

**RECEIVED**  
CHARLOTTE, N.C.

**OCT 30 2000**

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

**FILED**  
CHARLOTTE, N. C.

Clerk, U. S. Dist. Court  
W. Dist of N. C.

**NOV. 2 2000**

EQUAL EMPLOYMENT )  
OPPORTUNITY COMMISSION, )  
 )  
Plaintiff )  
 )  
v. )  
 )  
BASF CORPORATION, )  
 )  
Defendant )  
\_\_\_\_\_ )

U. S. DISTRICT COURT  
W. DIST. OF N. C.

CASE NO. 3:99CV370-MU

**CONSENT DECREE**

This action was instituted by the Equal Employment Opportunity Commission ("Plaintiff") against BASF Corporation ("Defendant") pursuant to Section 706(f)(1) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e, et seq., ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a. Plaintiff alleged that Defendant engaged in an unlawful employment practice at its Charlotte (Chesapeake), North Carolina facility when it failed to hire Yvette McGill because of her sex.

Plaintiff and Defendant hereby stipulate to jurisdiction of the Court over the parties and the subject matter of this action.

Plaintiff and Defendant desire to resolve the allegations in the Complaint without the burden, expense, and delay of contested litigation. Therefore, both have agreed to the entry of this Consent Decree. This Decree, being entered with the consent of the parties, shall not constitute an adjudication or finding on

the merits of the present action and shall not be used or introduced for any purpose whatsoever in any legal proceeding, except in an action to enforce this Decree. The parties have agreed to this Decree, and neither this Decree nor the provisions contained herein shall be interpreted or construed as an admission by Defendant of a violation of Title VII or any other law prohibiting discrimination.

This Decree shall be final and binding upon Plaintiff and Defendant, as well as upon their respective successors and assigns.

The Court has jurisdiction over the parties and the subject matter of this action. The Court has reviewed the terms of the proposed Consent Decree and in light of the pleadings and applicable laws and regulations, it has approved this Consent Decree as one which will promote and effectuate the purposes of Title VII.

It is therefore ORDERED, ADJUDGED AND DECREED as follows:

1. Defendant shall not discriminate against applicants for employment or employees on the basis of sex (gender) by denying equal employment opportunities to female applicants or employees.

2. Defendant shall not discriminate or retaliate against any person because of opposition to any practice made unlawful under Title VII, or because of the filing of a charge, the giving of testimony, or assistance or participation in any

investigation, proceeding or hearing under Title VII.

3. Within thirty (30) days of the Court's approval of this Consent Decree, the Defendant shall pay Yvette McGill the sum of twelve thousand five hundred dollars (\$ 12,500) in settlement of her claim by mailing said payment, by certified mail, return receipt requested, to Ms. McGill at 611 Waterview Drive, Concord, NC 28207. Within ten (10) days of making said payment, Defendant shall mail to Mindy E. Weinstein, Regional Attorney, Equal Employment Opportunity Commission, 129 West Trade Street, Suite 400, Charlotte, NC 28202, a copy of the check and proof of its delivery to Ms. McGill.

4. The parties agree that the monies distributed to Ms. McGill shall be deemed damages not resulting from physical injuries or physical sickness. Defendant will issue Ms. McGill an IRS 1099 form as required by law, reflecting payment of these damages.

5. Defendant agrees to eliminate from the employment record of Yvette McGill any and all documents and entries relating to the facts and circumstances which led to the filing of the EEOC Charge made the basis of this suit, and the related events which occurred thereafter.

6. Within ten (10) days after the Court's approval of this Consent Decree, and continuing throughout the term of this Decree, Defendant shall conspicuously post the attached Employee

Notice, marked Exhibit A, in a place where it is visible to employees at its Charlotte (Chesapeake) North Carolina facility.

7. Defendant has adopted a written policy prohibiting sex discrimination. Said policy is attached hereto as Exhibit B. A copy of said policy shall be distributed to each manager, supervisor and employee (temporary and permanent) at Defendant's Charlotte (Chesapeake) North Carolina facility within thirty (30) days of the entry of this Consent Decree and to each new hire upon application or hiring. Additionally, Defendant has adopted the Equal Employment Opportunity Statement attached hereto as Exhibit C ("EEO Statement"). Said EEO Statement shall be appended to each BASF (Chesapeake) application that is provided to applicants for employment.

8. Defendant shall provide training to all managers, supervisors and employees on the payroll of Defendant's Charlotte (Chesapeake) North Carolina facility concerning its policy against sex discrimination. This training shall be completed within one hundred twenty (120) days of entry of this Consent Decree. Within one hundred fifty (150) days of entry of the Consent Decree, Defendant shall certify to the Commission the specific training which was undertaken and shall provide the Commission with a roster of all employees in attendance. Said certification and roster shall be forwarded to Mindy E. Weinstein, Regional Attorney, EEOC, at the address in paragraph 3

above.

9. For a period of two (2) years from the date this Consent Decree is entered by the Court, Defendant shall submit semi-annual reports to the Commission concerning its hiring into temporary and permanent production operator positions at its Charlotte (Chesapeake) North Carolina facility. The reports shall contain the following information for the reporting period:

- a) the name, address, social security number, sex and position of all persons hired or used as temporary employees in the production operator positions;
- b) copies of all job applications received for the production operator position during the reporting period; and
- c) copies of all written job referrals received for the production operator position from any referral agency, including both governmental and private employment agencies.

10. The first report shall be submitted five (5) months after entry of the Consent Decree. Thereafter, reports shall be submitted every six months during the term of this Decree. The reports shall be mailed to Mindy E. Weinstein, Regional Attorney, EEOC, at the address in paragraph 3 above.

11. If at any time during the term of this Decree, the Commission believes that Defendant is in violation of this Decree, the Commission shall give notice of the alleged violation to the Defendant. Defendant shall have thirty (30) days in which to investigate and respond to the allegations. Thereafter, the parties shall have a period of thirty (30) days, or such

additional period as may be agreed upon by them, in which to engage in negotiation and conciliation regarding such allegations, before the Commission exercises any remedy provided by law.

12. The term of this Decree shall be for two (2) years from its entry by the Court.

13. Each party shall bear its own costs and attorney fees.

14. This Court shall retain jurisdiction of this cause for purposes of monitoring compliance with this Decree and entry of such further orders as may be necessary or appropriate.

2 Nov 2000  
Date

Graham C. Mulley  
Judge, U.S. District Court  
Western District of North Carolina

CONSENTED TO this 30<sup>th</sup> day of October, 2000.

BASF CORPORATION

By: *Roland D. DeLoach*  
for BASF Corporation

By: *Louis C. Bledsoe III*  
Louis Bledsoe, III  
Attorney at Law  
Robinson, Bradshaw  
& Hinson, P.A.  
101 N. Tryon St., Ste 1900  
Charlotte, NC 28246

EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION

*Mindy E. Weinstein*  
Mindy E. Weinstein  
Regional Attorney

*Lynette A. Barnes*  
Lynette A. Barnes  
Supervisory Trial  
Attorney  
129 W. Trade Street  
Suite 400  
Charlotte, NC 28202

Copy to:

Lynette A. Barnes  
Supervisory Trial Attorney  
129 W. Trade Street, Suite 400  
Charlotte, NC 28202

Louis Bledsoe, III  
ROBINSON, BRADSHAW & HINSON, P.A.  
101 North Tryon Street, Suite 1900  
Charlotte, NC 28246





ALL-STATE<sup>®</sup> LEGAL 800-222-0510 EDS11 RECYCLED

**NOTICE TO EMPLOYEES**

Federal law prohibits discrimination against any employee or applicant for employment because of the individual's sex, race, color, religion, national origin, disability or age (40 and over) with respect to hiring, promotion, discipline, firing, compensation, or other terms, conditions or privileges of employment. Federal law also prohibits retaliation against any employee or applicant for employment because the individual has opposed discriminatory employment practices.

BASF Corporation supports and will comply with such federal law in all respects and will not discriminate against any applicant in hiring because of their sex. Additionally, BASF Corporation will not take any action against employees because of their race, color, religion, sex, national origin, disability or age, or because they have exercised their rights under the law.

BASF Corporation has adopted an equal employment opportunity policy and will ensure that all management, supervisory employees and other employees abide by the requirements of that policy.

**DO NOT REMOVE THIS NOTICE UNTIL: \_\_\_\_\_, 2002.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
for BASF Corporation

**EXHIBIT A**



ALL-STATE® LEGAL 800-222-3510 EDS11 RECYCLED

<b>BASF Corporation</b>  <b>Corporate Policy</b>	<b>Title:</b> Equal Employment Opportunity/Affirmative Action		
	<b>Function:</b> Human Resources – Industrial Relations / EEO		
	<b>No.:</b> BC021		<b>Page:</b> 1 of 3
	<b>Reviewed:</b> 2/16/00	<b>Effective:</b> 2/28/00 (Rev. 1)	<b>Supersedes:</b> 1/1/99
<b>Preparer:</b> Director, Equal Employment Opportunity & Diversity <i>(Signature on File)</i>	<b>Owner:</b> Director, Equal Employment Opportunity & Diversity <i>(Signature on File)</i>	<b>Approver:</b> Chairman and Chief Executive Officer <i>(Signature on File)</i>	

## 1. PURPOSE

To provide guidance to employees of BASF Corporation ("BASF") regarding their responsibility to comply with federal and applicable civil rights laws.

## 2. DEFINITIONS

### 2.1. Affirmative Action Program ("AAP")

A written program in compliance with federal guidelines in which BASF annually details the steps it will take and has already taken to ensure Equal Employment Opportunity.

### 2.2. Equal Employment Opportunity

The treatment of employees and applicants on the basis of job-related skills and work performance and not because of their age, citizenship, color, disability, national origin, pregnancy, race, religion, sex, sexual orientation, veteran status, or any other basis prohibited by law.

## 3. POLICY

### 3.1. Equal Opportunity

BASF shall provide equal opportunity to all qualified employees and applicants for employment.

### 3.2. Prohibited Behavior

BASF prohibits discrimination in employment because of

- Age
- Citizenship
- Color
- Disability
- National origin
- Pregnancy
- Race
- Religion
- Sex
- Sexual orientation
- Veteran status
- Any other basis prohibited by law.

### 3.3. Affirmative Action Programs

#### 3.3.1. Types of Affirmative Action Programs

As required by federal law and regulations, all BASF locations will have separate written Affirmative Action Programs which will address:

- the underutilization of minorities and females
- special disabled veterans and veterans of the Vietnam era, and
- individuals with disabilities.

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	<b>Reviewed:</b> 2/16/00	<b>Effective:</b> 2/28/00 (Rev. 1)	<b>Supersedes:</b> 1/1/99

### 3. POLICY cont'd.

#### 3.3. Affirmative Action Programs cont'd.

##### 3.3.2. Goals of Affirmative Action Programs

BASF's goals are to:

- achieve a representative work force mixture of qualified ethnic minority and female employees at all job levels in the organization, and
- provide Equal Employment Opportunity for all qualified employees and applicants for employment.

#### 3.4. Complaint Procedure

- Individuals who believe that they have been the subject of discrimination should report the alleged act immediately to their supervisor.
- If the problem or complaint is directed at the immediate supervisor, the complaint should be filed with the next level of management or above, or directly with the Human Resources representative for the individual unit.
- Employees may also use the confidential Corporate Compliance HOTLINE (1-800-241-1280) to report complaints of discrimination.

#### 3.5. Policy Dissemination

This policy must be made available as follows:

- Distributed to all Human Resources representatives.
- Conspicuously and permanently posted on all bulletin boards.
- Provided to all new employees.
- Posted on the BASF Intranet.

### 4. SCOPE

Applies to BASF and its United States subsidiaries.

### 5. RESPONSIBILITIES

#### 5.1. Employees

Responsible for

- complying with this policy, and
- cooperating in any investigation of alleged discrimination.

#### 5.2. Human Resources Representatives

Responsible for

- initiating timely and confidential investigations, and
- reporting results of investigations to appropriate BASF officials.

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	<b>No.:</b> BC021		<b>Page:</b> 3 of 3
	<b>Reviewed:</b> 2/16/00	<b>Effective:</b> 2/28/00 (Rev. 1)	<b>Supersedes:</b> 1/1/99

**5. RESPONSIBILITIES cont'd.**

**5.3. Supervisors and Managers**

Responsible for

- implementing this policy in their work groups
- insuring all employees understand this policy
- notifying Human Resources immediately about any complaints of discrimination, and
- in coordination with the appropriate Human Resources representative, taking immediate and appropriate corrective action when necessary.

**5.4. Director, Equal Employment Opportunity & Diversity**

Responsible for

- developing educational programs and providing technical assistance to ensure compliance with this policy, and
- interpreting this policy.

**6. RELATED DOCUMENTS**

- BC004 Human Resource Policies - Statement of Purpose  
BC020 Sexual and Other Harassment



ALL-STATE® LEGAL 800-222-0510 ED311 RECYCLED

**EQUAL EMPLOYMENT OPPORTUNITY STATEMENT**

Thank you for taking time to investigate career opportunities at BASF Corporation.

The policy of BASF Corporation is to provide Equal Employment Opportunity for all qualified applicants and employees, ensure that the workplace is free of harassment, and to comply with all federal and state EEO laws and regulations. The Corporation will recruit, hire, train, and promote qualified persons in all job titles, ensure that all other personnel actions are administered without regard to age, race, sex, national origin, religion, veteran or disability status, or sexual orientation, and ensure that all employment decisions are based only on valid job requirements.



United States District Court  
for the  
Western District of North Carolina  
November 2, 2000

\* \* MAILING CERTIFICATE OF CLERK \* \*

Re: 3:99-cv-00370

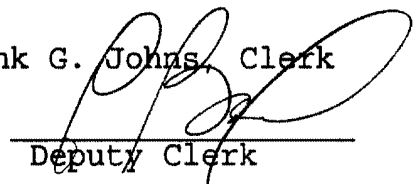
True and correct copies of the attached were mailed by the clerk to the following:

Roderick Ventura, Esq.  
EEOC/Charlotte District Office  
129 W. Trade St., Ste. 400  
Charlotte, NC 28202

Louis A. Bledsoe, Esq.  
Robinson, Bradshaw & Hinson, P. A.  
101 No. Tryon St.  
Suite 1900  
Charlotte, NC 28246

- C: \_\_\_\_\_
- Judge ( )
- Magistrate Judge ( )
- U.S. Marshal ( )
- Probation ( )
- U.S. Attorney ( )
- Att. for Deft. ( )
- Defendant ( )
- Warden ( )
- Bureau of Prisons ( )
- Court Reporter ( )
- Courtroom Deputy ( )
- Prig-Security ( )
- Bankruptcy Clerk's Ofc. ( )
- Other \_\_\_\_\_ ( )

Date: 11/2/00

Frank G. Johns, Clerk  
By:   
Deputy Clerk