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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, Plaintiff, v. MCKNIGHT PLYWOOD, INC. Defendant.	)	CIVIL ACTION NO. H-C-98-143

CONSENT DECREE

This action was instituted by the Equal Employment Opportunity Commission (hereinafter the "Commission") against the Defendant, McKnight Plywood, Inc., pursuant to Section 107(a) of the Americans With Disabilities Act of 1990 ("ADA"), 42 U.S.C. §12117(a), which incorporates by reference Sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. §§2000e-5(f)(1) and (3), and pursuant to Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a, to remedy unlawful practices alleged in the Complaint filed in this action.

In the event this proposed Consent Decree is not approved or does not become final, then it shall not be admissible in evidence in any subsequent proceeding in this action. This Decree shall not constitute evidence of any violation by the Defendant of the Americans With Disabilities Act, as amended, and shall not be

admissible in any other civil actions other than actions arising out of the rights and obligations of the parties under this Decree.

This Consent Decree does not constitute an admission by the Defendant of the allegations of the Complaint. However, all parties to this action desire to avoid the additional expense and delay in this litigation of this case.

The Court has reviewed the terms of the proposed Consent Decree in light of the applicable laws and regulations, the statements of counsel for all parties, and hereby approves the Consent Decree.

NOW, THEREFORE, the Court being fully advised in the premises, it is hereby **ORDERED, ADJUDGED AND DECREED:**

I. JURISDICTION

The United States District Court for the Eastern District of Arkansas, Eastern Division, has jurisdiction over the parties and subject matter of this litigation.

II. SCOPE AND DURATION OF DECREE

A. This Consent Decree resolves all issues and claims arising out of the Commission's Complaint in this cause alleging unlawful employment policies and practices maintained by the Defendant and arising out of Charge No. 251-97-1595 filed by the Charging Party Virgil D. Edwards, III with the Commission. Notwithstanding any provisions contained in this Decree, this agreement shall not be considered in any manner to be dispositive of any charge now pending before any office of the Commission other

than Charge No. 251-97-1595.

B. The provisions of this Consent Decree shall continue to be effective and binding upon the parties to this action for a period of two years from the date of the entry of this decree.

III. NON-DISCRIMINATION PROVISION

A. The Defendant, its officers, agents, employees, and all persons acting in concert with the Defendant shall not fail to provide reasonable accommodations to any employee with a disability as required by the Americans With Disabilities Act, as amended.

B. The Defendant, its officers, agents, employees, and all persons acting in concert with the Defendant shall not engage in any employment practice which has the purpose or effect of discriminating against any individual on the basis of a disability under the Americans With Disabilities Act.

C. Defendant agrees to conduct a training session on the requirements of the Americans With Disabilities Act for all the management employees at Defendant's facility in West Helena, Arkansas. This training session will be conducted within ninety (90) days of the entry of this decree. A list of the employees that attend the training session and a copy of the training materials will be provided to Plaintiff within thirty (30) days of the training session

D. Defendant will provide a copy of its Americans With Disabilities Act policy to all of its employees at Defendant's

facility in West Helena, Arkansas, within thirty (30) days of the entry of this decree.

IV. NON-RETALIATION PROVISION

Defendant, its officers, agents, employees, and all persons acting in concert with Defendant shall not take any retaliatory measure against Virgil D. Edwards, III or any other person for opposing practices made unlawful under the Americans With Disabilities Act or for making a charge or complaint to the Commission, testifying, assisting, or participating in any manner in any investigation, proceeding, or hearing under the Americans With Disabilities Act.

V. NOTICE

Defendant shall continue to conspicuously post at Defendant's facility in West Helena, Arkansas, the notice (poster) required to be posted pursuant to the Americans With Disabilities Act, as amended.

VI. INDIVIDUAL RELIEF

A. Defendant shall expunge from Virgil D. Edwards, III personnel records any unfavorable or adverse personnel comments regarding any aspect of his employment with Defendant. Defendant shall expunge from Mr. Edwards' personnel records any reference to EEOC Charge No. 251-97-1595 and Mr. Edwards' participation in this litigation.

B. Defendant agrees that Virgil D. Edwards III shall have an unsecured claim in Bankruptcy Case No. 98-20261-M in the amount of

$5,000.00. Defendant further agrees that it will not contest or controvert the claim in any manner.

C. Defendant agrees to give a neutral reference to any potential employers of Virgil D. Edwards, III who request a job reference. Any such neutral reference shall be identical to the form demonstrated in Appendix A. No mention of Mr. Edwards' charge of discrimination or this action will be made as part of the neutral reference.

VII. COSTS

EEOC and Defendant shall bear their own costs, including attorneys' fees.

SO ORDERED THIS 30 **DAY OF** March, **2000.**

James M Moody
UNITED STATES DISTRICT JUDGE

ON 3/31/00 ah

COUNSEL FOR PLAINTIFF

KATHARINE W. KORES
Regional Attorney

TERRY BECK
Supervisory Trial Attorney

WILLIAM A. CASH, JR.
Senior Trial Attorney

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Trial Attorney

COUNSEL FOR DEFENDANT

BYRON FREELAND
Mitchell, Williams, Selig,
Gates & Woodward
425 W. Capitol Ave.,
Ste. 1800
Little Rock, AR 72201

McKnight Plywood, Inc.

Dear _____,

This letter is in response to your inquiry regarding the employment of Virgil D. Edwards, III while employed at McKnight Plywood, Inc.

Mr. Edwards worked at McKnight Plywood, Inc. from _____ through _____. Company policy does not permit us to give out any more information concerning Mr. Edward's employment.

I am sure Mr. Edwards can provide you with the details concerning his tenure at McKnight Plywood, Inc. I hope this information is helpful and that it satisfactorily answers your inquiry.

Very truly yours,

MCKNIGHT PLYWOOD, INC.

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UNITED STATES DISTRICT COURT
Eastern District of Arkansas
U.S. Post Office & Court House
600 West Capitol, Suite 402
Little Rock, Arkansas 72201-3325

March 31, 2000

* * MAILING CERTIFICATE OF CLERK * *

Re: 2:98-cv-00143.

True and correct copies of the attached were mailed by the clerk to the following:

Byron L. Freeland, Esq.
Mitchell, Williams, Selig, Gates & Woodyard, P.L.L.C.
425 West Capitol Avenue
Suite 1800
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Equal Employment Opportunity Commission
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Equal Employment Opportunity Commission
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press

James W. McCormack, Clerk

Date: 3/31/00

BY: A hensley