy. The Commission further alleged that Defendant retaliated, in violation of Title VII, the CRA of 1991, the ADEA and the EPA, against Hagemeyer and other individuals affected by Defendant's "Certification and Understanding" Agreement, which they were required to sign as a condition of employment,

because it unlawfully sought to limit the periods allowed by law for them to bring actions in court prescribed by these statutes.

CSS was served a Summons and a copy of the Commission's Complaint filed in this matter, filed an Answer and for purposes of this Consent Decree only, admits the jurisdiction of this Court over the subject matter of this action. In its Answer, CSS denied that it violated Title VII and denied that it discriminated against Hagemeyer or any other individuals it employed.

The Commission and Defendant have conferred and resolved their differences and have advised this Court (ECF Doc. #27) that they desire to resolve the allegations in EEOC's Complaint without the burden, expense and delay of further litigation.

Now, therefore, without trial or adjudication of any issue of fact or law raised by the Commission's Complaint, it is the finding of this Court that: (1) this Court has jurisdiction over the parties and the subject matter of this action pursuant to 28 U.S.C. Sections 451, 1331, 1337, 1343, and 1345; and (2) the provisions of Title VII, the 1991 CRA, the ADEA and EPA will be carried out by the implementation of this Decree and this Decree is entered into pursuant to Title VII, the 1991 CRA , the ADEA and EPA.

It is therefore DECREED as follows:

1. The term of this Decree shall be two (2) years.
2. During the term of this Decree, the Commission may review compliance with this Decree. As a part of its review, the Commission may require written position statements relevant to compliance, and may at all reasonable times inspect CSS' Cincinnati, Ohio facility and have access to, for the purposes of examination, and the right to copy, any evidence relevant to compliance with this Decree, and to interview employees in CSS' Cincinnati, Ohio facility.

3. Defendant, its officers, agents, employees, successors, assigns and all others in active concert with them, shall not discriminate against any employee because of her sex, condition of pregnancy and shall not require employees, applicants for employment or separated employees to waive or agree to limit the periods allowed by law for making claims or bringing actions in court under Title VII, the 1991 CRA, the ADEA and EPA.

4. Nothing in this Decree shall preclude the Commission from bringing suit to enforce the terms of the Decree; nothing in this Decree shall preclude future action by the Commission or other persons to remedy any other alleged violations of Title VII, the 1991 CRA, the ADEA and EPA by the Defendant; nor shall this Decree preclude or otherwise effect the individual claims of Plaintiff-Intervener Jeri Hagemeyer asserted in her pending Complaint in Intervention (ECF Document #9-2).

5. This Decree, being entered with the consent of the Equal Employment Opportunity Commission and the Defendant, shall not constitute an adjudication or finding on the merits of this case nor shall it be deemed an admission by Defendant of any violation of Title VII, the 1991 CRA, the ADEA and EPA.

6. Defendant shall post and keep posted, during the term of this Decree, in conspicuous places upon their premises, where notices to employees or applicants are customarily posted, Attachments A (Notice to All Employees) and B (EEOC's "Facts About Pregnancy Discrimination" information sheet).

7. Within sixty (60) days of the entry of this Decree, Defendant will distribute copies of Attachments A and B to each employee.

8. Within thirty (30) days of the entry of this Decree, Defendant will revise its "Equal Employment Opportunity" policy (such as the policy on page 6 of the Employee Manual for Security Officers) to insert "pregnancy" as a stated basis of prohibited discrimination.

9. Within thirty (30) days of the entry of this Decree, Defendant will revise its written condition of employment regarding employees' time limits for bringing lawsuits or claims by replacing existing subparagraph (a) in the May 27, 2005 version of its "Certification and Understanding" with a new subparagraph (a):

(a) For Lawsuits under Title VII of the Civil Rights Act of 1964 ("Title VII"), the Age Discrimination in Employment Act ("ADEA") and the Equal Pay Act of 1963 ("EPA"), as provided by those laws; or

10. Within thirty (30) days of the entry of this Decree Defendant will present its revised written condition of employment regarding employees' time limits for bringing lawsuits or claims above to each of its employees for signature.

11. Within ninety (90) days of the entry of this Decree, all supervisors, managers and officials of Defendant's Cincinnati, Ohio facility, shall attend a training session on the issue of pregnancy discrimination, covering at a minimum each of the matters discussed in Attachment B.

12. Defendant will report in writing to the Associate Regional Attorney, Equal Employment Opportunity Commission, Cleveland Field Office, The AJC Federal Office Building, 1240 East 9th Street, Room 3001, Cleveland, Ohio 44199, when the undertakings outlined in paragraphs six (6) through eleven (11) of this Decree have been completed. The report will describe the manner in which the undertakings were carried out, including the names of the officials, managers and supervisors receiving the training under paragraph eleven (11) above including the training date(s), training location(s), identification of the trainer and copies of the training script, agenda, handout or slide show. This report shall be submitted not later than one hundred ten (110) days from the date of this Decree.

13. Defendant shall, during the term of this Decree, submit to Plaintiff semi-annual reports listing the name(s), date of birth, last known address and telephone number of each female employee separated from employment at Defendant's Cincinnati, Ohio facility.

The first semi-annual report is due six (6) months and thirty (30) days after the date of this decree, and thereafter reports are due every six (6) months covering the term of this Decree.

14. This Court shall retain jurisdiction of this case for purposes of compliance with this Decree and entry of such further orders as may be necessary or proper to effectuate the purposes of this Decree.

15. Each party to this action shall bear its own costs and fees, including bearing its own attorneys fees.

IT IS SO ORDERED THIS 11th day of JANUARY, 2007.


United States District Court Judge

ATTACHMENT A

NOTICE TO ALL EMPLOYEES

This notice to all employees is being posted by agreement between Corporate Security Solutions, Inc. and the Equal Employment Opportunity Commission.

Federal law requires, among other things, that there be no discrimination against any employee or applicant for employment because of the employee's pregnancy, with respect to compensation, hiring, leave of absence or other terms, conditions, or privileges of employment. Federal law further provides, among other things, that employees, applicants for employment and former employees may file discrimination charges with EEOC within 300 days of the alleged discrimination and may file discrimination suits in federal court within 90 days of receipt of a Notice of Right to Sue from EEOC. For Lawsuits under the Age Discrimination in Employment Act (ADEA) suit may be filed at any time from 60 days after a charge has been filed with EEOC until 90 days after receipt of notice that EEOC has completed its action on the age discrimination charge. For Lawsuits under the Equal Pay Act (EPA), suit may be filed within 2 years (3 years for willful violations) of the alleged EPA underpayment of wages. Employees, applicants for employment and former employees will not be required to waive or limit these time periods for filing EEOC charges or lawsuits under these laws.

It is the policy of Corporate Security Solutions, Inc to maintain a working environment free of pregnancy discrimination.



FACTS ABOUT PREGNANCY DISCRIMINATION

The Pregnancy Discrimination Act is an amendment to Title VII of the Civil Rights Act of 1964. Discrimination on the basis of pregnancy, childbirth or related medical conditions constitutes unlawful sex discrimination under Title VII. Women affected by pregnancy or related conditions must be treated in the same manner as other applicants or employees with similar abilities or limitations.

HIRING

An employer cannot refuse to hire a woman because of her pregnancy related condition as long as she is able to perform the major functions of her job. An employer cannot refuse to hire her because of its prejudices against pregnant workers or the prejudices of co-workers, clients or customers.

PREGNANCY AND MATERNITY LEAVE

An employer may not single out pregnancy related conditions for special procedures to determine an employee's ability to work. However, an employer may use any procedure used to screen other employees' ability to work. For example, if an employer requires its employees to submit a doctor's statement concerning their inability to work before granting leave or paying sick benefits, the employer may require employees affected by pregnancy related conditions to submit such statements.

If an employee is temporarily unable to perform her job due to pregnancy, the employer must treat her the same as any other temporarily disabled employee; for example, by providing modified tasks, alternative assignments, disability leave or leave without pay.

Pregnant employees must be permitted to work as long as they are able to perform their jobs. If an employee has been absent from work as a result of a pregnancy related condition and recovers, her employer may not require her to remain on leave until the baby's birth. An employer may not have a rule which prohibits an employee from returning to work for a predetermined length of time after childbirth.

Employers must hold open a job for a pregnancy related absence the same length of time jobs are held open for employees on sick or disability leave.

HEALTH INSURANCE

Any health insurance provided by an employer must cover expenses for pregnancy related conditions on the same basis as costs for other medical conditions. Health insurance for expenses arising from abortion is not required, except where the life of the mother is endangered.

Pregnancy related expenses should be reimbursed exactly as those incurred for other medical conditions, whether payment is on a fixed basis or a percentage of reasonable and customary charge basis.

(over)

The amounts payable by the insurance provider can be limited only to the same extent as costs for other conditions. No additional, increased or larger deductible can be imposed.

If a health insurance plan excludes benefit payments for pre-existing conditions when the insured's coverage becomes effective, benefits can be denied for medical costs arising from an existing pregnancy.

Employers must provide the same level of health benefits for spouses of male employees as they do for spouses of female employees.

FRINGE BENEFITS

Pregnancy related benefits cannot be limited to married employees. In an all-female workforce or job classification, benefits must be provided for pregnancy related conditions if benefits are provided for other medical conditions.

If an employer provides any benefits to workers on leave, the employer must provide the same benefits for those on leave for pregnancy related conditions.

Employees with pregnancy related disabilities must be treated the same as other temporarily disabled employees for accrual and crediting of seniority, vacation calculation, pay increases and temporary disability benefits.

FILING A CHARGE

The U.S. Equal Employment Opportunity Commission has issued guidelines, including questions and answers, interpreting the Pregnancy Discrimination Act (29 CFR 1604.10).

Charges of pregnancy discrimination may be filed at any field office of the U.S. Equal Employment Opportunity Commission. Field offices are located in 50 cities throughout the United States and are listed in most local telephone directories under U.S. Government. Information on all EEOC-enforced laws may be obtained by calling toll free on 800-669-EEOC. EEOC's toll free TDD number is 800-800-3302. This fact sheet is also available in alternate formats, upon request.