

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
)	
Plaintiff,)	
)	Case No. 04-C-0102
RENEE STACHURA,)	
)	CONSENT DECREE
Plaintiff-Intervenor)	
v.)	
HOME DEPOT, U.S.A., INC.)	
)	
Defendant.)	
)	

This suit was filed by the Equal Employment Opportunity Commission ("Commission") on January 29, 2004 pursuant to Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq. ("Title VII"), Title I of the Civil Rights Act of 1991, and 42 U.S.C. § 1981a. The Commission alleged that Home Depot, U.S.A., Inc. ("Home Depot") discriminated against Renee Stachura when it terminated her employment as an RTV clerk on account of her sex, female, and in retaliation for her opposition to unlawful employment practices, specifically racial harassment. Home Depot answered the Complaint and denied liability and specifically denied engaging in any discriminatory or retaliatory employment practices.

The Commission, Plaintiff-Intervenor and Defendant, (the "parties") desire to resolve the 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 Title VII.

This Decree shall not constitute an adjudication on the merits of the Commission's and Plaintiff-Intervenor's claims and shall not be construed as an admission by Defendant of any discriminatory practice or act. 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 Title VII. Therefore, upon due consideration of the record herein and being fully advised in the premises, it is ORDERED, ADJUDGED AND DECREED:

1. This Court has jurisdiction over the subject matter of this action and over the parties for purposes of entering and enforcing this Decree.
2. The terms of this Decree are adequate, fair, reasonable, equitable and just.
3. This Decree conforms with the Federal Rules of Civil Procedure and is not in derogation of the rights or privileges of any person. The entry of this Decree will further the objectives of Title VII, Title I of the Civil Rights Act of 1991, and 42 U.S.C. § 1981a and will be in the best interests of the parties, those for whom EEOC seeks relief, and the public.
4. This case was resolved by a mutually-agreeable settlement, to avoid the time, cost, and uncertainty associated with further contesting this matter. Defendant and its agents and employees do not admit to any wrongdoing.
5. This Decree resolves all claims against defendant arising out of the Charge of Discrimination filed by Renee Stachura, EEOC Charge No. 26GA11623, and the Commission's complaint filed in the Eastern District of Wisconsin, Case No. 04-C-0102.

INJUNCTIVE RELIEF

1. Injunction.

Home Depot, its officers, agents, employees, successors, and all persons in active concert or participation with it shall be and are hereby enjoined from discriminating against on the basis of gender, or retaliating against, any individual employed at Store Number 4918 (Waukesha, Wisconsin) in violation of Title VII, Title I of the Civil Rights Act of 1991, or 42 U.S.C. § 1981a, for a period of one year.

2. Training.

Home Depot shall provide the training described below to the employees specified once during 2005 and shall provide the EEOC's Milwaukee District Office with a list of those trained and the date and description of the training provided.

- A. Managers and supervisors at Store Numbers 4918 (Waukesha, Wisconsin) and 4928 (E. Appleton, Wisconsin) responsible for investigation of discrimination complaints, including harassment, shall be trained in the basic techniques of complaint investigation: interviewing, assessing credibility, and determining who is an appropriate subject for an interview, including allowing a person accused of a violation to give his/her version of events prior to making a disciplinary decision.
- B. In addition, all employees at Store Number 4918 (Waukesha) who have not previously received Title VII training, shall be trained in regard to the prohibitions against discrimination in Title VII, Title I of the Civil Rights Act of 1991, and 42 U.S.C. § 1981a, including training on harassment on any protected basis and retaliation. In addition, all employees in the Waukesha store shall be given an "update" or "reminder" training on Title VII once during 2005.

3. Posting.

Home Depot shall place a public notice, in a conspicuous place, at its Waukesha store/offices, for a period of six months from the date of entry of this Consent Decree and Order. The notice shall be in the form attached hereto as Exhibit A and captioned "Notice To All Employees." Home Depot shall provide the Commission's Milwaukee District Office with proof of compliance with this provision.

4. References to Ms. Stachura by Defendant.

To obtain a job reference, Ms. Stachura will refer any requests to Home Depot's employment

verification hot line (1-900-555-WORK or 1-900-555-9675) and will provide Home Depot's company code for this hotline. All such calls will be responded to with a neutral reference consisting solely of information regarding the dates of employment and positions held. In addition, Home Depot agrees to remove any reference to Ms. Stachura's termination and the reason(s) for it from her personnel file, and Ms. Stachura will be permitted to have placed in her file a letter of resignation. These file changes will be accomplished through Ms. Stachura's and Home Depot's attorneys.

5. Reporting.

At the six-month anniversary and twelve-month anniversary of the entry of this Consent Decree and Order, Home Depot shall report in writing to one of the undersigned counsel for the Commission the name, address, phone number, and job title of each employee who makes an internal complaint of alleged sex discrimination or retaliation under Title VII to a Human Resources Manager, Store Manager, or Assistant Store Manager at Store Number 4918 (Waukesha). Home Depot will also provide a general description of the nature of the complaint (e.g., "inappropriate comment regarding gender") and the disposition of the matter (e.g., "written warning issued"). Home Depot shall also maintain documents related to such complaint(s) pursuant to 29 C.F.R. §1602.14.

MONETARY RELIEF

6. Home Depot, agrees, within 15 days of signature of this Consent Decree and Order by the Court and upon Ms. Stachura's execution of a release of all claims, to pay Ms. Stachura \$16,000.00, less appropriate tax withdrawals and deductions. Home Depot further agrees to pay Ms. Stachura \$58,000.00 for all other forms of alleged damages, including emotional distress, medical damages and reputation damages, and to pay her attorney, Curry First, \$26,000.00 for plaintiff-intervenor's reasonable attorney's fees, costs, and other litigation expenses. Home Depot shall mail the payments to Ms. Stachura and Mr. First's firm c/o Attorney Curry First, First, Blondis, Albrecht & Novotnak, S.C.,

Broadway Theatre Center, 158 North Broadway, Suite 600, Milwaukee, Wisconsin 53202, and shall simultaneously provide a copy of the payment check(s) to the undersigned counsel for the Commission.

The Commission and Defendant shall bear their own costs and attorneys fees.

7. The Court retains jurisdiction of this action for one year after its entry to ensure compliance with this Decree. In all other respects, this action is dismissed with prejudice and the Clerk of the Circuit Court is directed to remove this action from the Court's docket.

SO ORDERED, ADJUDGED AND DECREED this 14th day of February, 2005.

s/ Rudolph T. Randa
Hon. Rudolph T. Randa
Chief Judge

Judgment entered this 14th day of February, 2005.

SOFRON B. NEDILSKY
Clerk of Court

by: s/ Linda M. Zik
Deputy Clerk

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

s/Jean P. Kamp
Jean P. Kamp
Regional Attorney

Date: February 11, 2005

s/Rosemary J. Fox
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Date: February 11, 2005

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HOME DEPOT U.S.A, INC.

s/Craig R. Thorstenson

Date: February 11, 2005

Craig R. Thorstenson, Illinois Bar Number 6198153

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Exhibit A

NOTICE TO EMPLOYEES

This Notice is being posted as part of the remedy agreed to pursuant to a Consent Decree between Home Depot U.S.A., Inc. and the Equal Employment Opportunity Commission (EEOC).

Unlawful Discrimination: Under federal law, it is unlawful for an employer to discriminate based on race, color, religion, sex, national origin, age (over 40), or disability. This means that a supervisor or manager cannot make decisions about hiring, promotion, pay, or other conditions of employment, based on race, color, religion, sex, national origin, age (over 40), or disability. This also means that the work environment should be free from harassment or ridicule based on race, color, religion, sex, national origin, age (over 40), or disability.

Unlawful Retaliation: It is also unlawful to discriminate or retaliate against any individual who reports or complains about what he or she reasonably believes to be unlawful discrimination based on race, color, religion, sex, national origin, age (over 40), or disability.

Reporting Improper Conduct: If you are aware of any events, conduct, or information, which you believe may indicate some improper discrimination or harassment, it is very important that you report the information so the necessary steps may be taken to investigate, identify, and promptly remedy any problems. You may report such improper to conduct to any of the following:

Reporting to Home Depot: Within the Home Depot organization, you may make such a report to the Human Resource Manager in your store, or to any member of management. Additionally, you may make such a report through the Home Depot Awareline, by calling 800-286-4909.

Upon receipt of a complaint, Home Depot will carefully investigate the complaint as provided for in the Code of Conduct.

Reporting to the U.S. Equal Employment Opportunity Commission: The EEOC is responsible for enforcing federal laws prohibiting employment discrimination based on race, color, religion, sex, national origin, age (over 40), or disability. You may directly contact the Milwaukee District office of the EEOC, at any of the following numbers:

Telephone: 414.297.1111

TTY: 414.297.1115

Fax: 414.297.4133

Toll Free: 1.800.669.4000

The Milwaukee District office of the EEOC is located at 310 W. Wisconsin Avenue, Suite 800, Milwaukee, Wisconsin 53203.

Reporting to the Wisconsin Equal Rights Division: The ERD is the state agency responsible for enforcing state laws prohibiting employment discrimination based on race, color, religion, sex, national origin, age (40 or over), or disability. You may directly contact the Wisconsin Equal Rights Division at any of the following numbers:

Telephone: 414.227.4384

Fax: 414.227.4084

The Milwaukee Office of the Wisconsin Equal Rights Division is located at 819 N. 6th Street, #255, Milwaukee, Wisconsin 53203.