

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

U.S. DISTRICT COURT
DISTRICT OF MARYLAND
2001-7-7-10

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

Plaintiff,

v.

AMERICAN RED CROSS,

and

SPHERION CORPORATION, INC.

Defendants.

Civil Action No. JFM 01 CV 705

CONSENT DECREE

This action was instituted on March 8, 2001 by Plaintiff, the Equal Employment Opportunity Commission (the "Commission" or "EEOC"), against Defendants, American Red Cross Blood Services, Greater Chesapeake and Potomac Region ("the Region") and Spherion Corporation, Inc. ("Spherion"), (collectively "Defendants") pursuant to Section 703(a) and 706(f)(1) and (3) and Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et seq. ("Title VII"), and the Equal Pay Act of 1963, 29 U.S.C. § 206(d)(1) ("Equal Pay Act"), to correct alleged unlawful employment practices. The Complaint alleges that Defendants, as joint employers, violated both Title VII and the Equal Pay Act by paying Karen Wheatley-Moss and other female Infectious Disease Investigators lower wages than those paid to their male counterpart for performing the same job.

Both the Commission and Defendants desire to resolve this action and all issues raised by the Complaint without the time, substantial expense and uncertainty of litigation, trials, and

appeals of further contested litigation. The parties also desire to formulate a plan to be embodied in a Decree that will promote and effectuate the purposes of Title VII and the Equal Pay Act.

For the purposes of resolving this action, Defendants admit that the Court has jurisdiction of the claims alleged in this action, and that all statutory and jurisdictional prerequisites to suit have been satisfied.

This Decree, reached with the mutual consent of the parties, does not constitute an adjudication on the merits of the case or an admission of any liability by Defendants.

This Decree is not and shall not be construed as a waiver by the Commission of any contentions of discrimination.

The parties have agreed that this Decree may be entered without Findings of Fact and Conclusions of Law having been made and entered by the Court.

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

1. This Decree constitutes full discharge and satisfaction of any claims that have been alleged and could have been alleged in the Complaint filed in this Title VII and Equal Pay Act action by the EEOC based on the charge of discrimination filed by Karen Wheatley-Moss, Charge Number 120-A0-0431, against the Defendants.

INJUNCTION AGAINST WAGE DISCRIMINATION

2. Defendant the Region shall be, and hereby is, enjoined and restrained from engaging in any employment practice that discriminates against its female employees in the form of compensation discrimination.

3. Defendant Spherion Corporation, Inc.'s Timonium branch office is hereby enjoined and restrained from engaging in any employment practice that discriminates against its female employees in the form of compensation discrimination.

REQUIRED TRAINING

4. Within six (6) months of the entry of this Decree, Defendant the Region shall provide one training session devoted to wage discrimination under the Equal Pay Act and Title VII and their requirements to managerial employees who are involved in compensation decisions. Upon written request, Defendants will forward a certified copy of the attendance roster to the EEOC's attorney of record.

5. Within six (6) months of the entry of this Decree, Defendant Spherion Corporation, Inc.'s Timonium branch office shall provide one training session devoted to wage discrimination under the Equal Pay Act and Title VII and their requirements to managerial employees who are involved in compensation decisions. Upon written request, Defendants will forward a certified copy of the attendance roster to the EEOC's attorney of record.

POSTING OF NOTICE

6. a. Upon entry of this Decree, the Region will post promptly in a conspicuous place in its Baltimore, Maryland facility, at a place where notices to employees are customarily posted, the EEOC poster, "Equal Employment Opportunity Is The Law" (Form EEOC-P/E-a), and the Notice attached hereto as Exhibit "A" and made a part hereof, which shall be signed by a responsible official of the Region with the date of actual posting shown thereon.

b. Upon entry of this Decree, Spherion Corporation, Inc.'s Timonium branch office will post promptly in a conspicuous place in its Timonium, Maryland facility, at a place

where notices to employees are customarily posted, the EEOC poster, "Equal Employment Opportunity Is The Law" (Form EEOC-P/E-a), and the Notice attached hereto as Exhibit "A" and made a part hereof, which shall be signed by a responsible official of Spherion Corporation, Inc. with the date of actual posting shown thereon.

c. The Notice shall be posted and maintained by Defendants throughout the period of this Decree. Within thirty (30) days of approval of this Decree, Defendants shall forward to the Commission's attorney of record, at the EEOC's Baltimore District Office, a copy of the signed Notice attached hereto as Exhibit "A", written certification that the EEOC poster and Notice referenced herein have been posted, and a statement of the location and date(s) of posting. Should any of the posters or Notice become defaced, marred, or otherwise made unreadable, Defendants will ensure that new readable copies are posted in the same manner as heretofore specified.

INDIVIDUAL NON-MONETARY RELIEF

7. Defendants shall not disseminate to any other employer or prospective employer the existence of this action or the charge of discrimination, unless required to do so by subpoena, by any court of competent jurisdiction, by any federal or state agency, or as required by law or in defense of any litigation. With regard to the individual women upon whose behalf the EEOC has sought relief in this lawsuit, Defendants will provide to employers or prospective employers neutral references setting forth the dates of their employment with Defendants.

8. Defendants will immediately remove from the personnel files of the women on whose behalf the EEOC sought individual relief in this action all documents and entries relating to the EEOC's allegations in this case, including any Charge forms, affidavits, witness

statements, investigative reports or other documents setting forth any of the factual allegations relating to the charge of discrimination underlying this lawsuit.

INDIVIDUAL MONETARY RELIEF

9. a. Within ten (10) days of notice of the Court's entry of the Decree, Defendants agree to pay a sum totaling twelve thousand seven hundred sixty two dollars and seventy-four cents (\$12,762.74) to the women on whose behalf the EEOC sought individual monetary relief in this action, specifically \$8,852.90 shall be paid to Ms. Wheatley-Moss (based on 941.5 regular hours worked and 44.5 overtime hours worked) and \$3,909.84 shall be paid to Danielle Carroll (based on 728.5 regular hours worked and 108 overtime hours worked). The monetary relief shall be made in payments in the form of checks as follows:

b. Payments shall be sent by Certified Mail, Return Receipt Request, to addresses to be supplied to the Defendants by the Commission. The mailing date shall be deemed the date of payment. Simultaneously, copies of the check shall be mailed to the Commission's attorney of record at the EEOC's Baltimore District Office.

c. The payments to be made pursuant to this paragraph are awards paid to satisfy EEOC's allegations of back pay, although these awards do not constitute an admission by Defendants regarding the same. This back pay award is attributable to the payment of lost wages or fringe benefits or the loss of other monetary job benefits. Accordingly, the payment shall be made with the withholding of any federal tax, state tax, social security, and Medicare, and shall be reported to the Internal Revenue Service on a Form W-2.

10. Alleged violations of this Decree, including specifically alleged violations of the injunctive provisions against wage compensation issued in paragraphs 2 and 3 above, may be brought before this Court by either party upon an application for a contempt citation without

otherwise separately satisfying the administrative prerequisites to suit of Title VII, provided however that such application is accompanied by certification that a good-faith effort was made to resolve the dispute between the parties.

NON-DISPARAGEMENT

11. Defendants shall not disparage to either the general public or the company's employees in any way the seriousness of the claims made in this lawsuit, the allegations of the women on whose behalf the EEOC sought individual relief in this action, the Commission's enforcement efforts or procedures in this action, or this Decree. This paragraph shall in no way prevent Defendants from advising the general public or the company's employees that Defendants deny engaging in any discriminatory or unlawful practice or wrongdoing of any kind, and specifically deny any violation of the law.

SCOPE AND DURATION OF DECREE

12. Except where otherwise provided, this Decree shall remain in effect for a period of one year from the date of approval of this Consent Decree.

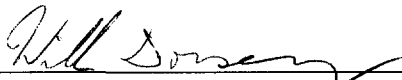
13. The Court retains jurisdiction of this action to ensure compliance with this Decree. In all other respects, this action is dismissed with prejudice, and the Clerk of the Court is directed to remove this action from the Court's calendar.

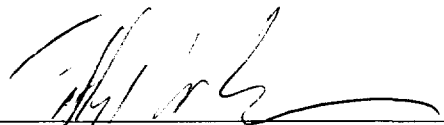
MISCELLANEOUS

14. The Commission and Defendants shall bear their own costs, expenses, and attorneys' fees incurred in connection with this action.

The undersigned counsel of record, on behalf of their respective clients, hereby consent to the entry of the foregoing Consent Decree.

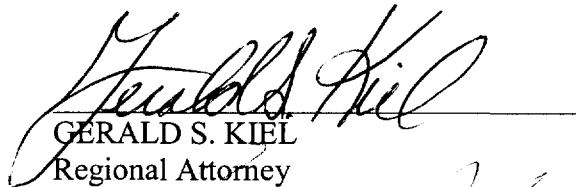
FOR DEFENDANTS:

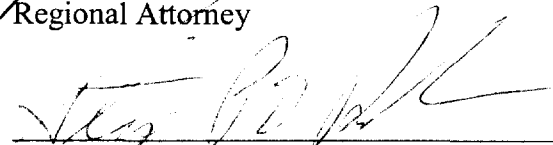

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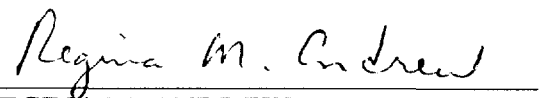

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CLERK'S OFFICE
OF BALTIMORE
DEPUTY

ORDER

Having reviewed the terms of the attached Consent Decree, the Court hereby approves the Decree as fair and just to all parties and persons affected thereby and as one which will promote and effectuate the purposes of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq., and the Equal Pay Act of 1963, 29 U.S.C. § 206(d)(1). Now therefore, this Court being fully advised in the premises, it is hereby ORDERED, ADJUDGED, and DECREED:

The above Consent Decree is hereby approved and made an Order of this Court.

October 9, 2001


J. Frederick Motz
UNITED STATES DISTRICT JUDGE