

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CITY OF BASTROP, LOUISIANA,

Defendant.

Civil Action No. 01-CV-0116-RDJ-JDK

**COMPLIANCE REPORT**

**I. BACKGROUND**

On December 29, 2005, Plaintiff United States of America (“United States”) filed a Motion For An Order To Cause Why Defendant Should Not Be Held In Civil Contempt And For Supplemental Relief (“Motion”). In the United States’ Motion and Memorandum in Support Thereof, the United States alleged that Defendant City of Bastrop, Louisiana (“City”) was in violation of the Consent Decree entered as an order of this Court on October 1, 2001. The Consent Decree resolved allegations that the City had discriminated against Kimberly Mullins, a former employee of the City’s Streets Department, because of her race (white), and her sex (female) in violation of section 703(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C Section 2000e-2(a).

The Motion alleged various violations of the Decree including: (1) failure to conduct mandatory annual sexual and racial harassment training for all city employees; (2) unilaterally appointing a new EEO monitor without the approval of the United States or appointment by this

Court; (3) failure to provide periodic compliance reports to the United States; and (4) failure to make good faith efforts to resolve concerns raised by the United States. The City's response to the Motion did not deny the United States' allegations. The City instead acknowledged that it was not in full compliance with the Consent Decree but claimed that sufficient extenuating circumstances existed to justify deferring any finding of contempt.

The Court held a status conference regarding the Motion on January 9, 2006. During the status conference, it was determined that the parties would attempt reach an agreement resolving the dispute and provide the Court with a joint proposed order. On January 11, 2006, the parties jointly requested that the Court enter a Finding of Civil Contempt and Order ("Order"). On January 18, 2006 the Court entered the Order as proposed by the parties.

The Order required that, within thirty days from the effective date of the Order, the City take the following steps to bring itself into compliance with the Consent Decree:

1. Provide the United States a description of all racial and sexual harassment complaints made by Defendant's employees from September 1 through December 31, 2005;
2. Provide the United States a written description of the actions taken by Defendant to investigate any racial and sexual harassment complaints made by Defendant's employees;
3. Provide the United States a list of employees hired by Defendant in 2005;
4. Provide the United States a signed statement from each employee hired in 2005 acknowledging the receipt of Defendant's sexual and racial harassment policy;

5. Provide the United States the name and resume of at least one person Defendant reasonably believes to be qualified to act as EEO Monitor; and
6. Provide the United States with firm scheduled dates for annual racial and sexual harassment training for Defendant employees, as described in paragraph 23 of the Consent Decree, with training to be completed no later than 45 days following the effective date if this Order absent the existence of a genuine public safety emergency that prevents certain employees, particularly fire fighting personnel, from being trained within the stated dates.

Additionally, the Court Ordered that Defendant, through its trial counsel, respond to all future written and telephonic communications from Plaintiff's counsel regarding Consent Decree compliance within 72 hours of receipt of such communications by Defendant's trial counsel.

The Court also Ordered that, within fifty days of the effective date of the Order, the Defendant provide this Court and the United States with a compliance report. Thereafter, and not later than sixty days from the effective date of the Order, the United States was required to advise the Court about: (1) whether Defendant is in full compliance with the Consent Decree and the Order; and (2) if a hearing on compliance with the Consent Decree and the Order, as well as on the issue of sanctions, including the imposition of daily fines against Defendant and the award of costs, including attorney's fees, to the United States is necessary.

## II. THE CITY IS CURRENTLY IN COMPLIANCE

Shortly after the Court entered the Order, the City provided a report to the United States which demonstrated that the City had taken steps to bring itself into compliance with the

Consent Decree and Order. The report, submitted to the United States on January 24, 2006, contained (1) a list of newly hired personnel for 2005; (2) signed statements from employees hired in 2005 acknowledging the receipt of the City's sexual and racial harassment policy<sup>1</sup>; (3) the resume of Lorethie Dunn, who the City reasonably believed was qualified to act as EEO Monitor<sup>2</sup>; (4) correspondence from Dr. Bruce Walker confirming the initial sexual and racial harassment training schedule for the City's personnel; (5) a description of the racial and sexual harassment complaints made by City employees from September 1 through December 31, 2005; and (6) a description of the steps taken by the City to investigate those complaints.

In addition to having taken the above required steps within the time prescribed by the Court's Order, the City has taken other steps to bring itself into compliance with the Consent Decree. Specifically, the City employees have attended the sexual and racial harassment training courses scheduled by Dr. Walker and required by the Consent Decree. Also, Lorethie Dunn, the proposed new EEO Monitor, has been trained by Dr. Walker on the topics of sexual and racial harassment, retaliation, and appropriate methods of investigating allegations of such conduct.

### III. CONCLUSION

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<sup>1</sup> The City's report acknowledges that the City did not have a signed statement from each person hired by the City in 2005. The persons from whom City was unable to secure a signed acknowledgment are individuals who no longer work for the City and who the City asserts could not be located.

<sup>2</sup> The United States interviewed Ms. Dunn in an effort to evaluate her ability to serve as EEO Monitor. The United States believes Ms. Dunn is qualified to act as EEO Monitor. As such, a joint motion requesting that this Court appoint Ms. Dunn as the City's new EEO Monitor is being filed with this compliance report.

The City currently appears to have brought itself into compliance with the Consent Decree and the Order. Accordingly, the United States does not believe that hearings on this matter are necessary at this time. However, as set forth in the Order, we believe the Court should continue to defer considering sanctions and the award of costs, including the award of attorney's fees, to the United States until and unless the United States advises this Court that Defendant is no longer in compliance with the Consent Decree or this Order, or the expiration of the Consent Decree, whichever occurs first.

Dated: March 17, 2006

Respectfully submitted,

WAN J. KIM  
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CERTIFICATE OF SERVICE

I hereby certify that on March 17, 2006, a copy of the above and foregoing *Compliance Report* were filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to C. Joseph Roberts, III, counsel for the Defendant, at the following email address by operation of court's electronic filing system.

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