

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ORIGINAL

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

FORD MOTOR COMPANY,

Defendant.

Case No. 01-73705
Hon. Victoria A. Roberts



ADELE RAPPORT (P44833)
ROBERT K. DAWKINS (P38289)
TAMMY C. KLEIN (P60256)
KRYSTAL GARDNER (P54495)
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
Attorneys for Plaintiff
477 Michigan Ave., Room 865
Detroit, MI 48226
(313) 226-5673

CHRISTINA HILL (P36005)
FORD MOTOR COMPANY
Three Parklane Blvd.
Suite 1500 West
Dearborn, MI 48126

VICTOR MARROCCO (P17111)
KIENBAUM, OPPERWALL, HARDY
& PELTON
660 Woodward Avenue, Suite 1037
Detroit, MI 48226
Attorneys For Defendant
Ford Motor Company

CONSENT DECREE

This Consent Decree is entered into between the UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (the "Commission"), 477 Michigan Avenue, Room 865, Detroit, Michigan 48226, and FORD MOTOR COMPANY, a Delaware Corporation, with its principal place of business in Dearborn, Michigan.

AGREEMENT

The provisions of this Decree will apply to Ford's New Model Programs Development Center ("Ford NMPDC") located in Allen Park, Michigan, and the employees working in Ford NMPDC. Nothing in this Decree, however, is intended to

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relieve Ford NMPDC from compliance with all applicable requirements of law, and Ford NMPDC will comply with all applicable requirements of law prohibiting the creation, maintenance or toleration of a racially hostile or intimidating work environment.

JURISDICTION AND VENUE

1. The Commission is the agency of the United States vested with the authority to investigate claims of discrimination under Title VII of the Civil Rights Act of 1964, as amended.

2. At all times relevant to the institution of this lawsuit, Ford Motor Company has been an employer within the meaning of Title VII, and has continually employed more than five hundred (500) employees. The Ford NMPDC is located at 17000 Oakwood Boulevard, Allen Park, Michigan.

3. At all times relevant to the institution of this lawsuit, Ford has been an employer participating in commerce in the State of Michigan, City of Allen Park.

AFFIRMATIVE RELIEF

Ford NMPDC agrees to pay a lump sum of \$300,000.00, distributed as follows:

(i) Ford NMPDC has made payment to Rose Mary Mazon pursuant to a settlement agreement; (ii) Ford NMPDC agrees to pay only those allegedly similarly situated individuals who have executed a release on or before the date of the entry of this Decree; and (iii) any remaining amount will be allocated to the anti-harassment and diversity training described in this Consent Decree. The Commission has sent Ford NMPDC a list of such individual claimants and the amount to be paid to each claimant.

Payments under subparagraph (ii) above shall be made within fourteen (14) days of entry of this Decree. Payment shall be designated as emotional distress

damages and Ford NMPDC will not deduct withholding taxes from such payment but will issue a Form 1099. Payment of taxes will be the sole responsibility of the employee. Payment shall be made by check made payable to the individual claimant and mailed to the home address listed in Ford NMPDC personnel records or as provided by the Commission. A copy of each check or a written report showing payment made to the employee should be sent to Adele Rapport, Regional Attorney, Equal Employment Opportunity Commission, 477 Michigan Avenue, Room 865, Detroit, Michigan 48226.

EQUITABLE RELIEF

1. Ford is enjoined from creating, maintaining, tolerating, or condoning racial harassment at Ford NMPDC.
2. Ford NMPDC agrees that it will fully investigate all complaints of race harassment at Ford NMPDC. Such investigations shall begin as soon as reasonably possible after Ford NMPDC's receipt of a complaint, usually no later than forty-eight (48) hours after receipt.

REPORTING OF COMPLAINTS

Ford Motor Company will continue to provide its employees a toll free number for the Company harassment hotline specifically for reporting incidents of alleged harassment, including racial harassment or intimidation.

The following terms shall apply to calls to the hotline wherein a person states that he/she works at the Ford NMPDC. In receiving any reports of alleged racial harassment or intimidation, the person serving as Personnel Relations Associate will make all reasonable efforts to honor any request of either total anonymity or any request that the Ford NMPDC employee's identity not be shared by the Personnel Relations Associate with anyone else. Depending on the nature of the incident

reported, however, the Personnel Relations Associate will advise the Ford NMPDC employee making the report that a full investigation may be difficult or impossible if the report remains anonymous, and the Personnel Relations Associate may request disclosure of the employee's identity. At the time an incident of alleged racial harassment or intimidation is reported, the Personnel Relations Associate shall inform the Ford NMPDC employee of the availability of counseling as set forth in this Consent Decree and will inform the employee of his/her right to contact the Commission and/or Michigan Department of Civil Rights. The option for a Ford NMPDC employee to report any incident of alleged racial harassment or intimidation or to provide information about such an incident to the Personnel Relations Associate(s) available through the hotline is not exclusive. A Ford NMPDC employee may also report a complaint to his/her supervisor or manager; a Ford NMPDC Human Resources representative; a Vehicle Operations Human Resources representative; or the Corporate Diversity and Personnel Relations Office at Ford World Headquarters.

The Personnel Relations Associate will maintain a record of all reports to the toll-free number, which shall set forth the name of the Ford NMPDC employee, if given, the date and substance of the report, the responsive action taken and the reason the investigation did not commence within forty-eight (48) hours after receipt, if applicable. These reports will be kept confidential to protect the identity of any employee requesting anonymity, but copies of all reports on calls from Ford NMPDC employees will be provided to the Commission on a quarterly basis during the term of this Decree.

For purposes of this Decree, a "complaint" shall mean a specific allegation addressed to a Ford NMPDC supervisor or manager, Labor Relations personnel or Personnel Relations personnel or via the hotline, by a Ford NMPDC employee alleging that the employee has been subjected to or has witnessed, or has specific information

about another employee's being subjected to a specified instance of racial harassment or racial intimidation.

DISCIPLINARY ACTION

The alleged harasser has been disciplined for certain actions toward Rose Mary Mazon and other similarly situated employees.

Any member of Ford NMPDC management or employee determined by Ford Motor Company, after a full investigation, to have initiated, actively participated or condoned an incident of racial harassment or intimidation, and/or encouraged intimidation, from the execution and up to the expiration of this Decree, shall be disciplined, up to and including termination from employment with Ford NMPDC.

Any Ford NMPDC member of management or employee determined by Ford Motor Company, after a full investigation, to have harassed or intimidated an employee who received relief under, assisted or participated in this Action, shall be severely disciplined, up to and including termination from employment with Ford NMPDC, depending on the facts. Ford NMPDC shall notify the Commission promptly, usually within 48 hours, of receipt of a complaint of the nature described in the preceding sentence. Ford NMPDC shall also notify the Commission at the conclusion of its investigation of the proposed disciplinary action. The obligations and rights under this paragraph shall apply only during the term of this Consent Decree.

Rose Mary Mazon acknowledges it is Ford's practice and expectation that all Ford NMPDC employees cooperate in any investigation of complaints or reports of harassment.

TRAINING

Ford NMPDC shall provide diversity and anti-harassment training, including training regarding Title VII and its prohibition against racial harassment or

intimidation to all existing and subsequently hired employees at Ford NMPDC as set forth below. Representatives of the Commission will be invited to attend the training sessions and address the employees if the Commission deems appropriate. The training shall include an explanation of Title VII and its prohibitions against racial harassment or intimidation, the responsibilities of managerial personnel who are informed of incidents of harassment, and the prohibition against retaliating against anyone who alleges an incident of racial harassment or intimidation.

The training shall address the methods for reporting an incident of racial harassment or intimidation, including the fact that there is a toll-free number for the anonymous reporting of such incidents and any information relative to those incidents. The training shall explain to Ford NMPDC employees that, in addition to reporting an incident to Ford Motor Company, they have a right to file a charge of discrimination with the Commission and/or the Michigan Department of Civil Rights, and shall explain where such charges can be filed and the applicable time frame for doing so. In addition, employees will be advised that they may contact Commission attorneys Tammy Klein or Krystal Gardner at 477 Michigan Avenue, Room 865, Detroit, Michigan 48226 or by telephone at (313) 226-5673 or (313) 226-5670, respectively.

No later than February, 2002, Ford NMPDC shall institute training for salaried and hourly Ford NMPDC employees entitled, "Anti-Harassment Training Single Point Lessons," in which employees attend training sessions each month for twelve months. Topics will include racial harassment, hostile work environment and discipline and consequences.

The training shall inform Ford NMPDC employees that if the investigation finds that an employee has engaged in conduct that violates Ford Motor Company's anti-harassment policy: (i) penalties will depend on the nature of the offense, (ii) any and

all breaches of Policy are considered serious, and (iii) appropriate discipline will be imposed even for a first offense, ranging from a verbal warning, up to and including discharge.

The Commission shall have the right to review the diversity and anti-harassment training utilized by Ford NMPDC to assure that it contains the components set forth in the above paragraphs.

Ford shall inform the Commission, in writing, of the training schedule and invite a representative of the Commission to attend and observe the training sessions.

For the duration of this Decree, Ford NMPDC will keep a record of the employees who receive the training.

Ford NMPDC agrees that, in addition to the anti-harassment training described above, it will continue to provide diversity training through the term of this Decree, and all employees at Ford NMPDC will be provided at least eight hours of diversity training during the term of this Decree.

COUNSELING

Consistent with and pursuant to the applicable provisions of the Collective Bargaining Agreement between the UAW and Ford Motor Company, Ford NMPDC shall continue to offer psychiatric counseling through its Employee Support Services Program to Ford NMPDC employees who allege that they have been emotionally affected as a result of exposure to an allegedly racially hostile incident or environment.

NON-RETALIATION

Ford NMPDC will continue to comply with all laws prohibiting discrimination and retaliation against any employee who exercises such employee's rights under section 704(a) of Title VII. Specifically, Ford NMPDC shall not discriminate or retaliate against any individual who initiates, participates or cooperates in the Civil Action or the Charge of Discrimination that resulted in the Civil Action; nor discriminate or retaliate against an individual for raising an allegation of any racially hostile incident, or who participates in any investigation of such incident.

FORD MOTOR COMPANY'S OBLIGATIONS TO THE UNION (UAW)

Nothing in this Agreement affects the right of employees or the Union to file grievances under the collective bargaining agreement, including but not limited to matters related to alleged racial discrimination or harassment or alleged improper disciplinary actions. In the event any disciplinary action taken by Ford is overturned by an arbitrator as a result of a Union grievance, the decision of the arbitrator shall, to the extent required by law, be final and binding. The parties to this Agreement recognize that the Union and Ford have certain obligations under the National Labor Relations Act. This Agreement shall be construed and administered consistent with federal labor and anti-discrimination laws.

DISPUTE RESOLUTION

Only the Commission and Ford Motor Company shall have standing to allege any dispute, breach or issue under the terms of this Decree. If at any time during the term of this Decree there is a dispute between the Commission and Ford concerning an issue associated with this Decree, the parties will meet in a good faith effort to resolve the dispute. If the dispute remains unresolved, either party may seek relief

from this Court, which will maintain jurisdiction throughout the life of this Decree. In addition, this Court will maintain jurisdiction over any and all compliance issues associated with this Decree.

POSTING OF NOTICE

Within ten (10) days of the execution of this Decree, Ford NMPDC shall post the notice attached as Exhibit A on various bulletin boards at Ford NMPDC. The notice shall remain posted for eighteen [18] months. In the event that the notice becomes defaced, marred or otherwise unreadable, Ford NMPDC shall immediately post a readable copy in the same manner. Ford NMPDC shall make the notice available for inspection by the Commission upon reasonable notice to Ford NMPDC.

FINAL DISPOSITION

The parties agree that the entry of this Decree constitutes a final and binding settlement and disposition of any and all claims alleged in Civil Action Number 01-73705. This Decree fully resolves and settles all issues, claims and allegations that are contained in, relate to or arise in connection with this Action. The Commission agrees to execute a stipulation of dismissal of this action with prejudice upon execution of this Consent Decree by Ford Motor Company; provided, however, that this Court will maintain jurisdiction over any and all compliance issues associated with this Decree.

NON-ADMISSION OF LIABILITY

The parties agree that neither this Decree nor any of the actions taken pursuant to this Decree, shall constitute or be construed as an admission of liability or wrongdoing of any kind by Ford Motor Company. All such liability and wrongdoing are expressly denied by Ford Motor Company.

This Consent Decree, being entered into with the consent of the parties, shall not constitute an adjudication or finding on the merits of the case. The parties agree that this Consent Decree shall not be used in evidence in any proceeding other than one arising out of this Decree or any related Settlement Agreement and Release.

SEVERABILITY

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

REPORTING REQUIREMENTS

Any documents or information required to be submitted by Ford NMPDC to the Commission pursuant to the terms of this Decree shall be addressed to Adele Rappart, Regional Attorney, Equal Employment Opportunity Commission, Detroit District Office, 477 Michigan Avenue, Room 865, Detroit, Michigan 48226.

Within seven (7) days of the execution of this Decree, Ford NMPDC shall inform the Commission in writing of an officer or upper level manager of Ford who will serve as its representative under this Consent Decree and who will be responsible for assuring that the terms of this Decree are met.

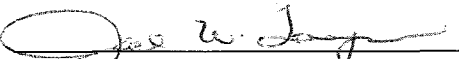
TERM OF DECREE

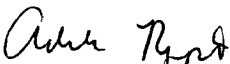
This Decree shall remain in effect for eighteen (18) months from the date of its execution by Ford.

CONCLUSION

The terms of this Decree have been fully reviewed by the appropriate officials of the Commission and Ford, and both the Commission and Ford enter into the Decree knowingly and voluntarily, with a firm understanding of both the rights they are giving up and the obligations they are undertaking by this Decree.

FORD MOTOR COMPANY

By: 
JOE W. LAYMON
Vice President - Corporate Human
Resources

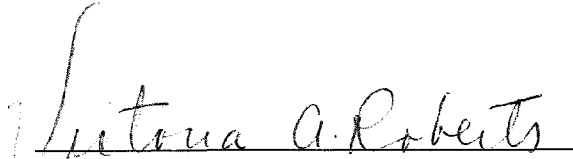

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EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
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Detroit, Michigan 48226
(313) 226-5673


CHRISTINA HILL (P36005)
FORD MOTOR COMPANY
Three Parklane Blvd.
Suite 1500 West
Dearborn, MI 48126

VICTOR MARROCCO (P17111)
KIENBAUM, OPPERWALL, HARDY
& PELTON
660 Woodward Avenue, Suite 1037
Detroit, MI 48226

Attorneys For Defendant
Ford Motor Company

The foregoing Consent Decree is approved and adopted as the Order and Judgment of the Court this 19th day of December, 2001.


HONORABLE VICTORIA A. ROBERTS
United States District Judge

ATTACHMENT A

NOTICE

This notice is being posted to inform you of your rights guaranteed by federal law under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000 *et seq.* ("Title VII"), which prohibits discrimination against any individual because of their race. This Notice is posted in connection with a Consent Decree entered by the United States District Court for the Eastern District of Michigan, as a resolution to a lawsuit filed by the Equal Employment Opportunity Commission, on behalf of a Ford Motor Company employee who alleged that she was subjected to a racially hostile work environment. Title VII prohibits both harassment in the workplace based on race and the creation of a racially hostile work environment. Any and all instances of racially offensive words or actions should be reported to Ford Motor Company in accordance with Ford Motor Company policy, so that appropriate disciplinary action against the perpetrator can be taken. Ford Motor Company New Model Programs Development Center will take each and every complaint of race harassment seriously, conduct a timely and thorough investigation, and take appropriate corrective action.

The United States Equal Employment Opportunity Commission is the federal agency that investigates charges of unlawful employment discrimination and, if necessary, brings lawsuits in federal court to enforce the anti-harassment provisions of Title VII. Any employee who believes that he/she is the victim of racial harassment or a racially hostile work environment has the legal right to file a charge of discrimination with the Equal Employment Opportunity Commission.

Ford Motor Company New Model Programs Development Center supports and will comply with this federal law in all respects. It is the policy of Ford Motor Company to maintain a working environment that is free of all forms of racial and other harassment. Racial harassment in any manner or form and retaliation are expressly prohibited and a violation of Ford Motor Company's Zero Tolerance Policy.