

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
CIVIL ACTION NO. 1:04CV00837**

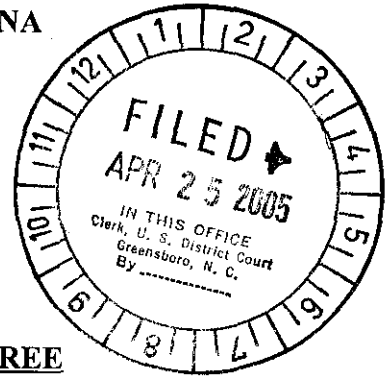
**EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,**

**Plaintiff,**

**v.**

**HOWELL'S CHILD CARE CENTER,  
INC. d/b/a HOWELL CENTER -  
GATEWOOD,**

**Defendant.**



**CONSENT DECREE**

The Equal Employment Opportunity Commission (the "Commission") instituted this action pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e-5(f)(1) and (3), ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

The Commission and the Defendant, Howells' Child Care Center, Inc. (the "Defendant"), hereby stipulate to jurisdiction of the Court over the parties and agree that the subject matter of this action is properly before the Court.

The Defendant has denied any liability and has denied the Commission's allegations of any violation of federal or state laws.

The parties have advised this Court that they desire to resolve the allegations in the Complaint without the burden, expense, and delay of further litigation. By entering into this Decree, Defendant does not admit to any liability. This Consent Decree constitutes a Court

approved settlement and is not a finding of any liability, fault, or responsibility for the allegations contained in the Commission's Complaint.

It is therefore the finding of this Court, made on the pleadings and the record as a whole, that: (1) the Court has jurisdiction over the parties and the subject matter of this action; (2) the purpose and provisions of Title VII will be promoted and effectuated by the entry of the Consent Decree; and (3) this Decree resolves all matters in controversy between the parties as provided in paragraphs 1 through 16 below.

It is therefore ORDERED, ADJUDGED AND DECREED as follows:

1. This Court Decree is a Court approved settlement between the parties with no findings, order or judgement of fault or liability.
2. Defendant shall not discriminate against any employee on the basis of religion, or any other protected category within the meaning of Title VII of the Civil Rights Act of 1964.
3. Defendant shall not discriminate or retaliate against any person because of opposition to any practice made unlawful under Title VII of the Civil Rights Act of 1964, or because of the filing of a charge, the giving of testimony or assistance, or the participation in any investigation, proceeding or hearing under Title VII.
4. Defendant shall pay Bettie Winchester the sum of Fifteen Thousand Dollars (\$15,000.00) in settlement of the claims raised in this action. Defendant shall make payment by issuing a check payable to Bettie Winchester, and Defendant shall mail the check to Bettie Winchester at an address provided by the Commission. Payment shall be made within fifteen days after the Court approves this Consent Decree. Within ten days after the check has been sent to Ms. Winchester, Defendant shall mail to Lynette A. Barnes, Acting 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. Winchester.

5. In the event a prospective employer of Bettie Winchester makes a reference request, Defendant shall respond by providing a neutral reference confirming Bettie Winchester's dates of employment, position title, and base salary.

6. Defendant agrees to eliminate from the employment records of Bettie Winchester any and all documents, entries, or references of any kind relating to the facts and circumstances which led to the filing of EEOC Charge Number 145-2004-00064 and the related events that occurred thereafter.

7. Within thirty (30) days of the entry of this Decree by the court, Defendant shall institute and implement an anti-discrimination policy, which includes a prohibition on religious discrimination. The policy shall also include Defendant's policy with respect to the accommodation of employees' religious beliefs. Defendant shall mail a copy of said policy to Lynette A. Barnes, Acting Regional Attorney, at the above address within forty-five (45) days of the entry of this Decree.

8. During the term of the Decree, Defendant agrees that it shall provide a training program to all of its employees, including management and supervisory employees, at the Howell Center facilities in North Carolina. The training program will include an explanation of the requirements of the federal equal employment opportunity laws, including Title VII of the Civil Rights Act of 1964 and its prohibition against religious discrimination in the workplace. Each training program will also cover Defendant's anti-discrimination policy, and an explanation of the rights and responsibilities of employees and managers under the policy. The first training program shall be completed within ninety (90) days after entry of the decree by the Court. Each

subsequent training program shall be conducted at approximately one-year intervals. At least fifteen (15) days prior to each program, Defendant shall provide the Commission with an agenda for the training program. Within ten (10) days after completion of each training program, 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.

9. Beginning within thirty (30) days after the entry of this Decree by the Court, and continuing throughout the term of this Decree, Defendant shall conspicuously post the attached Employee Notice, marked Appendix A, hereby made a part of this Decree, in a place where it is visible to employees at the Howell Center facilities in North Carolina. If the Notice becomes defaced or unreadable, Defendant shall replace it by posting another copy of the Notice.

10. Defendant will provide the Commission with semi-annual reports during the term of this Decree. The reports shall include the following information: (1) the identities of all employees who request accommodation based on their religion at the Howell Center facilities in North Carolina including by way of identification each person's name, address, telephone number, social security number, and accommodation requested, and (2) the action taken in response to the employee's request for accommodation. Defendant shall submit the reports to the Commission four (4) months after the date of entry of this Consent Decree and every six months thereafter during the term of this Decree.

11. Defendant agrees that the Commission may review compliance with this Decree. As part of such review, the Commission may inspect Defendant's facilities, interview employees and examine and copy documents.

12. If anytime during the term of this Decree, the Commission believes that Defendant is in violation of the Decree, the Commission shall give notice of the alleged violation

to the Defendant. Defendant shall have ten (10) days in which to investigate and respond to the allegations. Thereafter, the parties shall have a period of ten (10) 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.

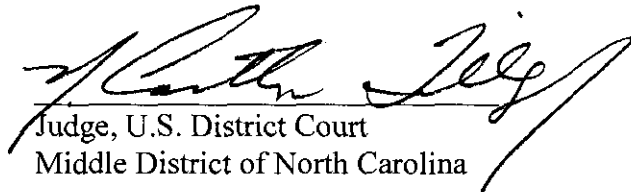
13. The term of this Decree shall be for three (3) years from its entry by the Court.

14. All reports or other documents sent to the Commission by Defendant pursuant to this Decree shall be sent to: Lynette A. Barnes, Acting Regional Attorney, Equal Employment Opportunity Commission, 129 W. Trade Street, Suite 400, Charlotte N.C., 28202.

15. Each party shall bear its own costs and attorney's fees.

16. 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.

April 25, 2005  
Date

  
Judge, U.S. District Court  
Middle District of North Carolina

The parties jointly request that the Court approve and enter the Consent Decree:

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

ERIC S. DREIBAND  
General Counsel

JAMES L. LEE  
Deputy General Counsel

GWENDOLYN YOUNG REAMS  
Associate General Counsel


HOWELL CHILD CARE CENTER, INC.

By: 


JOHN A. J. WARD  
WARD & DAVIS, LLP  
409 Pollock Street  
P.O. Drawer 1428  
New Bern, N.C. 28563  
Tel: (252) 633-1101

EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION  
1801 "L" Street, N.W.  
Washington, D.C. 20507

By:

  
LYNETTE A. BARNES  
Acting Regional Attorney  
129 West Trade Street, Suite 400  
Charlotte, N.C. 28202

By:

  
ZOË G. MAHOOD  
Senior Trial Attorney  
1309 Annapolis Drive  
Raleigh, N.C. 27608  
Tel: (919) 856-4080