CLOSED)

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

EAST.

Page 1 of 6

Plaintiff,

Case No. 01-40211

V.

Hon. Paul V. Gadola U.S. District Judge

UNITED GOVERNMENT SERVICES, INC.,

Defendant.

ADELE RAPPORT (P44833)
ROBERT K. DAWKINS (P38289)
TAMMY C. KLEIN (60256)
Equal Employment Opportunity Commission
477 Michigan Ave. Room 865
Detroit, Michigan 48226
(313) 226-5673

ROBERT M. VERCRUYSSE (P21810) WILLIAM E. ALTMAN (P52788). Vercruysse, Metz & Murray, P.C. 31780 Telegraph Rd., Suite 200 Bingham Farms, Michigan 48025 (248) 540-8019

# RECEIVED

AUG 28 2002

ERIC H. RUMBAUGH STACIE J. ANDRITSCH Michael Best & Fredricks, L.P. 100 E. Wisconsin Ave., Suite 3300 Milwaukee, WI. 53202 (414) 271-6560

U.S. DISTRICT COURT FLINT, MICHIGAN

## **CONSENT DECREE**

On July 31, 2001, the Equal Employment Opportunity Commission, ("EEOC" or the "Commission") commenced this action in the United States District Court for the Eastern District of Michigan, Southern Division, on behalf of Charging Parties, Roger Dionisio and William VerHulst, under the Age Discrimination in Employment Act, ("ADEA") against Defendant, United Government Services, Inc., ("Defendant"). The Commission alleged in its Complaint

that Defendant failed to hire Dionisio and VerHulst for the positions of Auditor I, Auditor II, Senior Auditor and/or Supervisory Auditor because of their advanced ages, in violation of the ADEA.

## **FINAL DISPOSITION**

6. The Commission, on behalf of Roger Dionisio and William VerHulst, and United Government Services, Inc., desire and hereby agree to forever resolve all issues raised, presented, or joined in Civil Action Number 01-40211, without the burden, expense and potential delay of further litigation of all issues set forth in this lawsuit and intend to be bound by the promises made herein, now enter into this Consent Decree ("Decree").

#### STIPULATED FACTS

- 7. The EEOC is the agency of the United States government authorized to investigate allegations of unlawful employment discrimination, to bring civil actions to prohibit unlawful employment practices, and to seek relief for individuals affected by the practices complained of in this lawsuit.
- 8. United Government Services is an employer engaged in an industry affecting commerce within the meaning of Section 701(g) and (h) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e(g) and (h), which is incorporated by reference in the ADEA. United Government Services had at least twenty (20) employees for twenty (20) or more calendar weeks during the relevant time period.
- 9. Pursuant to the ADEA, the parties acknowledge the jurisdiction of the United States

  District Court for the Eastern District of Michigan (Southern Division) over the subject matter
  and parties to this case for the purpose of entering this Decree, and, if necessary, enforcing the
  provisions of this Decree.

10. Venue is appropriate in the Eastern District of Michigan (Southern Division). For purposes of this Decree and proceedings related to this Decree only, United Government Services agrees that all statutory conditions precedent to the institution of this lawsuit have been fulfilled.

# **MONETARY RELIEF**

6. United Government Services, Inc., agrees to pay Roger Dionisio monetary relief in the amount of \$8,500.00, and William VerHulst monetary relief in the amount of \$30,000.00 within fourteen (14) days of the acceptance and signing of this Decree. Taxes and other statutory deductions will be withheld from the funds described above by United Government Services. For Federal Income Tax purposes, a form W-2 shall be issued to Dionisio and VerHulst at the appropriate time, as required by law. Checks shall be sent via U.S. mail to Roger Dionisio at 5651 Patterson, Troy, Michigan 48098, and William VerHulst at 4754 Cranwood S.W., Wyoming, Michigan 49509. The checks should be sent directly to Dionisio and VerHulst with a copy of the check sent to Adele Rapport, Regional Attorney, Equal Employment Opportunity Commission, 477 Michigan Avenue, Room 865, Detroit, Michigan 48226.

## NON-DISCRIMINATION

7. United Government Services, Inc., its officers, agents, employees, successors, assigns and all persons in active concert of participation with it, shall comply with the provisions of the Age Discrimination in Employment Act.

## NON-RETALIATION

8. United Government Services, Inc., through its directors, officers, agents, successors, assigns and employees, will not retaliate against any person known to them who participated or cooperated in the investigation and prosecution by the EEOC of the Charges of Discrimination

filed under the Age Discrimination in Employment Act by Roger Dionisio and William VerHulst.

## DISPUTE RESOLUTION AND COMPLIANCE

9. The Parties agree that the United States District Court for the Eastern District of Michigan shall retain jurisdiction and will have all available equitable powers, including injunctive relief, to enforce this Decree. Upon motion of either party, the Court may schedule a hearing for the purpose of reviewing compliance with this Decree. The parties shall engage in a good faith effort to resolve any dispute as to compliance prior to seeking review by the Court, and shall be required to give notice to each other ten (10) days before moving for such review.

## **POSTING OF NOTICE**

10. United Government Services, Inc., will post a mutually agreeable notification, attached as Attachment A, in at least one (1) conspicuous place at its Detroit, Michigan facility, which sets forth an employee's rights regarding the federal anti-discrimination laws. This notice shall be posted for no less than two (2) years. Should any posted copies of the notice become defaced, marred or otherwise made unreadable, United Government Services, Inc., agrees to post a readable copy of this notice in the same manner heretofore specified as soon as practical thereafter. In addition, United Government Services, Inc., warrants that it will continue to post all employment discrimination notices as required by applicable law at all times.

#### NON-ADMISSION OF LIABILITY

11. United Government Services, Inc., has denied all allegations set forth in Civil Action Number 01-40211, along with any and all inferences of wrongdoing, and neither its consent to the entry of this Decree, nor any of the terms or conditions set forth herein shall constitute an adjudication or finding on the merits of the case or be construed as an admission of liability,

wrongdoing, guilt, and/or violation of federal law, which United Government Services, Inc., expressly denies.

## ALLOCATION OF COST

12. The Parties agree to pay their respective costs and attorneys fees associated with the drafting and enforcement of this Decree.

## SEVERABILITY CLAUSE

13. If any provision of this Decree is found to be unenforceable by a court, only the specific provision in question shall be affected and the other enforceable provisions shall remain in full force.

## **TRAINING**

14. United Government Services, Inc., agrees to provide training at its Detroit, Michigan facility to its supervisory personnel in Department Twenty-One (21) and its human resources and labor relations personnel responsible for its Detroit, Michigan facility. The training shall discuss the federal anti-discrimination laws, with an emphasis placed on the Age Discrimination in Employment Act. The training should occur within one (1) year of the entry of this Decree. An attendance list along with the topic of discussion and name and title of the individual conducting the training shall be sent to Adele Rapport, Regional Attorney, Equal Employment Opportunity Commission, 477 Michigan Avenue, Room 865, Detroit, Michigan, 48226.

## **ENTIRE AGREEMENT**

15. This Decree constitutes the entire agreement and commitments of the parties.

Any modifications to this agreement must be mutually agreed upon in writing and signed by the parties hereto.

## **DURATION**

16. This Decree shall remain in effect for two (2) years from its entry with the Court.

Respectfully submitted,

ADELE RAPPORT (P

Regional Attorney

Equal Employment Opportunity Commission

477 Michigan Avenue, Room 865 Detroit, Michigan 48226

(313) 226-5673

ERIC RUMBAUGH

Michael, Best & Fredricks, L.P. 100 E. Wisconsin Ave., Suite 3300

Milwaukee, WI. 53202

(414) 271-6560

IT IS SO ORDERED!

HONORABLE PAUL VIGADOLA

U.S. DISTRICT COURT JUDGE

DATE