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By Deputy gc

THE HONORABLE ROBERT J. BRYAN

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 CLERK U.S. DISTRICT COURT
 WESTERN DISTRICT OF WASHINGTON AT TACOMA
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FILED RECEIVED
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 CLERK U.S. DISTRICT COURT
 WESTERN DISTRICT OF WASHINGTON AT TACOMA
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UNITED STATES DISTRICT COURT
 FOR THE WESTERN DISTRICT OF WASHINGTON
 AT TACOMA

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

and

YONG GATTS

Plaintiff-in-Intervention

V.

REGIS CORPORATION and HAIR MASTERS
SERVICES, INC.

Defendants.

CASE NO. C00-5536RJB

CONSENT DECREE AND ORDER
DISMISSING ACTION

CLERK'S ACTION REQUIRED

I. INTRODUCTION

1. This action originated with a charge of discrimination filed with the
Equal Employment Opportunity Commission ("EEOC"). The charge alleged that the

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
 Seattle District Office
 909 First Avenue, Suite 400
 Seattle, Washington 98104-1551
 Telephone: (206) 220-6911
 Facsimile: (206) 220-6911
 TDD: (206) 220-6882

20

1 defendants, Regis Corporation and Hair Masters Services, Inc., ("defendants"),
2 discriminated against Yong Gatts in violation of Title VII of the Civil Rights, 42 U.S.C. §-
3 2000e et seq. ("Title VII").

4 2. The EEOC sent the defendants a Letter of Determination with a finding
5 there was reasonable cause to believe that Ms. Gatts' allegations were true and that it
6 had violated Title VII as to Ms. Gatts.

7 3. The Commission filed this lawsuit on September 19, 2000 in the United
8 States District Court for the Western District of Washington at Tacoma, alleging
9 defendant failed to accommodate Ms. Gatts' religion, resulting in her constructive
10 discharge. Ms. Gatts later intervened in the action, alleging state and federal claims.
11 Defendant answered by denying these allegations.

12 4. The parties want to conclude the claims arising out of Ms. Gatts'
13 charge, the EEOC's determination, and this action without expending further resources
14 in contested litigation.

15 **II. NONADMISSION OF LIABILITY AND**
16 **NONDETERMINATION BY THE COURT**

17 5. This consent decree is not an adjudication or finding on the merits of
18 this case and shall not be construed as an admission by the defendants of a violation of
19 Title VII.

20 **III. SETTLEMENT SCOPE**

21 6. This consent decree is the final and complete resolution of all
22 allegations of unlawful employment practices contained in Yong Gatts's religious
23 discrimination charge, in the EEOC's Letter of Determination, and in the EEOC
24 complaint filed in this action, including all claims by EEOC and defendant for attorney
25 fees and costs. The provisions of this decree apply only to Regis Corporation dba Hair

1 Masters in Tacoma, Washington.

2
3 **IV. MONETARY RELIEF**

4 7. The defendants agree to pay Yong Gatts \$55,000.00, representing
5 back pay in the amount of \$14,080.00 (less only those withholdings that Ms. Gatts is
6 responsible for under the law), \$21,120.00 representing compensatory damages, and
7 \$19,800.00 in attorney fees, in settlement and satisfaction of all claims for monetary
8 relief in this action. In return for the above payment, defendant and Yong Gatts have
9 negotiated a release agreement, to which the EEOC is not a party, in full satisfaction of
10 all her claims in this action.

11 **V. INJUNCTIVE RELIEF**

12 **A. General Provisions**

13 8. The defendants reaffirm their commitment to comply with the provisions
14 of Title VII and all other federal laws against discrimination in its employment decisions.
15 In furtherance of this commitment, they will monitor the affirmative obligations of this
16 consent decree.

17 9. The defendants will not retaliate against any current or former
18 employee for opposing any practice made unlawful by Title VII. Nor will the defendants
19 retaliate against any current or former employee for making a charge or for testifying,
20 *assisting, or participating in any investigation, proceeding, or hearing associated with*
21 *this action.*

22 10. In recognition of its obligations under Title VII, the defendants will
23 institute the policies and practices set forth below.

24 **B. Establishment of Policy and Procedures to Prevent Discrimination**

25 11. Defendant will maintain a current, written equal employment

1 opportunity policy setting forth the requirements of federal laws against employment
2 discrimination and specifically those provisions which make religious discrimination
3 unlawful.

4 12. The policy will include a statement of defendants' commitment to
5 ensuring that the practices and the conduct of its employees will comply with the
6 requirements of federal laws against employment discrimination. It will include a
7 provision stating that those who violate the policy will be subject to appropriate
8 discipline, up to and including termination.

9 13. The policy will include an internal complaint procedure for employees to
10 report suspected incidents of discrimination so that the defendants can investigate and
11 take appropriate action if it determines that any employee has violated its EEO policy.

12 14. The internal complaint procedure will include the following provisions:

13 a. A list of the appropriate persons to whom an individual should report
14 allegations of discrimination in the workplace.

15 b. An explanation of how to make a complaint and what an investigation
16 will involve, including informing the affected individuals of the outcome of the
17 investigation.

18 15. The defendants will distribute the policy to all present and future
19 employees, both management and non-management, as appropriate.

20 **C. Posting Notice**

21 16. The defendants will post the notice attached as Exhibit 1 to this
22 consent decree. The notice shall be posted on a centrally located bulletin board in
23 each of Regis Corporation dba Hair Master's facilities in Tacoma, Washington where
24 notices to employees are normally posted, or where employees will see the notice, for
25 the duration of the consent decree.

1 **D. Expunging Records**

2 17. Defendants will not disclose any information or make references to
3 any charge of discrimination or this lawsuit in responding to employment reference
4 requests for information about Yong Gatts.

5 18. *Defendants will expunge from the personnel file of Yong Gatts, and any*
6 *other records where such information is kept by defendants, any references to a charge*
7 *of discrimination against defendants and this lawsuit. If Ms. Gatts wishes to do so,*
8 *defendants will permit her to review her personnel file within thirty (30) days after the*
9 *entry of this Consent Decree to insure that all such reference have been expunged.*
10 Defendants will not add any information or references to Ms. Gatts' personnel file or
11 records regarding her charge of discrimination and this lawsuit after such references
12 have been expunged.

13 **E. Training**

14 19. During the term of this consent decree, the defendants will provide at
15 least three hours of employment discrimination training annually for its managers in
16 Regis Corporation dba Hair Masters' Tacoma, Washington facilities, specifically
17 including topics related to religious discrimination. The first training will take place not
18 later than October 15, 2001. The second training will take place within sixty days after
19 *the one-year period following entry of this consent decree.*

20 20. The defendants will provide to the EEOC a list of attendees of the
21 training provided pursuant to paragraph 19.

22 **F. Reporting**

23 21. Within 60 days of the termination of the consent decree, the
24 defendants will submit a statement certifying that it has complied with the terms of the
25 decree. If the defendants have not complied with any term of the decree, the statement

1 will specify the areas of noncompliance, the reason for the noncompliance, and the
2 steps taken to bring the defendant into compliance.

3 **VI. ENFORCEMENT**

4 24. The United States District Court for the Western District of Washington
5 at Tacoma shall retain jurisdiction over this matter for the duration of the decree. If the
6 EEOC concludes that the defendants have breached any of the above provisions, it
7 may bring an action to enforce this consent decree no sooner than thirty days after
8 providing the defendants written notification of the alleged breach. The period following
9 the written notice will be used by the parties for good faith efforts to reach agreement
10 on how to bring the defendants into compliance with the decree.

11 **VII. TERMINATION OF DECREE**

12 25. This decree shall be in effect for two years and 60 days commencing
13 with the date the decree is entered by the court. If the EEOC petitions the court and the
14 court finds the defendants to have violated the terms of this consent decree, it may
15 extend the period of this consent decree and award the Commission its costs in
16 bringing an enforcement action.

17 DATED this 12th day of July, 2001.

18 Respectfully submitted,

19 A. LUIS LUCERO, JR.
20 Regional Attorney

GWENDOLYN YOUNG REAMS
Acting Deputy General Counsel

21 BARBARA J. STANDAL
22 Supervisory Trial Attorney

23 JOHN F. STANLEY
Senior Trial Attorney

24 BY: A. Luis Lucero Jr
25

1 EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
2 Seattle District Office
909 1st Avenue, Suite 400
3 Seattle, Washington 98104
Telephone (206) 220-6892

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
Office of the General Counsel
1801 "L" Street, N.W.
Washington, D.C. 20507

4
5 Attorneys for Plaintiff

6 BY: 

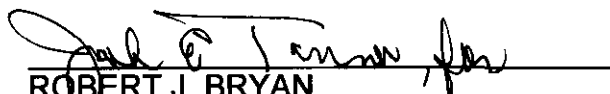
7
8 Kelly Reese
9 Jackson, Lewis, Schnitzler & Krupman
1420 Fifth Ave., Suite 2000
Seattle, WA 98101-4063

Attorneys for Defendants

1 **ORDER**

2 The Court, having considered the foregoing stipulated agreement of the
3 parties, HEREBY ORDERS THAT the foregoing consent decree be, and the same
4 hereby is, approved as the final decree of this Court in full settlement of this action.
5 This lawsuit is hereby dismissed with prejudice and without costs or attorneys' fees to
6 any party. The Court retains jurisdiction of this matter for purposes of enforcing the
7 consent decree approved herein.

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9 DATED this 16th day of July, 2001.

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11 
12 ROBERT J. BRYAN
13 UNITED STATES DISTRICT JUDGE

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U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Seattle District Office
909 First Avenue, Suite 400
Seattle, Washington 98104-1061
Telephone: (206) 220-6883
Facsimile: (206) 220-6911
TDD: (206) 220-6882

NOTICE TO ALL EMPLOYEES

This notice is being posted pursuant to an agreement between Regis Corporation dba Hair Masters and the Equal Employment Opportunity Commission as the result of a settlement of a lawsuit pending in the federal district court for the Western District of Washington at Tacoma, Civil No. C00-5536RJB.

Title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, and the Americans with Disabilities Act of 1990 are enforced by the EEOC and require the following:

That there be no discrimination against any employee or applicant for employment because of the employee's race, sex, color, religion, national origin, age (over age 40), or disability with respect to hiring, firing, compensation, or other terms, conditions or privileges of employment.

It is an unlawful employment practice for an employer to retaliate against any employees or applicants for employment because they have opposed a practice or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under these statutes.

Regis Corporation dba Hair Masters will institute a training program to train its managers regarding the requirements of the above statutes, with particular emphasis on religious discrimination.

This notice is being posted because Regis Corporation dba Hair Masters supports and will comply with these federal laws in all respects and will not take any retaliatory action against employees because they have exercised their rights under the law.

DATED _____, 2001.

Regis Corporation dba Hair Masters

By: _____

For Immediate Release

Contact: A. Luis Lucero, Jr.
(206) 220-6878

DATE

SEATTLE, WASHINGTON

The Equal Employment Opportunity Commission has settled a federal religious discrimination lawsuit in Tacoma against Regis Corporation, doing business as Hair Masters. The case, brought under Title VII of the Civil Rights Act of 1964, claimed that the company failed to provide a reasonable accommodation to an employee whose religious beliefs conflicted with a requirement to work on Sundays. The company denied these allegations. The employee, Yong Gatts, was a hair stylist at the Regis Corporation Westgate Hair Masters until February 1999. She will receive \$55,000 as part of the settlement. Gatts intervened as a party in the case. The parties also settled for agreed upon nonmonetary terms contained in the consent decree.

The EEOC enforces Title VII of the Civil Rights Act of 1964 which prohibits employment discrimination based on race, color, religion, sex or national origin; the Age Discrimination in Employment Act; the Equal Pay Act; prohibitions against discrimination affecting individuals with disabilities in the federal sector; sections of the Civil Rights Act of 1991, and Title I of the Americans with Disabilities Act, which prohibits discrimination against people with disabilities in the private sector and state and local governments.

United States District Court
for the
Western District of Washington
July 16, 2001

* * MAILING CERTIFICATE OF CLERK * *

Re: 3:00-cv-05536

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

A Luis Lucero Jr, Esq.
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
SEATTLE DISTRICT OFFICE
STE 400
909 FIRST AVE
SEATTLE, WA 98104-1061

Claire Cordon, Esq.
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
SEATTLE DISTRICT OFFICE
STE 400
909 FIRST AVE
SEATTLE, WA 98104-1061
206-220-6893

John Freeman Stanley, Esq.
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
SEATTLE DISTRICT OFFICE
STE 400
909 FIRST AVE
SEATTLE, WA 98104-1061
206-220-6892

Stanley M Kanarowski, Esq.
KANAROWSKI, BJORNSON & PLATTER
STE 1300
1145 BROADWAY PLAZA
TACOMA, WA 98402
FAX 1-253-272-6381

Wayne W Hansen, Esq.
JACKSON, LEWIS, SCHNITZLER & KRUPMAN
STE 2000
1420 5TH AVE
SEATTLE, WA 98101-4063
FAX 405-4450

Kelly Susan Reese, Esq.
JACKSON, LEWIS, SCHNITZLER & KRUPMAN
STE 2000

1420 5TH AVE
SEATTLE, WA 98101-4063
FAX 405-4450

RJB

JET