

1880 JFK Boulevard – 10th Floor
Philadelphia, PA 19103-7424

Brian C. Vance

215.587.1695
bcvance@cpmy.com

March 22, 2004

VIA HAND DELIVERY

The Honorable Legrome D. Davis
United States District Court for the
Eastern District of Pennsylvania
5918 United States Courthouse
Independence Mall
Philadelphia, PA 19106-1743

**Re: EEOC v. Resources for Human Development, Inc.
USDC, ED Pa 02-CV-7476**

Dear Judge Davis:

Please find enclosed for your approval and signature an original signed Consent Decree that fully and finally resolves all claims brought by Plaintiff Equal Employment Opportunity Commission against Defendant Resources for Human Development, Inc. in the above-captioned action.

We look forward to your approval and thank you for your assistance in resolving this matter.

Respectfully submitted,

Brian C. Vance

BCV:mts

Enclosure

cc: Mary Tiernan, Esquire (w/ encl. via facsimile)
James A. A. Pabarue, Esquire (w/ out encl.)

440861

Philadelphia, PA 215.587.1600
Fax 215.587.1699

Cherry Hill, NJ 856.489.4035
Fax 856.810.7340

New York, NY 212.366.1310
Fax 212.797.3545

Boston, MA 617.854.8315
Fax 617.854.8311

Newark, NJ 973.639.1001
Fax 973.639.119

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)

Plaintiff,)

v.)

RESOURCES FOR HUMAN)
DEVELOPMENT, INC.)

Defendant.)

CIVIL ACTION NO. 02-7476

CONSENT DECREE

A. This action was instituted by the U.S. Equal Employment Opportunity Commission ("the EEOC" or "the Commission") on September 26, 2002, against Resources for Human Development, Inc., to enforce provisions of Title VII of the Civil Rights of 1964, as amended, 42 U.S.C. § 2000e *et seq.*, ("Title VII"). The EEOC filed this Title VII lawsuit on behalf of Francisca Sanchez, alleging that RHD subjected her to a hostile work environment based on her sex, retaliated against her and constructively discharged her. Resources for Human Development denies these allegations.

B. This Consent Decree is entered into by and shall be final and binding between the EEOC and Defendant, Resources for Human Development, Inc. its directors, officers, agents, employees, successors or assigns (hereinafter collectively referred to as "Defendant" or "RHD").

C. The EEOC and RHD agree to entry of this Consent Decree, which shall fully and finally resolve all claims the EEOC raised in its Complaint in Civil Action No. 02-7476. This Consent Decree shall not constitute either an adjudication of or finding on the merits of the complaint and shall not be construed as an admission by RHD of any violation of Title VII.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

NON-DISCRIMINATION AND NON-RETALIATION

1. This Court has jurisdiction over the parties and subject matter of this action.
2. RHD is enjoined from harassment of any employee on the basis of sex in violation of Title VII.
3. RHD is enjoined from engaging in any employment practices which retaliate in any manner against any person, including but not limited to Francisca Sanchez, because of that person's opposition to any practice made an unlawful employment practice under Title VII or because that person has made a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing under Title VII.
4. RHD shall not divulge to any identifiable employer or potential employer of Francisca Sanchez any of the facts or circumstances related to the claims of discrimination against RHD in this case or any of the events relating to her participation in the litigation of this action.
5. Nothing in this Consent Decree, either by inclusion or exclusion, shall be construed to limit the obligations of RHD under Title VII or the EEOC's authority to process or litigate any charge of discrimination now pending or filed in the future against RHD.

MONETARY RELIEF

6. Within 10 business days after receipt of a Release in the Form of Exhibit 1 hereto, RHD agrees to pay monetary relief in the amount of Ninety Thousand Dollars and no Cents (\$90,000.00) to Francisca Sanchez, comprised of \$3,000.00 in back wages, less applicable withholdings as required by law, and \$87,000.00 in compensatory damages, in full settlement of the claims raised on her behalf against RHD in the EEOC's Complaint. RHD will not withhold

taxes from the \$87,000.00 in compensatory damages paid to Ms. Sanchez. The check will be mailed to Francisca Sanchez, 5239 Pennway Street, Philadelphia, PA 19124, and a copy within five business days thereafter to the attention of Mary M. Tiernan, Senior Trial Attorney, EEOC, 21 South Fifth Street, Suite 400, Philadelphia, PA 19106-2515.

POSTING OF NOTICE

7. Within 30 business days after entry of this Decree, RHD shall post at all facilities, work sites and contract sites in Pennsylvania and New Jersey, on all bulletin boards, used by RHD for communicating with employees, same-sized copies of the Notice attached as Exhibit 2 to this Decree. The Notice shall remain posted for two years from the date of entry of this Decree. A copy of the Notice will be posted in English and Spanish. RHD shall provide to the attention of Mary M. Tiernan, Senior Trial Attorney, EEOC, 21 South Fifth Street Suite 400, Philadelphia, PA 19106-2515, a list of the locations and dates of posting in each location within 40 days after entry of this Decree. If posted copies become defaced, removed, marred or otherwise illegible, RHD agrees to post a readable copy in the same manner as heretofore specified.

**NON-DISCRIMINATION AND ANTI-HARASSMENT POLICIES
AND COMPLAINT PROCEDURES**

8. RHD's policy or policies against discrimination, harassment and retaliation and complaint procedures shall be drafted in plain and simple language, and be available in English, and Spanish. RHD shall ensure that its policy or policies against discrimination, harassment and retaliation and related complaint procedures meet the following minimum criteria:

- (a) state that RHD: (i) prohibits discrimination against employees on the basis of sex, national origin, race, religion and color, and prohibits retaliation in violation of

Title VII; (ii) prohibits retaliation against employees for opposing employment practices they reasonably believe are discriminatory or for participating in an investigation by the EEOC or a state or local governmental agency of a charge of discrimination under Title VII; (iii) prohibits any act, policy or practice that has the effect of harassing or intimidating any employee on the basis of national origin, sex, race, religion or color in violation of Title VII; and (iv) prohibits any act, policy or practice that has the effect of creating, facilitating or permitting the existence of a work environment that is hostile to employees through acts such as physical/verbal abuse and derogatory comments based on sex, national origin, race, religion or color in violation of Title VII;

(b) include a complaint procedure designed to encourage employees to come forward with complaints regarding violations of its policy or policies against discrimination, harassment and retaliation, which shall meet the following minimum criteria: (i) provide effective mechanism(s) for reporting incidents of discrimination, harassment and retaliation; (ii) provide that the complaints of discrimination, harassment and/or retaliation can be made either in writing or verbally; (iii) identify employees in the Human Resources Department to whom an employee can make a complaint; (iv) provide an answering machine in the Human Resources Department with instructions in English and Spanish that an employee may call at any time to make a complaint of discrimination, harassment or retaliation; (v) provide that, upon an employee's request to the Human Resources Department, RHD will offer translating assistance for filing a written complaint in English or otherwise communicating during the investigation of a complaint; (vi) encourage prompt reporting by employees; and (vii) provide assurances that complainants shall not be subjected to

retaliation;

(c) provide for prompt investigation of complaints of harassment and/or

retaliation;

(d) provide for prompt communication to the complaining party of the results of the investigation and any remedial actions taken or proposed; and

(e) provide for discipline up to and including discharge of an employee or supervisor who violates RHD's policy or policies against discrimination, harassment and retaliation, and for increasingly severe discipline of repeat offenders.

(f) revise its Non-Discrimination Policy for Equal Employment Opportunity to advise employees of their right to file a charge with the EEOC and to provide the address and phone number of the EEOC.

9. RHD shall distribute its non-discrimination policy to all of its employees and newly-hired employees in Pennsylvania and New Jersey. Such policy or policies will be available in English and Spanish.

10. Within 120 days after entry of this Consent Decree, RHD shall advise Mary M. Tiernan, Senior Trial Attorney, EEOC's Philadelphia District Office, that its policy or policies against discrimination, harassment and retaliation have been distributed to all current employees at its facilities in Pennsylvania and New Jersey and that new employees in Pennsylvania and New Jersey will receive these policies and have an opportunity to acknowledge receipt. Acknowledgment of receipt forms will be made available in English and Spanish. RHD will retain copies of any acknowledgment of receipt form for an employee in both the employee's personnel file and in a file in the corporate Human Resources Department.

11. RHD shall annually for the duration of the Consent Decree send a copy of its

policy or policies against discrimination, harassment and retaliation to each unit and have each employee acknowledge receipt of the policy. The policy or policies against discrimination, harassment and retaliation will be given to each newly-hired employee.

SUPERVISOR ACCOUNTABILITY

12. RHD shall promote supervisor accountability by the following conduct:
 - (a) providing annual anti-discrimination training to all of its supervisory and managerial personnel in Pennsylvania and New Jersey as set forth in Paragraph 13;
 - (b) disciplining, up to and including discharge, any supervisor or manager who violates RHD's policy or policies against discrimination, harassment and retaliation;
 - (c) imposing on all managers and supervisory personnel a duty to administer their work areas to ensure compliance with RHD's policy or policies against discrimination, harassment and retaliation; and
 - (d) requiring all managers and supervisors to report any incidents and/or complaints of harassment and/or retaliation of which they become aware to the Corporate Human Resources Department.

TRAINING

13. RHD shall provide training on the requirements of Title VII as follows:
 - (a) RHD agrees to provide annual training sessions for all of its managers and supervisors in Pennsylvania and New Jersey, and to all Human Resources Department employees, which will emphasize what constitutes unlawful harassment and discrimination in the workplace, how to keep the company free from such discrimination, what constitutes unlawful retaliation and will summarize how to conduct a prompt and effective investigation into allegations, complaints or charges of discrimination. The

training sessions will be conducted by RHD's General Counsel;

(b) each training session will include a videotaped presentation by a high-ranking official of RHD, emphasizing RHD's commitment to prevent discrimination and harassment;

(c) RHD shall first provide training in accordance with Paragraph 13(a) by no later than 120 calendar days after entry of this Consent Decree and also shall provide such training in calendar year 2005.

14. In addition to the training described in Paragraph 13, within 30 days of the entry of the Consent Decree, RHD shall provide a certification to the EEOC that it has provided training to all employees and supervisors in its Human Resources Department regarding how to conduct a prompt and effective investigation into allegations, complaints or charges of employment discrimination.

15. RHD agrees at its expense to provide the EEOC with copies of all pamphlets, brochures, outlines or other written materials provided to attendees of training sessions.

16. RHD's General Counsel shall certify to the EEOC in writing within 10 business days after the training sessions required by Paragraph 13 have occurred, that the training has taken place and that all of the required personnel have attended.

RECORDKEEPING

17. For a period of two years following the entry of this Decree, RHD shall document and retain in a file in Corporate Human Resources records of each complaint of an incident of discrimination or harassment, based on sex and/or retaliation by any employee in Pennsylvania or New Jersey, reflecting the date the complaint was made, what was alleged and the actions, if any, RHD took to resolve the matter. RHD also shall maintain records of all actions it takes to

prevent discrimination and harassment at all of its facilities, work sites and contract sites in Pennsylvania and New Jersey, during the term of this Consent Decree.

18. Nothing in this Decree shall be construed to limit any obligation RHD otherwise may have to maintain records under Title VII or any other law or regulation. After expiration of this Consent Decree, records will be maintained by RHD as required by law and Commission regulations.

REPORTING

19. RHD shall furnish to the EEOC the following written reports annually for a period of two years following entry of this Decree with the first report due twelve months after entry of the Decree and the final report due 24 months after entry of the Decree. Each such report shall contain:

(a) a non-narrative statistical summary of the information recorded by RHD pursuant to Paragraph 17, regarding the allegation in the complaint and any action taken by RHD in response;

(b) a certification by RHD that the Notice required to be posted by Paragraph 7 was posted during the twelve months preceding the report;

(c) a certification by RHD that it has or will distribute annually the policy or policies against discrimination, harassment and retaliation to all employees in Pennsylvania and New Jersey, and that RHD has disseminated the policy or policies against discrimination, harassment and retaliation to all new employees hired in Pennsylvania and New Jersey within the twelve month period preceding the report;

(d) a certification that RHD has complied with training requirements of this Consent Decree;

(e) a summary of any additional actions RHD took to prevent discrimination, harassment and retaliation at all of its facilities, work sites and contract sites, in Pennsylvania and New Jersey, during the six-month period preceding the report.

DISPUTE RESOLUTION

20. In the event either party to this Decree believes the other party has failed to comply with any provision(s) of the Decree, the complaining party shall notify the other party of the alleged non-compliance within 20 days of the alleged non-compliance and afford the alleged non-complying party 20 business days to remedy the non-compliance or satisfy the complaining party that the alleged non-complying party has complied. If the alleged non-complying party has not remedied the alleged non-compliance or satisfied the complaining party that it has complied within 20 business days, the complaining party may apply to the Court for appropriate relief.

MISCELLANEOUS PROVISIONS

21. Each party to this Decree shall bear its own expenses, costs and attorneys' fees.

22. The terms of this Decree are and shall be binding upon the present and future representatives, agents, directors, officers, successors and assigns of RHD in their capacities as representatives, agents, directors and officers of RHD and not in their individual capacities. This paragraph shall not be construed as placing any limit on remedies available to the Court in the event any individual is found in contempt for a violation of this Decree.

23. This Consent Decree shall fully and finally resolve all claims which were raised by the EEOC in its Complaint in Civil Action No. 02-7476.


24. This Consent Decree shall be filed in the United States District Court for the Eastern District of Pennsylvania and shall continue in effect for two years. During this 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 its purposes. Any application by any party to modify or vacate this Consent Decree during such period shall be made by motion to the Court on no less than 30 days' notice to the other party. Should any material disputes under this Decree remain unresolved after this two-year period, the term of the Decree shall be automatically extended (and the Court will retain jurisdiction of this matter to enforce the Consent Decree) until such time as all disputes have been resolved.


25. The Clerk of the District Court is hereby directed to send a file-stamped copy of this Consent Decree to counsel of record.

Eric S. Dreiband
General Counsel
James L. Lee
Deputy General Counsel

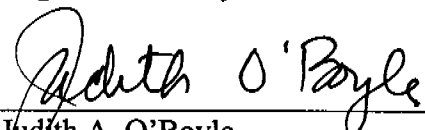
Gwendolyn Young Reams
Associate General Counsel
U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
1801 L Street, NW
Washington DC 20507



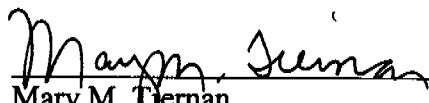
Brian C. Vance, Esq.
Christie, Pabarue, Mortensen & Young, PC
1880 JFK Boulevard – 10th Floor
Philadelphia, PA 19103-7424
(215) 587-1600
Attorneys for Defendant



Jacqueline H. McNair
Regional Attorney



Judith A. O'Boyle
Supervisory Trial Attorney



Mary M. Tierman
Senior Trial Attorney
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
Philadelphia District Office
21 S. 5th Street, Suite 400
Philadelphia, PA 19106
(215) 440-2828

By the Court: _____
LEGROME DAVIS
UNITED STATES DISTRICT JUDGE

Date: _____

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO. 02-7476
v.)	
)	
RESOURCES FOR HUMAN)	
DEVELOPMENT, INC.)	
)	
Defendant.)	

RELEASE

I, Francisca Sanchez, for the consideration affecting me set forth in Paragraph 6 of the Consent Decree entered into by the Equal Employment Opportunity Commission (the "EEOC"), and Defendant, Resources for Human Development, Inc. in Civil Action Number 02-7476, do hereby waive, remit, release and forever discharge Defendant Resources for Human Development, Inc., its directors, officers, agents, employees, representatives, successors and assigns, from any and all claims which were asserted in the EEOC's Complaint, in EEOC v. Resources for Human Development, Inc., Civil Action No. 02-7476.

This Release is freely executed in return for the good and valuable consideration set forth in the above-referenced Consent Decree. I acknowledge that I have been provided a reasonable time to read and consider this Release. I acknowledge that I have been advised of my right to private counsel.

I am legally competent to execute this Release and accept full responsibility thereof.

DATE: _____

SIGNATURE: _____
Francisca Sanchez

Sworn to and Subscribed
Before me this day
of , 2004

NOTARY PUBLIC

My Commission Expires:

EXHIBIT 2

NOTICE TO ALL RHD EMPLOYEES

This Notice is posted pursuant to a Consent Decree entered by the federal court for the Eastern District of Pennsylvania in EEOC v. Resources for Human Development, Inc., Civil Action Number 02-7476, resolving a lawsuit filed by the Equal Employment Opportunity Commission ("EEOC") against Resources for Human Development, Inc. ("RHD")

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., as amended ("Title VII"), prohibits discrimination against employees and applicants for employment based upon sex, national origin, race, color or religion. Title VII further prohibits retaliation against employees or applicants who avail themselves of the rights under Title VII by engaging in protected activities, such as filing a charge of discrimination and/or testifying or participating in a Commission investigation. The EEOC is the federal agency which investigates charges of unlawful employment discrimination. The EEOC has the authority to bring lawsuits in federal court to enforce Title VII.

In its lawsuit, the EEOC alleged that RHD subjected an employee to harassment based on sex, retaliated against the employee, and constructively discharged the employee in violation of Title VII of the Civil Rights Act of 1964 ("Title VII"). RHD denied these allegations.

To resolve the case, RHD and the EEOC have entered into a Consent Decree which provided, among other things, that: (1) RHD shall not discriminate on the basis of sex in the future; (2) RHD shall not retaliate against any person because he or she opposed any practice made unlawful by Title VII, filed a Title VII charge of discrimination, participated in any Title VII proceeding, or asserted any rights under the Consent Decree; and (3) RHD will provide training regarding its policy prohibiting discrimination, harassment and retaliation to managers and supervisors in Pennsylvania and New Jersey.

If you believe you have been discriminated against, you may contact the EEOC at (215) 440-2600. The EEOC charges no fees and has employees who speak languages other than English.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This Notice must remain posted for two years from the date below and must not be altered, defaced or covered by any other material. Any questions about this Notice or compliance with its terms may be directed to the: Regional Attorney, EEOC Philadelphia District Office, 21 South 5th Street, Philadelphia, PA 19106.

U.S. Equal Employment Opportunity
Commission

RHD

DATED: _____

DATED: _____