

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION

FEB 21 2001

JAMES W. McCORMACK, CLE
By: *[Signature]* DEP. CL.

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

DARLENE WORTHEN, MARY DONALDSON
AND CHRISTY PARK

Intervenors.

v.

GLOBAL MATERIAL SERVICES

Defendant,

CIVIL ACTION NO.
5:00CV00352 WRW

Filed in Lt
Rec'd 2/23

CONSENT DECREE

The Equal Employment Opportunity Commission (hereinafter referred to as the ("EEOC")) initiated the above-referenced Cause on September 25, 2000, against Global Material Services (the "Defendant") to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq. (Title VII), and the Civil Rights Act of 1991, 42 U.S.C. §1981a. The EEOC alleged that the Defendant engaged in unlawful employment practices by subjecting Darlene Worthen, Mary Donaldson, Christy Park, and other female employees, as a class, to sexual harassment caused by the inappropriate sexual actions, overtures,

and behavior of male supervisors and co workers and were later constructively discharged for rejecting sexual advances.

This Consent Decree does not constitute an admission by the Defendant of the allegations of the Complaint. Defendant specifically denies the allegations contained in the Complaint. However, all parties to this action desire to avoid the additional expense and delay in this litigation of this case.

In the event this proposed Consent Decree is not approved or does not become final, then it shall not be admissible in evidence in any subsequent proceeding in this action.

The Court has reviewed the terms of the proposed Consent Decree in light of the applicable laws and regulations, the statements and representations of counsel for all parties, and

NOW, THEREFORE, the Court being fully advised in the premises, it is hereby ORDERED, ADJUDGED AND DECREED:

I. JURISDICTION

The United States District Court for the Eastern District of Arkansas, Pine Bluff Division, has jurisdiction over the parties and subject matter of this litigation.

II. SCOPE AND DURATION OF DECREE

A. This Consent Decree resolves all issues and claims arising out of Plaintiff's Complaint in this cause, alleging unlawful employment policies and practices maintained by the Defendant and arising out of Charge Nos. 251-99-0971, 251-99-

0972, and 251-99-0973 filed by Darlene Worthen, Mary Donaldson, and Christy Park with the EEOC. No other women were identified as victims of sexual harassment. Notwithstanding any provisions contained in this Decree, this agreement shall not be considered in any manner to be dispositive of any charge now pending before any office of the EEOC other than Charge Nos. 251-99-0971, 251-99-0972, and 251-99-0973.

B. The provisions of this Consent Decree shall continue to be effective and binding upon the parties to this action for a period of two years from the date of the entry of this decree except for Section VI.C. (neutral reference) which will be in effect permanently.

III. NON-DISCRIMINATION PROVISIONS

A. Defendant, its officers, agents, employees, and all persons acting in concert with the Defendant are hereby enjoined from engaging in any employment practice which has the purpose or effect of discriminating against any employee because of their sex. Defendant is enjoined from permitting its employees to be subjected to a sexually hostile work environment.

B. Defendant, its officers, agents, employees, and all persons acting in concert with the Defendant are hereby enjoined from retaliating against any employee for opposing discriminatory employment practices made unlawful under Title VII of the Civil Rights Act of 1964, as amended.

C. Defendant agrees to train its supervisors and managers in the requirements of Title VII of the Civil Rights Act of 1964, as amended, regarding the prevention of sexual harassment and retaliation.

D. Defendant will provide a copy of its sexual harassment policy to all of its employees at its Pine Bluff facility within thirty (30) days of the entry of this decree.

E. Defendant agrees to conduct a training session on the prevention of sexual harassment for all the employees at its Pine Bluff facility. This training session will be conducted within ninety (90) days of the entry of this decree. A list of the employees that attend the training session, a copy of the syllabus, and a copy of the training materials will be provided to Plaintiff within thirty (30) days of the training session.

F. Defendant agrees that all reports of sexual harassment will immediately be conveyed to its Human Resources office in Memphis, Tennessee.

IV. NON-RETALIATION PROVISION

Defendant, its officers, agents, employees, and all persons acting in concert with Defendant shall not take any retaliatory measure, against any employee for opposing practices made unlawful under Title VII of the Civil Rights Act of 1964, as amended, or for making a charge or complaint to the EEOC, testifying, assisting or participating in any manner in any

investigation, proceeding or hearing under Title VII of the Civil Rights Act of 1964, as amended.

V. NOTICE

Defendant shall conspicuously post at its Pine Bluff facility the notice (poster) required to be posted pursuant to Title VII of the Civil Rights Act of 1964, as amended. Furthermore, Defendant shall conspicuously post the notice at Appendix A of this Decree at its Pine Bluff facility for a one year period commencing within ten (10) days after entry of this Decree by the Court. The notice will be signed by Martin Moore.

VI. INDIVIDUAL RELIEF

A. Defendant shall not include any reference to the charge of discrimination filed by Darlene Worthen, Mary Donaldson, and Christy Park or this litigation in the personnel files of Darlene Worthen, Mary Donaldson, and Christy Park.

B. Defendant shall deliver to Morgan Welch, counsel for Darlene Worthen, a certified check made payable to "Darlene Worthen and Morgan Welch" in the amount of \$112,500 at the following address within fourteen (14) days after entry of this Decree by the Court:

MORGAN E. WELCH
EUBANKS, WELCH, BAKER & SCHULZE, LLP
620 West Third Street, Suite 100
Little Rock, Arkansas 72201

C. Defendant shall deliver to Morgan Welch, counsel for Mary Donaldson, a certified check made payable to "Mary Donaldson and Morgan Welch" in the amount of \$93,750 at the following address within fourteen (14) days after entry of this Decree by the Court:

MORGAN E. WELCH
EUBANKS, WELCH, BAKER & SCHULZE, LLP
620 West Third Street, Suite 100
Little Rock, Arkansas 72201

D. Defendant shall deliver to Morgan Welch, counsel for Christy Park, a certified check made payable to "Christy Park and Morgan Welch" in the amount of \$93,750 at the following address within fourteen (14) days after entry of this Decree by the Court:

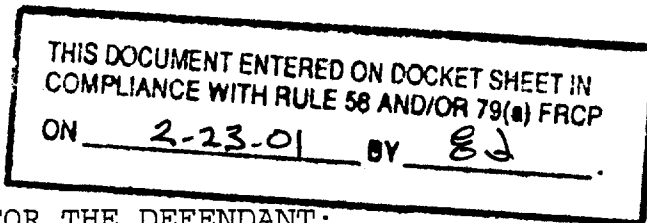
MORGAN E. WELCH
EUBANKS, WELCH, BAKER & SCHULZE, LLP
620 West Third Street, Suite 100
Little Rock, Arkansas 72201

E. Defendant agrees to provide a neutral reference to any potential employers who request a job reference. Any such neutral reference shall be identical to the form demonstrated in Appendix B. No mention of Ms. Worthen's, Ms. Donaldson's, or Ms. Park's charges of discrimination or this action will be made as part of the neutral reference.

VII. COSTS

The parties shall bear their own costs, including attorneys' fees.

SO ORDERED THIS 21st DAY OF February, 2000.



W. R. Williams
UNITED STATES DISTRICT JUDGE

FOR THE DEFENDANT:

Michael Kaplan
MICHAEL KAPLAN
ARMSTRONG ALLEN, PLLC
80 Monroe Avenue, Suite 700
Memphis, Tennessee 38103-2467

FOR THE COMMISSION:

GWENDOLYN YOUNG REAMS
Associate General Counsel

Katharine W. Kores by AD
KATHARINE W. KORES
Regional Attorney

FOR THE INTERVENERS:

Morgan E. Welch
MORGAN E. WELCH
EUBANKS, WELCH, BAKER
& SCHULZE, LLP
620 West Third Street, Suite 100
Little Rock, Arkansas 72201

Terry Beck
TERRY BECK
Supervisory Trial Attorney

William A. Cash, Jr. by AD
WILLIAM A. CASH JR.
Senior Trial Attorney
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
425 W. Capitol Ave, Ste. 625
Little Rock, AR 72201
(501) 324-5539

Pamela B. Dixon
PAMELA B. DIXON
Trial Attorney
(501) 324-5065

APPENDIX A

NOTICE

NOTICE

1. GLOBAL MATERIAL SERVICES has agreed with the EEOC to post this notice for one year to reinforce the company's policies concerning the prevention of sexual harassment and retaliation against any employee.
2. Federal law prohibits an employer from taking retaliatory action against any employee for opposing practices made unlawful under Title VII of the Civil Rights Act of 1964, as amended.
3. Federal law prohibits sexual harassment in the workplace.
4. GLOBAL MATERIAL SERVICES supports and will comply with such Federal law in all respects and will not take any action against employees because they have exercised their rights under the law by filing charges with the Equal Employment Opportunity Commission and/or testified, assisted or participated in any manner in any investigation, proceeding or hearing under Title VII of the Civil Rights Act of 1964, as amended.

MARTIN MOORE

DATE

APPENDIX B

NEUTRAL REFERENCE

Dear _____,

This letter is in response to your inquiry regarding the employment of _____ while employed at GLOBAL MATERIAL SERVICES.

Ms. _____ worked at GLOBAL from _____ through _____. Company policy does not permit us to give out any more information concerning Ms. _____ employment.

I am sure Ms. _____ can provide you with the details concerning her tenure at GLOBAL. I hope this information is helpful and that it satisfactorily answers your inquiry.

Very truly yours,

GLOBAL MATERIAL SERVICES.

UNITED STATES DISTRICT COURT
Eastern District of Arkansas
U.S. Court House
600 West Capitol, Suite 402
Little Rock, Arkansas 72201-3325

February 23, 2001

* * MAILING CERTIFICATE OF CLERK * *

Re: 5:00-cv-00352.

True and correct copies of the attached were mailed by the clerk to the following:

William A. Cash Jr., Esq.
Equal Employment Opportunity Commission
425 West Capitol Avenue
Suite 625
Little Rock, AR 72201

Pamela B. Dixon, Esq.
Equal Employment Opportunity Commission
425 West Capitol Avenue
Suite 625
Little Rock, AR 72201

Terry Beck, Esq.
Equal Employment Opportunity Commission
1407 Union Avenue
Suite 621
Memphis, TN 38104

Katharine W. Kores, Esq.
Equal Employment Opportunity Commission
1407 Union Avenue
Suite 621
Memphis, TN 38104

Sara M. Falkinham, Esq.
Armstrong, Allen, Prewitt, Gentry, Johnston & Holmes
80 Monroe Avenue
Suite 700
Memphis, TN 38103-2467

Michael D. Kaplan, Esq.
Armstrong, Allen, Prewitt, Gentry, Johnston & Holmes
80 Monroe Avenue
Suite 700
Memphis, TN 38103-2467

Morgan E. Welch, Esq.
Eubanks, Welch, Baker & Schulze, LLP
620 West Third Street, Suite 100
Post Office Drawer 3685
Little Rock, AR 72203-3685

James W. McCormack, Clerk

Date: 2-23-01

BY: 