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

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,)) Civil Action No. 05-4092
Plaintiff,) (MAM)
v.)
MAIN LINE HEALTH, INC.)
Defendant.)

CONSENT DECREE

This Consent Decree is entered into by the Plaintiff, the United States Equal Employment

Opportunity Commission (the "EEOC" or the "Commission") and the Defendant, Main Line

Health, Inc. ("Main Line Health"), its directors, officers, successors and assigns.

The Commission brought this action on August 2, 2005, in the United States District

Court for the Eastern District of Pennsylvania to enforce the provisions of Title VII of the Civil

Rights Act of 1964, as amended, and Title I of the Civil Rights Act of 1991, 42 U.S.C. § 2000e,

et seq. ("Title VII") and the Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 et

seq. ("the ADEA"). The EEOC alleged that Main Line Health violated Title VII and the ADEA

when it failed to select Lorestine Pressley or Diann King for promotion into the position of Lead

Accounts Receivable Representative on the basis of their race, Black and ages, then 53 and 50.

The Commission further alleged that as a result of their non-selection, Ms. Pressley and Ms.

King lost wages and benefits and experienced emotional harm.

As a result of settlement discussions, and in an attempt to avoid further litigation costs, the parties to this action do hereby agree to entry of this Consent Decree (hereinafter referred to as the "Decree") which shall resolve fully and finally all claims which were raised by the EEOC

in its Complaint filed on behalf of Ms. Pressley and Ms. King. It is the intent of the parties that this Decree shall be a final and binding settlement between the parties signatory hereto, their officers, directors, successors and assigns, in full disposition of all claims alleged in the Commission's Complaint against Main Line Health, Inc.

The Parties hereby agree that:

- 1. This Decree is entered into in compromise of the claims asserted in this civil action.

 Main Line Health denies any wrongdoing, and this Decree shall, under no circumstances, be construed or deemed to be evidence of (i) any wrongdoing, fault, or liability; or (ii) any infirmity in the defenses that Main Line Health asserted.
- 2. The EEOC is the agency of the United States government authorized by Congress to investigate allegations of unlawful employment discrimination, to bring civil actions based upon these allegations of unlawful practices, and to seek relief for individuals affected by such practices.
- 3. The parties stipulate that, pursuant to the Title VII, the ADEA, and 28 U.S.C. 451, 1331, 1337, 1343, and 1345, the United States District Court for the Eastern District of Pennsylvania has jurisdiction over both the subject matter and the parties in this case. The parties further stipulate that venue is appropriate in the Eastern District of Pennsylvania.
- 4. The rights of Main Line Health and those for whom the Commission seeks relief are protected adequately by this Decree.
- 5. The entry of this Decree will further the objectives of Title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967and will be in the best interests of the parties and those for whom the Commission seeks relief.

NON-DISCRIMINATION

6. Main Line Health agrees to (i) comply fully with all of the provisions of Title VII and the ADEA, and (ii) will avoid engaging in any employment practice which operates to discriminate against individuals on the basis of age or race or to deny equal employment opportunities to any employee or applicant for employment based on his or her race or age in violation of Title VII of the Civil Rights Act of 1964 or the Age Discrimination in Employment Act of 1967.

NON-RETALIATION

7. Main Line Health agrees that it shall not engage in any employment practices which retaliate in any manner against any person, including but not limited to Ms. Lorestine Pressley and Ms. Diann King, because of that person's cooperation with the EEOC with respect to the Commission's administrative investigation of this civil action. Main Line Health agrees to comply with Title VII's and the ADEA's prohibition of retaliation because of the filing of a charge, the giving of testimony or assistance, or participation in this matter, or in any investigation, hearing or proceeding under Title VII or the ADEA. Nothing in this Consent Decree, either by inclusion or exclusion, shall be construed to limit Main Line Health's obligations under Title VII or the ADEA or the EEOC's authority to process or litigate any charge of discrimination under Title VII or the ADEA which may be filed in the future.

NON-ADMISSION

8. This Decree, being entered with the consent of the Commission and Main Line Health, shall not constitute an adjudication or finding on the merits of the case and shall not be construed as an admission of liability by Main Line Health. Main Line Health specifically denies any such liability.

DURATION OF THE DECREE

9. The Consent Decree shall be in effect for a period of two (2) years from the date it is entered by the Court.

MONETARY COMPENSATION

- 10. Main Line Health agrees to pay the sum total of Sixteen Thousand Dollars (\$16,000.00) minus applicable witholdings, to resolve this matter as follows:
- (A) Main Line Health shall issue a check in the amount of Eight Thousand Dollars (\$8,000.00) minus applicable withholdings, payable to Lorestine Pressley within twenty-one (21) days of receipt of a Release signed by Ms. Pressley. This check shall be sent, via United States first class mail return receipt requested or by an express mail carrier to Ms. Pressley at the following address: 8521 Cratin Place, Philadelphia, PA 19153. Main Line shall mail a copy of the check to Cynthia A. Locke, Senior Trial Attorney, EEOC Philadelphia District Office, 21 S. 5th Street, The Bourse, Suite 400, Philadelphia, Pa. 19106, concurrent with the mailing of the check to Ms. Pressley. Main Line shall also provide any return receipts returned by the United States Postal Service.
- (\$8,000.00) minus applicable withholdings, payable to Diann King within twenty-one (21) days of receipt of a Release signed by Ms. King. This check shall be sent, via United States first class mail return receipt requested or by an express mail carrier to Ms. King at the following address: 742 Revere Road, Apartment 129, Yeadon, PA 19050. Main Line shall mail a copy of the check to Cynthia A. Locke, Senior Trial Attorney, EEOC Philadelphia District Office, 21 S. 5th Street, The Bourse, Suite 400, Philadelphia, Pa. 19106, concurrent with the mailing of the check to Ms.

King. Main Line shall also provide any return receipts returned by the United States Postal Service.

(C) In order to receive the monetary relief set forth above, Lorestine Pressley and Diann King will be required to execute releases in a form upon which Ms. Pressley, Ms. King, and Defendant agree. Ms. King and Ms. Pressley are entitled to seek the advice of counsel before signing their releases. Defendant will pay up to Two Hundred and Fifty Dollars (\$250.00) each directly to the respective attorneys retained by Ms. Pressley and Ms. King to provide such advice. The attorneys should send the invoices to Tom Mendicino, Esquire, Associate General Counsel at Main Line Health, at Bryn Mawr Hospital, 130 South Bryn Mawr Avenue, Bryn Mawr, Pennsylvania 19010.

EQUITABLE RELIEF

11. Main Line Health agrees to the following injunctive relief:

(A) POSTING OF NOTICE

Main Line Health agrees that it shall post a copy of the Notice attached as Exhibit A at its Wynnewood facility, in areas where employee notices are regularly posted in the Human Resources Office located at 306 Lancaster Avenue. The Notice shall be posted for eighteen (18) months from the date this Decree is entered by the Court. Should the posted copy of the Notice become defaced, marred or otherwise made unreadable, Main Line Health agrees to immediately post a readable copy of the Notice

(B) TRAINING

1. Title VII and ADEA

Main Line agrees that it will provide training on the rights of employees and applicants for employment and for promotion under Title VII of the Civil Rights Act of 1964 and the Age

Discrimination in Employment Act, and the obligations of employers toward employees and applicants for employment and for promotion under these statutes, within 90 days of the date of the entry of this Decree. This training will include a focus on effective communication with employees, awareness of and sensitivity to bias, including bias of a subtle nature, and how it creates employment problems. This training will be conducted by Allyson Bennett, Human Resources Manager of Main Line Health Services, Inc. The training will be mandatory for all managers, supervisors, and other persons with authority to hire applicants or promote employees at the Wynnewood, Pennsylvania facility at 306 Lancaster Avenue. Main Line Health further agrees to conduct this training again for all new managers, supervisors, and other persons with authority to hire or promote, one (1) year after the first training has been completed. Main Line Health agrees that at least fourteen (14) days prior to each training session given, it will provide an outline of the topics to be covered and the qualifications of Ms. Bennett. Within fourteen (14) days after the completion of each training session, Main Line Health will provide written verification to the Commission that the training was conducted, along with a list of attendees and their job titles, and a statement indicating the duration of the training.

2. Policies and Procedures

Main Line agrees that, within 90 days of the date of the entry of this Decree, it will provide to all of its managers and supervisors at the Wynnewood, Pennsylvania facility at 306 Lancaster Avenue who have any involvement in the hiring or promotion process, including but not limited to interviewing prospective candidates for hire or promotion, training in its policies on promotion, transfer, hiring, and co-employment, and will instruct these individuals to read the job descriptions and job postings of positions for which they are interviewing candidates, prior to their interviews.

3. Training to be Provided to Claimants Pressley and King

- (a) Main Line agrees that within ninety (90) days of the entry of the Consent Decree it will provide Ms. Pressley and Ms. King with Excel training in a program approved by Main Line on a date agreed upon by Main Line, Ms. Pressley and Ms. King, as well as on-the-job guidance/instruction in the areas of EOB review and Accounts Receivable follow-up, respectively.
- (b) Main Line agrees that it will provide Ms. King with an overview of the Cash Posting Program by March 1, 2007.

DISPUTE RESOLUTION AND COMPLIANCE

12. In the event that the EEOC determines that a violation of this Decree has occurred, it will, before exercising any remedy provided by law, provide notice to Tom Mendicino, Esquire, Associate General Counsel at Main Line Health, at Bryn Mawr Hospital, 130 South Bryn Mawr Avenue, Bryn Mawr, Pennsylvania 19010. A copy of this Notice will be provided to Eileen McAnally, Vice President of Human Resources, at the address on the signature line of this document. Main Line Health will have sixty (60) days in which to investigate and respond to the allegations, unless the Commission determines there to be exigent circumstances. If these exigent circumstances exist, the Commission may immediately apply to the Court for relief. The parties shall engage in a good faith effort to resolve any dispute as to compliance prior to seeking review by the Court. Upon motion of either party, the Court may schedule a hearing for the purpose of reviewing compliance with this Decree. The party seeking Court intervention shall be required to give notice to the opposing party ten (10) days before moving for such review. The Court may conduct expedited discovery under the Federal Rules of Civil Procedure for purposes of determining compliance with this Decree or defending against a claim of non-compliance. The

Court will have all equitable powers, including injunctive relief, to enforce this Decree.

MISCELLANEOUS

- 13. If any provision(s) of the Consent Decree is found to be unlawful, only the specific provision(s) in question shall be affected and the other provisions will remain in full force and effect.
- 14. The terms of the Decree are and shall be binding upon the present and future directors, officers, successors and assigns of Main Line Health and upon the EEOC.
- 15. The Decree constitutes the entire agreement and commitments of the parties. Any modifications to this agreement must be mutually agreed upon and memorialized in a writing signed by Main Line Health and the Commission.
- 16. When this Decree requires the submission by Main Line Health of any documents to the Commission, if not otherwise indicated in the Decree or Attachments, they shall be mailed to Cynthia A. Locke, Senior Trial Attorney, EEOC Philadelphia District Office, 21 S. 5th Street, The Bourse, Suite 400, Philadelphia, Pa. 19106.
- 17. Failure by the Commission to seek enforcement of this Decree with regard to one provision shall not be construed as a waiver of its rights to do so with regard to the same or other provisions of this Decree.
 - 18. Each party to this Decree shall bear its own expenses, costs and attorneys' fees.
- 19. This Consent Decree shall be filed in the United States District Court for the Eastern District Court of Pennsylvania.
- 20. The Court retains jurisdiction over this case in order to enforce the terms of the Decree.

EQUAL EMPLOYMENT OPPORTUR	NITY:	MAIN LINE HEALTH, INC.:
Ronald S. Cooper General Counsel	Seanlor	Ellen Die Gaalle, Eileen McAnally Vice President of Human Resources
Gwendolyn Young Reams Associate General Counsel Washington, D.C.		Bryn Mawr Hospital Mara Line Health 130 South Bryn Mawr Avenue, 2, H Wing Bryn Mawr, PA 19010
Jacque inte H. McNair Regional Attorney		Date: \$\frac{924/06}{24}
Date: 8/23/06		
Judith A. O'Boyle Supervisory Trial Attorney		
Date: 8/23/06		
Carta Si Lew		
Canthia A. Locke Senior Irial Attorney		
Date: 8/22/06		
U.S. EEOC Philadelphia District Office 21 S. 5 th Street, Suite 400 Philadelphia, PA 19106 215.440 2683		
APPROVED AND SO ORDERED:		
Date	HON	DRABLE MARY A. MCLAUGHLIN

EXHIBIT A

NOTICE

This Notice is posted as part of a settlement reached in the matter of EEOC v. Main Line Health, Inc., C.A. No. 05-4092, in the United States District Court, Eastern District of Permsylvania. EEOC filed this action to enforce provisions of Title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967.

Title VII of the Civil Rights Act of 1964, 42 U.S.C. Section 2000e, et seq., as amended, ("Title VII"), prohibits discrimination against employees and applicants for employment based upon race, color, sex, religion, or national origin. The Age Discrimination in Employment Act of 1967 (ADEA) prohibits discrimination against employees and applicants for employment based upon their age (40 years of age or older). Both statutes further prohibit retaliation against employees or applicants who avail themselves of their rights under Title VII or the ADEA 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 and the ADEA.

The EEOC filed this action against Defendant Main Line Health, Inc. to enforce provisions of Title VII and the ADEA, specifically alleging that Defendant violated the statutes when it did not select either of two experienced and qualified applicants for promotion into a Lead Accounts Receivable Position due to their race, Black, and their ages, but selected a significantly younger white individual for that promotion. Main Line Health, Inc. denies the allegations made by EEOC and denies liability in this case.

To resolve the case, Main Line Health and the EEOC have entered into a Consent Decree which provided, among other things, that: (1) Main Line Health will not discriminate on the basis of race or age; (2) Main Line Health will not retaliate against any person because she or he opposed any practice made unlawful by the Title VII or the ADEA, filed a charge of discrimination, participated in a proceeding under either of these statutes, or asserted any rights under the Consent Decree; (3) Main Line Health will train its managers and supervisors at its Wynnewood facility located at 306 Lancaster Avenue regarding the legal rights of employees and applicants for employment or promotion under Title VII and the ADEA.

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

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Gearel Mr.	Eleen Mc andl
equal employment opportunity commussion	MAIN LINE HEALTH, INC.
Date Posted:	2006