1 2 3 4 5 6	A. LUIS LUCERO, JR. Regional Attorney BARBARA J. STANDAL Supervisory Trial Attorney JOHN STANLEY Senior Trial Attorney EQUAL EMPLOYMENT OPPORTUNITY COMMISSION 909 First Avenue, Suite 400 Seattle, WA 98104 (206) 220-6892	01 "12 15 PM12:40				
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8	UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON					
10						
11 12	EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,) CASE NO. 00-3105-CO				
13	Plaintiff,	CONSENT DECREE AND ORDER				
14	and	and) DISMISSING ACTION				
15	INTERNATIONAL LINE BUILDERS, INC.					
16 17	Defendant.)))				
18	I. INTRODUCTION					
19	1. This action originated with a charge of discrimination filed with the plaintiff,					
20	Equal Employment Opportunity Commission ("EEOC" or "Commission"), on March 28, 2000,					
21	by Susan Baldwin. The charge alleged sexual harassment and sex discrimination and that the					
22	defendant, International Line Builders, Inc. ("ILB") failed to rehire Baldwin in retaliation for her					
23	complaints of discrimination, in violation of Title VII of the Civil Rights, 42 U.S.C. §2000e et					
24	seq. ("Title VII"). A copy of the charge is attached to this consent decree as Exhibit 1.					
25	2. The EEOC sent the defendant a Le	tter of Determination on August 8, 2000,				
	CONSENT DECREE - PAGE I	U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION Seattle District Office 909 First Avenue, Suite 400 Seattle, Washington 98104-106 Telephone: (206) 220-6883 Facsimile: (206) 220-6887				

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with a finding there was reasonable cause to believe that Baldwin's allegations were true and that it had violated Title VII. A copy of the Letter of Determination is attached as Exhibit 2.

- 3. The Commission filed this lawsuit on September 28, 2000, in the United States District Court for the District of Oregon.
- 4. The parties want to conclude the claims arising out of Baldwin's charge, the EEOC's determination, and this action without expending further resources in contested litigation.

II. NONADMISSION OF LIABILITY AND NONDETERMINATION BY THE COURT

5. This consent decree is not an adjudication or finding on the merits of this case and shall not be construed as an admission by the defendant of a violation of Title VII.

III. SETTLEMENT SCOPE

6. This consent decree is the final and complete resolution of all allegations of unlawful employment practices contained in Susan Baldwin's discrimination charge, in the EEOC's Letter of Determination, and in the complaint filed in this action, including all claims by the parties for attorney fees and costs. The injunctive relief provisions of this consent decree apply to all ILB facilities in the state of Oregon.

IV. MONETARY RELIEF

7. In settlement of this suit, the defendant agrees to pay Susan Baldwin \$52,000 in equitable and compensatory damages as designated in this paragraph, less applicable withholding required by law, in settlement and satisfaction of all claims for monetary relief in this action. This amount shall be designated as \$32,000 in lost wages and \$20,000 in compensatory damages. Defendant agrees to mail two checks, in the amounts indicated, to Baldwin within 10 days of the entry of this consent decree by the court. In return, Baldwin will release defendant from all claims arising out of this lawsuit. A copy of the release is attached as

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Seattle District Office

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V. INJUNCTIVE RELIEF

A. General Provisions

- 8. The defendant reaffirms its commitment to comply with the provisions of Title VII and all other federal laws against discrimination in its employment decisions. To further this commitment, it will monitor the affirmative obligations of this consent decree.
- 9. The defendant will not retaliate against any current or former employee for opposing any practice made unlawful by Title VII. Nor will the defendant retaliate against any current or former employee for making a charge or for testifying, assisting, or participating in any investigation, proceeding, or hearing associated with this action.
- 10. In recognition of its obligations under Title VII, the defendant will institute the policies and practices set forth below.

B. Establishment of Policy and Procedures to Prevent Discrimination

- 11. ILB will implement an effective written equal employment opportunity policy which sets forth the requirements of federal laws against employment discrimination and specifically those provisions which make sexual harassment and retaliation unlawful.
- 12. The policy will include a statement of defendant's commitment to ensuring that the practices and the conduct of its employees will comply with the requirements of federal laws against employment discrimination. It will include a provision stating that those who violate the policy will be subject to appropriate discipline, up to and including termination.
- 13. The policy will include an internal complaint procedure for employees to report suspected incidents of discrimination so that the defendant can investigate and take appropriate action if it determines that any employee has violated its EEO policy.
 - 14. The internal complaint procedure will include the following provisions:

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- a. A list of the appropriate persons to whom an individual should report allegations of discrimination in the workplace, including those that are unlawful under Title VII.
- b. An explanation of how to make a complaint and what an investigation will involve, including informing the affected individuals of the outcome of the investigation.
- 15. The defendant will submit a copy of its policy for the EEOC's review and approval within forty-five days of the date of entry of this decree. Within 30 days of the date of approval by the EEOC, the defendant will redistribute the policy to all present and future employees, both management and non-management.

C. Posting Notice

The notice shall be posted on a centrally located bulletin board at all ILB facilities in the state of Oregon where notices to employees are normally posted or where employees will see the notice for the duration of the consent decree. The defendant will also post in the same location a copy of the EEO policy referenced in paragraph 11.

E. Training

17. During the term of this consent decree, the defendant will provide at least six hours of employment discrimination training annually for its managers at ILB facilities in the state of Oregon. The training agenda must include instruction on employment issues, including topics related to sexual and gender harassment and retaliation. The first training will take place within sixty days of entry of this consent decree. The second training will take place within sixty days after the one-year period following entry of this consent decree. The form, content, and number of the training events will be subject to prior review by the EEOC, and the cost of training shall be borne by defendant.

18. The defendant will provide to the EEOC a list of attendees of the trainings provided pursuant to paragraph 19, an evaluation form filled out and signed by each attendee, and a copy of the training materials and handouts with the reports required in paragraph 19.

F. Reporting

- 19. Twelve months after entry of this decree, and twelve months after the one-year period following entry of this decree, the defendant will provide a report to the Commission with a summary of the complaints of employment discrimination, if any, filed pursuant to the provisions of its EEO policy as set forth in paragraphs 11-14 during the preceding twelve-month period. The report will describe the resolution of each complaint.
- 20. The report will also include copies of the attendee lists, evaluations, and materials generated by the training required by paragraphs 17-18.
- 21. The defendant will also include in the report a statement listing the other provisions of this decree that it was required to perform during the preceding period and certifying that it has complied with the terms of the decree. If the defendant has not complied with any term of the decree, the statement will specify the areas of noncompliance, the reason for the noncompliance, and the steps taken to bring the defendant into compliance.

VI. ENFORCEMENT

22. The United States District Court for the District of Oregon shall retain jurisdiction over this matter for the duration of the decree. If the EEOC believes the defendant has not complied with any of the above provisions, it must provide the defendant written notification of the alleged breach. The 20-day period following the written notification is for the parties to attempt to reach agreement on compliance with the decree. The parties may extend the 20-day period by mutual agreement. Only after the parties have exhausted these informal efforts may the Commission bring an action to enforce this consent decree.

VII. TERMINATION OF DECREE

2	23. This decree shall be in effect for two years and 60 days commencing with the			
3	date the decree is entered by the court. If the EEOC petitions the court and the court finds the			
4	defendant to have violated the terms of this consent decree, it may extend the period of this			
5	consent decree and award the Commission its costs in bringing an enforcement action.			
6	DATED this day of, 2001.			
7				
8	Respectfully submitted,			
9	A. LUIS LUCERO, JR. GWENDOLYN YOUNG REAMS Regional Attorney Associate General Counsel			
10	BARBARA J. STANDAL			
11	Supervisory Trial Attorney			
12	JOHN F. STANLEY Senior Trial Attorney			
13				
14	BY: O. July Surero PROPERTINITY FOLIAL EMPLOYMENT OPPOPELINITY			
15	EQUAL EMPLOYMENT OPPORTUNITY EQUAL EMPLOYMENT OPPORTUNITY			
16	COMMISSION Seattle District Office COMMISSION Office of the General Counsel			
17	909 1st Avenue, Suite 400 1801 "L" Street, N.W. Seattle, Washington 98104 Washington, D.C. 20507			
18	Telephone (206) 220-6892			
19	Attorneys for Plaintiff			
20	BY: Hand July Jeffrey A. Johnson COSGRAVE VERGEER & KESTER			
21				
22				
23	121 SW Morrison, Ste. 1300 Portland, Oregon 97204-3193			
24	Attorneys for Defendant			
25				

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
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909 First Avenue, Suite 400
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TDD: (206) 220-6882

CONSENT DECREE - PAGE 6

ORDER

The Court, having considered the foregoing stipulated agreement of the parties,
HEREBY ORDERS THAT the foregoing consent decree be, and the same hereby is, approved as
the final decree of this Court in full settlement of this action. This lawsuit is hereby dismissed
with prejudice and without costs or attorneys' fees to any party. The Court retains jurisdiction of
this matter for purposes of enforcing the consent decree approved herein.

DATED this 15 day of Manch, 2001

JOHN P. COONEY UNITED STATES MAGISTRATE JUDGE

CHARGE SCRIMINA	ΓΙΟΝ	C Y	CHARGE NUMBER				
This form is affected by the Privacy Act of 1974; See Privacy Act Statement before \square FEPA completing this form.							
Oregon Bureau of Labor & Industries and EEOC State or local Agency, if any							
NAME (Indicate Mr., Ms., Mrs.) HOME TELEPHONE (Include Area Code)							
Ms. Susan Baldwin street Address city, State A	ND ZIP CODE	(907) 776-8922 DATE OF BIRTH				
P.O. Box 6964, Nikiski, AK 99635			05/22/1946				
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (IT more than one list below.)							
	,		EPHONE (Include Area Code)				
International Line Builders STREET ADDRESS CITY, STATE AV	<u>Cat C (201-500)</u> D ZIP CODE		541) 830-1001 county				
900 Antelope Road, White City, OR 97503 029							
NAME		TELEPHONE N	UMBER <i>(Include Area Code)</i>				
STREET ADDRESS CITY, STATE AN	ID ZIP CODE	A-M ₋₉₇₋₂₉ ,,	COUNTY				
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))			DATE DISCRIMINATION TOOK PLACE EARLIEST LATEST				
RACE COLOR X SEX RELIGION NATIONAL ORIGIN X RETALIATION AGE DISABILITY OTHER (Specify)			11/04/1999				
THE PARTICULARS ARE (If additional space is needed, attach ext	ra chart (c.11)	CONTI	NUING ACTION				
environment, I was forced to remove myself from the job. After the union intervened, the Company gave my my final check, agreed that the reason for leaving would be "layoff" and that I was eligible for rehire. On November 4, 1999 I received a dispatch and responded to a call for work at the Company. When I reported for work, the foreman rejected me for the job.							
I reported the sexual harassment and sex discrimination to Company officials on June 18, 1999. I am not aware of whether any action was taken to discipline the harassers. The reason the foreman gave me for refusing to hire me on November 4, 1999 was because of the "trouble" I had caused last summer. I believe that he was referring to my complaint about the hostile work environment. Therefore, I believe that I was denied hire in retaliation for the complaint I made in June, 1999 about unlawful sexual harassment and sex discrimination.							
I believe that I was sexually harassed and discriminated against due to my sex, female in violation of Title VII of the Civil Rights Against 1964, as amended and retaliated against in violation of Section 704(a) of the statute. NOTARY Oug							
I want this charge filed with both the EEOC and the State or NOTARY - (When necessary for State and Local Registrements)							
local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.	I swear or affirm that I it is true to the best of		above charge and that , information and belief.				
I declare under penalty of perjury that the foregoing is true and correct.	SIGNATURE OF COMPLA	AINANT	·				
Date 3-28-00 Serson Baldwin Charging Party (Signature)	SUBSCRIBED AND SWE (Month, day and year)	ORN TO BEF	FORE ME THIS DATE				
EEOC FORM 5 (Rev. 06/99) /	RIII						



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION Seaggle District Office

Federal Office Building 909 First Avc., Suite 400 Scattle, WA 98104-1061 PH: (206) 220-6883 TDD: (206) 220-6882 FAX: (206) 220-6911

Charge 380A00862

Susan Baldwin P O BOX 6964 Nikiski, AK 99635

Charging Party

International Line Builders, Inc. 900 Antelope Road White City, OR 97503

Respondent

DETERMINATION

Under the authority vested in me by the Commission, I issue the following determination as to the merits of the subject charge filed under Title VII of the Civil Rights Act of 1964, as amended (Title VII).

All requirements for coverage have been met. Charging Party alleged that Respondent discriminated against her in violation of Title VII in that she was subjected to sexual harassment and gender discrimination due to her sex, female. She further alleged that the unlawful sexual and gender harassment created a hostile work environment, which led to her constructive discharge. In addition, although the Company had reached an agreement with the union that she was eligible for rehire, she was rejected for hire when she responded to a dispatch a few months later. She alleged that the Company failed to hire her in retaliation for her prior complaint of unlawful sexual harassment and gender discrimination.

During the investigation, all relevant, available witnesses were interviewed, and all relevant documents were reviewed. I have considered all the evidence disclosed during the investigation and have determined that there is reasonable cause to believe that Charging Party was subjected to unlawful sexual harassment and gender harassment which created a hostile work environment and which led to her constructive discharge, in violation of Title VII. In addition, there is reasonable cause to believe that the Company failed to hire her at a later date in retaliation for her prior complaint of sexual harassment and gender discrimination, in violation of Section 704(a) of the statute.

EXHIBIT 2

Upon finding that there is reason to believe that violations have occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, the Commission now invites the parties to join with it in reaching a just resolution of this matter. The Commission will also consider compensatory and punitive damages under the Civil Rights Act of 1991.

If the Respondent declines to discuss settlement or when, for any other reason, a settlement acceptable to the office Director is not obtained, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission. Λ Commission representative will contact each party in the near future to begin conciliation.

On behalf of the Commission

AUG - 8 2000

EANETTE M. LEINO

NOTICE TO ALL EMPLOYEES

This notice is being posted pursuant to a consent decree entered into by INTERNATIONAL LINE BUILDERS, INC. ("ILB") and the EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. The consent decree is a document settling a lawsuit filed by the EEOC against ILB in the federal district court for the District of Washington at Medford, Case No. 00-3105-CO.

Title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, and the Americans with Disabilities Act of 1990 are enforced by the EEOC and require the following:

That there be no discrimination against any employee or applicant for employment because of the employee's race, sex, color, religion, national origin, age (age 40 and over), or disability with respect to hiring, firing, compensation, or other terms, conditions or privileges of employment.

It is an unlawful employment practice for an employer to retaliate against any employees or applicants for employment because they have opposed a practice or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under these statutes.

ILB will institute a training program to train managers regarding the requirements of the above statutes, with particular emphasis on sexual harassment and retaliation issues.

ILB has posted this notice because the company supports and will comply with these federal laws in all respects and will not take any retaliatory action against employees because they have exercised their rights under the law.

DATED				
	INTERNATIONAL LINE BUILDERS, INC.			

EXHIBIT 3