

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION**

EQUAL EMPLOYMENT)	
OPPORTUNITY COMMISSION,)	
)	
Plaintiff,)	CIVIL ACTION NO. 8:05-0506-HFF-WMC
)	
v.)	_____ CONSENT DECREE
)	
)	
DENNIS' FOODS, INC.,)	
Defendant.)	_____
<hr style="width: 100%;"/>)	

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 of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3) ("Title VII"). Specifically, the Commission's Complaint alleged that Defendant, Dennis' Foods, Inc. ("Defendant") subjected Sandra Hovis to harassment based on her sex from around January 2002 to around April 2002.

The Commission and 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 parties have advised this Court that they desire to resolve the allegations in the Complaint without the burden, expense, and delay of further litigation.

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 18 below.

It is therefore ORDERED, ADJUDGED AND DECREED as follows:

1. Defendant shall not discriminate against any person on the basis of sex or any other protected category within the meaning of Title VII of the Civil Rights Act of 1964.

Specifically, Defendant shall not discriminate against female employees by subjecting them to sexual harassment.

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 giving of testimony or assistance, or the participation in any investigation, proceeding or hearing under the foregoing statute.

3. Defendant shall pay Sandra Hovis the sum of Two Thousand Five Hundred Dollars (\$ 2500.00) in settlement of the claims raised in this action. Payment shall be made within ten (10) days after the Court enters this Consent Decree and Defendant shall mail a certified check directly to Sandra Hovis at an address provided by the Commission. Within ten (10) days after the check has been sent, Defendant shall mail a copy of the check and proof of its delivery to Ms. Hovis to Lynette A. Barnes, Acting Regional Attorney, Equal Employment Opportunity Commission, 129 West Trade Street, Suite 400, Charlotte, N.C. 28202.

4. Defendant agrees to eliminate from the employment records of Sandra Hovis 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 146-2003-00136 and the related events that occurred thereafter. Within thirty (30) days of the entry of this Decree, Defendant shall report compliance to the Commission.

5. Defendant agrees to provide Sandra Hovis with a positive letter of reference, a copy of which is attached hereto, marked Appendix A. In addition, if Defendant receives any inquiries regarding the employment of Ms. Hovis, in lieu of an oral response, Defendant shall provide a copy of the aforementioned letter. Within ten (10) days of responding to any inquiry regarding the employment of Ms. Hovis, Defendant shall report compliance to the Commission, including the name and address of the person or entity to whom the letter was provided.

6. Within ninety (90) days of the entry of this Decree by the Court, Defendant shall adopt, implement, and distribute a formal, written anti-discrimination policy, which shall include, but not be limited to, the following:

- a. A statement explaining that harassment based on sex will not be tolerated;
- b. An explanation of prohibited conduct;
- c. Assurance that employees who make complaints of harassment or provide information related to such complaints will be protected against retaliation;
- d. A clearly described complaint process that provides at least three (3) accessible avenues of complaint;
- e. Assurance that the employer will protect the confidentiality of harassment complaints to the extent possible;
- f. A complaint process that provides prompt, thorough, and impartial investigations; and
- g. Assurance that the employer will take immediate and appropriate corrective action when it determines that harassment has occurred.

7. Defendant shall distribute to each current employee a copy of the policy referenced in paragraph 6 above, within the aforementioned ninety (90) day time period. Within

one hundred (100) days of the entry of this Decree, Defendant shall report compliance to the Commission, including providing a copy of the policy to the Commission. During the term of this Decree, Defendant shall distribute the policy to all new employees at the time of hire and review it with them at the time of hire.

8. During the term of this Decree, Defendant agrees to post a copy of the policy, referenced in paragraph 6 above, in all its facilities in a place where it is visible to employees. If the policy becomes defaced or unreadable, Defendant will replace it by posting another copy of the policy. Within one hundred (100) days after the Decree is entered, Defendant will post the policy and notify the EEOC that it has been posted.

9. During the term of this Decree, Defendant shall provide training annually to all of its owners, managers, supervisors, and employees. This training shall be conducted by an individual who is not an employee of Defendant or any of its affiliates. Each training program shall include an explanation of the requirements of Title VII of the Civil Rights Act of 1964 and its prohibition against sexual harassment and retaliation in the workplace. Each training program shall also include an explanation of Defendant's sexual harassment policy referenced in paragraph 6 above and an explanation of the rights and responsibilities of employees and managers under the policy.

The first training program shall be live training and shall be completed within one hundred twenty (120) days after entry of the Decree by the Court. Each subsequent training program, which may be conducted by videotape, shall be conducted at approximately 12 month intervals after the date of the initial training. At least thirty (30) days prior to the initial training program, Defendant shall provide the Commission with an agenda for the program which must

be approved by the Commission. Within ten (10) days after completion of each training program, including the live training and the videotape training, Defendant shall certify to the Commission the specific training which was undertaken and shall provide the Commission with a roster of all persons in attendance.

10. Defendant agrees to include Title VII training for all employees in new hire orientation and other appropriate forums. The training for new hires may be conducted by videotape.

11. 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 B, hereby made a part of this Decree, in each of its facilities, in a place where it is visible to employees. If the Notice becomes defaced or unreadable, Defendant shall replace it by posting another copy of the Notice. Within ten (10) days of the initial posting, Defendant shall report compliance to the Commission.

12. During the term of this Consent Decree, Defendant will provide the Commission with reports at six (6) month intervals, with the first being due four (4) months after entry of this Decree by the Court. Each report shall include the following information:

- a. The identities of all individuals who complained of or reported any conduct he/she believed to be unlawful sexual harassment under Title VII or a violation of Defendant's sexual harassment policy (referenced in paragraph 6 above), including by way of identification each person's name, last known telephone number and address, social security number, and job title;
- b. The name of the individual who allegedly committed the unlawful conduct as well as a detailed description of the alleged unlawful conduct; and
- c. What action, if any, Defendant took in response to the report/complaint.

13. 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.

14. 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 written notice of the alleged violation to Defendant who shall have ten (10) days in which to investigate and respond to the allegations. Thereafter, the parties shall then 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.

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

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

17. Each party shall bear its own costs and fees.

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

July 6, 2005
Spartanburg, South Carolina

s/Henry F. Floyd
Henry F. Floyd
United States District Judge
District of South Carolina

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

This ____ day of _____ 2005.

This ____ day of _____ 2005.

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION, Plaintiff

DENNIS' FOODS, INC.,
Defendant

ERIC S. DREIBAND
General Counsel

By: /s/ Dennis Moore
Dennis Moore
Its: _____

JAMES L. LEE
Deputy General Counsel

/s/ Robert W. Cone
ROBERT W. CONE
Federal Bar No. 7265
McDonald Patrick Baggett Poston
& Hemphill, LLP
414 Main Street
Greenwood, SC 29646
(864) 229-2511
Attorney for the Defendant

GWENDOLYN YOUNG REAMS
Associate General Counsel
EEOC
1801 L Street, N.W.
Washington, D.C. 20507

LYNETTE A. BARNES
Acting Regional Attorney

/s/ Mary M. Ryerse
MARY M. RYERSE
Trial Attorney
Equal Employment Opportunity
Commission
Charlotte District Office
129 West Trade Street, Suite 400
Charlotte, North Carolina 28202
(704) 344-6886

/s/ Robert F. Daley, Jr.
ROBERT F. DALEY, JR.
Assistant U.S. Attorney
Local Bar No. 6460
District of South Carolina
1441 Main Street, Suite 500
Columbia, S.C. 29201
(803) 929-3054