

- **EEOC v. Home Depot, U.S.A., Inc., d/b/a The Home Depot**

No. 04 D 1776 (D. Colo. Sept. 30, 2005)

The Denver District Office alleged that defendant, a nationwide home improvement retailer, engaged in a pattern or practice of hostile work environment discrimination against employees based on sex, race, and national origin and a pattern or practice of retaliation in violation of Title VII at its 30-plus stores in Colorado. Managers subjected female employees to sexually offensive comments and unwelcome sexual advances, and made derogatory comments about the competence and work habits of women, blacks, and Hispanics. The complaint alleged that discrimination against women and minorities in various terms and conditions of employment e.g., assignments, pay, discipline, promotions contributed to the hostile work environment. Employees who complained about the harassment were subjected to adverse terms and conditions of employment, including disparaging comments about their performance, overscrutinization of their work, demotion, and discharge.

Under a 30-month consent decree, defendant will pay up to \$5,630,000 to resolve the case. The bulk of the money, \$5.5 million, will constitute monetary relief to claimants: \$3 million to 38 charging parties and \$2.5 million to a Class Settlement Fund for distribution to other claimants (potential claimants are individuals employed at any time since January 1, 2000). The EEOC and defendant will jointly enter into a contract with a Fund Administrator and defendant will pay up to \$80,000 of his or her expenses. In addition, defendant will place \$50,000 into an escrow account, and if EEOC retains an individual to assist in monitoring the decree, the Fund Administrator may tap the account to pay the decree monitor's reasonable expenses.

The injunctive relief in the decree applies to all Home Depot stores in Colorado. The decree prohibits defendant from creating or tolerating a hostile work environment based on sex, race, and/or national origin and from retaliating against employees who report or complain about what they perceive as unlawful discrimination based on age, race, national origin, sex, religion, and/or disability. Under the decree, defendant will modify its policies and procedures regarding harassment/hostile work environments and retaliation and will distribute and otherwise effectively disseminate the policies to all employees. Written notification of every complaint filed must be sent to human resources and to the Consent Decree Coordinator. Defendant will investigate all complaints filed and will prepare a summary of the investigation and any remedial action taken or proposed. When evaluating managers' performance and setting their compensation, defendant will consider the managers' compliance with EEO policies and procedures.

Defendant will designate a senior level employee with experience in human resources management as the Consent Decree Coordinator, and will inform all Colorado employees about his/her appointment and function. The Consent Decree Coordinator will oversee defendant's implementation of the consent decree and respond to EEOC's questions regarding decree compliance. In addition, the Consent Decree Coordinator will be responsible for answering employees' questions on the company's policies regarding hostile work environment discrimination and retaliation and overseeing the company's investigations of internal complaints.

Defendant will provide annual EEO training to: (a) nonsupervisory employees (2 hours), (b) management and supervisory employees (4 hours), and (c) human resources employees in Colorado and District-level human resources managers with responsibility for Colorado (16 hours). The management, supervisory, and human resources employees delineated above will also receive instructions on the prohibitions of and defendant's obligations under the consent decree and the proper procedures for recording and responding to complaints of discrimination. Finally, defendant will provide the EEOC with quarterly and annual reports regarding its compliance with the decree.