

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MARYLAND
NORTHERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

SPECIAL COUNSEL, INC.,

Defendant.

Civil Action No. RDB-04-2012

CONSENT DECREE

This action was instituted by Plaintiff, the U.S. Equal Employment Opportunity Commission (the "EEOC" or the "Commission"), against Defendant Special Counsel, Inc., ("Defendant"), alleging that Defendant violated Section 4(d) of the ADEA, 29 U.S.C. § 623(d), by discharging Linda Griffin from her position as Executive Director for opposing employment practices made unlawful by the ADEA. Defendant filed an Answer denying this allegation.

The Commission and Defendant desire to resolve this action without the time and expense of continued litigation, and they desire to formulate a plan to be embodied in a Decree which will promote and effectuate the purposes of the ADEA.

The Court has examined this Decree and finds that it is reasonable and just and in accordance with the Federal Rules of Civil Procedure and the ADEA. Therefore, upon due consideration of the record herein and being fully advised in the premises, it is ORDERED, ADJUDGED AND DECREED:

Scope of Decree

1. This Decree resolves all issues and claims in the Complaint filed by the Commission in this ADEA action which emanated from the Charge of Discrimination filed by Linda Griffin.
2. This Decree shall be in effect for a period of one year from the date it is entered by the Court. During that time, this Court shall retain jurisdiction over this matter and the parties for purposes of enforcing compliance with the Decree, including issuing such orders as may be required to effectuate the purposes of the Decree.
3. This Decree, being entered with the consent of the EEOC and Defendant, shall not constitute an adjudication or finding on the merits of the case.

Relief to Charging Party

4. Within ten business days of entry of this Decree, Defendant shall:
 - a. pay Charging Party Linda Griffin monetary relief in the total amount of \$69,000, minus legal deductions, representing back wages. The check will be sent directly to Ms. Griffin, and a photocopy of the check and related correspondence will be mailed to the EEOC, Baltimore District Office, 10 S. Howard Street, 3rd Floor, Baltimore, Maryland 21201. Defendant will issue to Ms. Griffin a United States Internal Revenue Services W-2 Form for the 2004 tax year for the back pay amount paid to her;
 - b. modify any and all personnel forms and documents in the personnel file to eliminate any reference to the fact that Ms. Griffin's employment was involuntarily terminated or that Defendant had any concerns about Ms. Griffin's performance; and

c. provide Ms. Griffin with a neutral letter of reference which states Ms. Griffin's dates of employment and position title.

5. All prospective employers contacting Defendant about Ms. Griffin, shall be directed to Amy Herron, Director of Human Resources, or Wendy Slayton, Human Resources Manager, who will provide only the information contained in the letter of reference referenced in paragraph 4(c). Should prospective employers ask information beyond that which is contained in the letter of reference, Defendant shall state that it is company policy to provide only dates of employment and position titles of its former employees to prospective employers.

6. Within ten business days of entry of this Decree, Defendant in writing shall instruct Regional Vice President Terri Williams and the staff with whom Ms. Griffin worked, including but not limited to Lynn Gunzenhauser, that they are not to discuss the circumstances surrounding Ms. Griffin's termination, disparage Ms. Griffin, or speak in any manner designed to damage Ms. Griffin's professional reputation. Defendant shall send a copy of the written instructions given to Ms. Williams and staff members to the EEOC, Baltimore District Office, 10 S. Howard Street, 3rd Floor, Baltimore, Maryland 21201.

Injunctive Relief

7. Defendant, its officers, agents, servants, employees, successors, assigns, and all persons acting or claiming to act on their behalf are hereby enjoined from retaliating against employees for opposing employment practices made unlawful under the ADEA. Such retaliation violates the ADEA, which in part, is set forth below:

(d) It shall be unlawful for an employer to discriminate against any of his employees or applicants for employment . . . because such individual . . . has opposed any practice made unlawful by this section . . .

29 U.S.C. § 623(d).

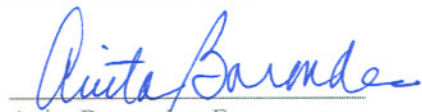
8. Within 90 days after the entry of this Decree, all staff at Defendant's Charlotte, North Carolina and Atlanta, Georgia facilities shall be required to attend a training program lasting at least two hours for managers and at least one hour for non-managerial staff employees regarding equal employment opportunity rights and responsibilities, with a focus on age discrimination and retaliation. All new management employees will receive the training described above within 30 days of hire or promotion. This will be in place for a six month period of time. Within seven days after each component of the training described above has been completed, Defendant will provide certification to Commission counsel that such training has been provided, including the identity of the provider, the date and location of the training, the name(s) of the trainee(s), and the number of hours of training.

Notice Posting

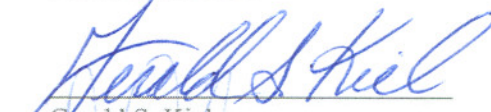
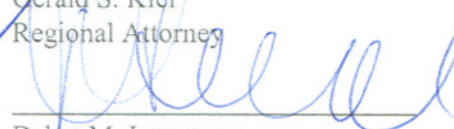
9. Within ten business days after entry of this Decree, Defendant will post the Notice attached hereto (Attachment A) in all places where notices to employees are customarily posted at Defendant's North Carolina facility. The Notice shall be posted and maintained for the duration of the Decree and shall be signed by the Defendant President John L. Marshall, III, with the date of actual posting shown thereon. Should the Notice become defaced, marred, or otherwise made unreadable, Defendant will ensure that new readable copies of the Notice are posted in the same manner as heretofore specified. Within thirty calendar days of entry of the Decree, Defendant shall forward to the EEOC's Baltimore District Office, a copy of the signed Notice and written certification that the Notice referenced herein has been posted and a statement of the locations and dates of posting.


10. The Commission and Defendant shall bear their own costs and attorneys' fees.
11. The undersigned counsel of record in the above-captioned action hereby consent, on behalf of their respective clients, to the entry of the foregoing Consent Decree.

FOR DEFENDANT:


Anita Barondes, Esq.
SEYFARTH SHAW LLP
815 Connecticut Avenue, Suite #500
Washington, DC 20006

FOR PLAINTIFF:


Gerald S. Kiel
Regional Attorney

Debra M. Lawrence
Supervisory Trial Attorney


Maria Salacuse
Trial Attorney

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
Baltimore District Office
10 S. Howard Street, 3d Floor
Baltimore, Maryland 21201
(410) 962-4341

SO ORDERED.

Signed and entered this ____ day of _____, 2004.

Richard D. Bennett
United States District Court Judge



EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

This Notice is being posted as part of an agreement between the Equal Employment Opportunity Commission (EEOC) and Special Counsel, Inc. (Special Counsel).

Under Section 4(a) of the Age Discrimination in Employment Act of 1967, as amended (ADEA), it is unlawful for an employer to "discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's age." 29 U.S.C. § 623(a).

Under Section 4(d) of the ADEA it is unlawful for an employer "to discriminate against any of his employees or applicants for employment. . . because such individual . . . has opposed any practice made unlawful by this section." 29 U.S.C. § 623(d).

Therefore, in accordance with the applicable law:

SPECIAL COUNSEL WILL NOT engage in any acts or practices made unlawful by the above sections.

SPECIAL COUNSEL WILL NOT retaliate against employees for complaining about discrimination.

Special Counsel's policy provides that persons who believe that they have been subjected to unlawful discrimination or retaliation may report it to their supervisor, a member of management, or directly to the Human Resources Department at 1-800-642-1412. Special Counsel will thoroughly investigate all such claims with due regard for the privacy of the individuals involved. Any employee who knowingly retaliates against an employee who has complained of discrimination shall be subject to immediate disciplinary action, up to and including discharge.

If you have a complaint of employment discrimination or questions regarding laws prohibiting employment discrimination, you may seek assistance from the EEOC. Office locations and general information may be obtained on the Internet at www.eeoc.gov or by calling 1-800-669-4000 (TDD 1-800-669-6820).

John L. Marshall, III
President

Date Posted: