

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

|                         |   |                             |
|-------------------------|---|-----------------------------|
| EQUAL EMPLOYMENT        | ) |                             |
| OPPORTUNITY COMMISSION, | ) |                             |
|                         | ) |                             |
| Plaintiff,              | ) | Civil Action No.: 05-C-0965 |
|                         | ) |                             |
|                         | ) |                             |
| v.                      | ) |                             |
|                         | ) |                             |
| HUMANE ANIMAL WELFARE   | ) |                             |
| SOCIETY OF WAUKESHA     | ) |                             |
| COUNTY, INC.,           | ) |                             |
|                         | ) |                             |
| Defendants.             | ) |                             |
| _____                   | ) |                             |

**CONSENT DECREE AND ORDER**

1. This Consent Decree (the "Decree") is entered into between Plaintiff, United States Equal Employment Opportunity Commission (hereinafter "EEOC") and Defendant, Humane Animal Welfare Society of Waukesha County, Inc. ("HAWS") (EEOC and HAWS are collectively referred to herein as "the Parties").

2. On September 8, 2005, EEOC initiated this action by filing its Complaint against HAWS alleging Defendant HAWS engaged in unlawful employment practices in violation of Section 4(d) of the Age Discrimination in Employment Act ("ADEA"), 29 U.S.C. § 623(d), by engaging in retaliation against Ms. Karen Schwulst and similarly situated individuals for the filing of a charge with the EEOC.

3. Defendant denies each and every material allegation made by the EEOC and specifically disclaims any liability and asserts that it is entering into this agreement solely for business reasons and to obtain closure of this case.

**NOW, THEREFORE**, the Court having carefully examined the terms and provisions of this Consent Decree, and based on the pleadings, record and stipulations of the parties, it is

**ORDERED, ADJUDGED, AND DECREED THAT:**

4. This Court has jurisdiction over the subject matter of this action and over the parties for purposes of entering and enforcing this Decree.
5. The terms of this Decree are adequate, fair, reasonable, equitable and just.
6. This Decree conforms with the Federal Rules of Civil Procedure and is not in derogation of the rights or privileges of any person. The entry of this Decree will further the objectives of the ADEA, and will be in the best interests of the parties, those for whom EEOC seeks relief, and the public.
7. This Decree resolves all claims arising out of the Charge of Discrimination filed by Karen Schwulst, Charge No. 260-2005-02465; and the lawsuit filed by EEOC in United States District Court for the Eastern District of Wisconsin, Case No. 05-C-0965, including any claims for attorneys' fees or costs by either party.

**INJUNCTIVE RELIEF**

8. Compliance.

HAWS and its officers, agents, management (including supervisory employees), successors and assigns, Board Members, and all those in active concert or participation with them shall not engage in any employment practice retaliating against any current or former employee of HAWS for complaining about age discrimination.

9. Training.

Defendant shall provide training with respect to retaliation under the Age Discrimination

in Employment Act (“ADEA”) to all of its managers and supervisors by May 30, 2006 and thereafter to any new supervisors and managerial employees within ninety (90) days of their start date. Defendant shall provide such training during the eighteen (18) months following the entry of this Consent Decree and Order, and shall provide the EEOC’s Milwaukee Area Office with a list of those trained and the date and description of the training after twelve (12) months and six (6) months thereafter. The EEOC shall be given training materials prior to training, and any objections made by EEOC will be considered.

10. Posting

Defendant shall place in its time clock room, a notice to employees for a period of eighteen (18) months from the date of entry of this Consent Decree and Order. The notice shall be in the form attached hereto as Exhibit A and captioned “Official Notice To All Employees of HAWS.”

11. References to Ms. Schwulst, Ms. Doubek, or Ms. Palesse by Defendant

Without express written consent of Ms. Schwulst, Ms. Doubek, or Ms. Palesse, Defendant will not provide to anyone any information about these individuals or their employment except to confirm their positions and the dates during which they were on Defendant’s payroll. In addition, HAWS agrees, within fifteen (15) days of signature of this Consent Decree to furnish letters of reference to Ms. Karen Schwulst, Ms. Anita Doubek, and Ms. Lynne Palesse. The letters of reference will contain language mutually agreed upon by HAWS and undersigned counsel for the EEOC. Original letters shall be sent with monetary payment to the addresses provided by EEOC. HAWS shall simultaneously provide copies of the letters to the undersigned counsel for the EEOC.

12. Reporting

For eighteen (18) months from the entry of this Consent Decree and Order, defendant shall report in writing, to the undersigned counsel for the Commission (after twelve (12) months of entry of the Consent Decree and six (6) months thereafter), the name, job title, and age of each employee hired at or terminated by HAWS. Defendant shall also report all complaints made by current or former employees alleging that they have been retaliated against for complaining about age discrimination and will provide the EEOC with a phone number for such individuals. Defendant shall maintain all documents pertaining to such actions for the length of the reporting period of this Decree.

**MONETARY RELIEF**

A. Defendant agrees to pay the following sums to Karen Schwulst, Anita Doubek, and Lynne Palesse within fifteen (15) days of signature of this Consent Decree and Order by the Court:

1. The sum of \$12,000.00 as back pay, subject to ordinary employee withholdings, shall be paid to Karen Schwulst.
2. The sum of \$8,000.00 as back pay, subject to ordinary employee withholdings, shall be paid to Lynne Palesse.
3. In commemoration of Anita Doubek's contributions to HAWS and her affection for cats, HAWS shall segregate from its general funds and contribute to the currently ongoing fund raising campaign for the proposed HAWS cat adoption center the sum of \$5,000.00. In the event the fund dissolves, the \$5,000.00 will be used to improve the quality of life for the cats housed in the adoption room and the isolation ward, as well as the stray ward. Quality of life shall be determined by HAWS.

- B. HAWS shall mail such payments to the addresses provided to HAWS by EEOC. In addition, HAWS shall simultaneously provide a copy of the payment checks to the undersigned counsel for the EEOC.

**NON-MONETARY RELIEF**

1. HAWS agrees, within fifteen (15) days of signature of this Consent Decree to send a letter of regret to Ms. Karen Schwulst, Ms. Anita Doubek, and Ms. Lynne Palesse. The letter will contain language mutually agreed upon by HAWS and undersigned counsel for the EEOC. Original letters shall be sent with payment to the addresses provided by EEOC. HAWS shall simultaneously provide copies of the letters to the undersigned counsel for the EEOC.

**TERM OF DECREE**

This Decree will remain in effect for a period of eighteen (18) months from the date of its entry.

**SO ORDERED, ADJUDGED AND DECREED.**

Dated at Milwaukee, Wisconsin, this 28th day of February, 2006.

BY THE COURT:

s/ J. P. Stadtmueller  
J. P. Stadtmueller  
U.S. District Judge

Judgment entered this 28th day of February, 2006.

SOFRON B. NEDILSKY  
Clerk of Court

By:

s/ Patricia K. Blackburn  
Deputy Clerk

FOR THE PLAINTIFF,  
EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

Milwaukee Area Office  
310 W. Wisconsin Ave., Suite 800  
Milwaukee, WI 53203-2292  
Phone (414) 297-1114

s/ John Hendrickson

John C. Hendrickson  
Regional Attorney

Date: February 27, 2006

s/Jean Kamp

Jean P. Kamp  
Associate Regional Attorney

Date: February 27, 2006

s/ Marcie Cornfield

Marcie B. Cornfield  
Trial Attorney

Date: February 27, 2006

FOR THE DEFENDANT  
HUMANE ANIMAL WELFARE SOCIETY OF WAUKESHA COUNTY, INC.

s/ Lynn Olenik

Lynn Olenik  
Executive Director  
Humane Animal Welfare Society of Waukesha County, Inc.  
701 Northview Road  
Waukesha, WI 53188  
262-542-8851

Date: February 27, 2006

**Exhibit A**  
(HAWS Letterhead)

**OFFICIAL NOTICE TO ALL EMPLOYEES OF HUMANE  
ANIMAL WELFARE SOCIETY**

This Notice is posted pursuant to a Consent Decree entered in a lawsuit brought by the Equal Employment Opportunity Commission ("EEOC"), entitled EEOC vs. Humane Animal Welfare Society of Waukesha County, Inc., Case Number 05 C 0965, filed in the United States District Court for the Eastern District of Wisconsin.

A copy of the Consent Decree is available by contacting Humane Animal Welfare Society's ("HAWS") Executive Director at (262) 542-8851.

In the lawsuit, EEOC alleges that HAWS violated the ADEA when it retaliated against a class of workers who previously filed charges alleging age discrimination with the EEOC. HAWS denies all allegations that it violated the ADEA and asserts that it entered into this agreement solely for business reasons and to obtain closure of this case.

By agreement of the parties and without making any determination about the merits of the case, United States District Judge J.P. Stadtmueller has entered a consent decree, which provides that:

- \$ HAWS will pay damages to affected workers;
- \$ HAWS is enjoined from retaliating against any current or former employee for complaining about age discrimination; and
- \$ HAWS will train all of its managers and supervisors with respect to retaliation under the ADEA. Furthermore, all new supervisors and managerial employees will be required to attend such training within ninety (90) days of their start date.

**THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE**

This Notice must remain posted until eighteen months from the date below, and must not be altered, defaced or covered by any other material. Any questions about this Notice or Consent Decree may be directed to Equal Employment Opportunity Commission, 310 West Wisconsin Avenue, Suite 800, Milwaukee, WI 53203, 1-800-669-4000.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Lynn Olenik  
Executive Director  
Humane Animal Welfare Society