

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

EQUAL EMPLOYMENT OPPORTUNITY	:	
COMMISSION and ELKA FAYE	:	CIVIL ACTION
("KELLIE") PORTMAN	:	
	:	
Plaintiffs,	:	
	:	NO. 05-CV-1896
	:	
v.	:	JUDGE SYLVIA H. RAMBO
	:	JURY TRIAL DEMANDED
RITE AID CORPORATION	:	
	:	
Defendant.	:	Electronically Filed

CONSENT DECREE

INTRODUCTION

A. This action was instituted by the United States Equal Employment Opportunity Commission (the "EEOC" or the "Commission") on or about September 21, 2005, against Rite Aid under Title VII of the Civil Rights Act of 1964 and Title 1 of the Civil Rights Act of 1991 ("Title VII"). The Commission alleged that Defendant Rite Aid discharged Elka Faye "Kellie" Portman in retaliation for exercising her rights under Title VII when she complained that

Defendant discriminated against her on the basis of her sex. The Commission also alleged that Ms. Portman suffered mental and emotional distress as a result of Defendant's retaliatory actions against her.

B. This Consent Decree is entered into by the EEOC and Defendant Rite Aid. This Consent Decree shall be final and binding between the EEOC and Defendant Rite Aid, its directors, officers, agents, employees, successors or assigns and all persons in active concert or participation with it, (hereinafter collectively referred to as "Rite Aid" or "Defendant").

C. The Commission and Defendant do hereby agree to the entry of this Consent Decree, which shall fully and finally resolve all claims which were raised by the EEOC in its Complaint in Civil Action No. 05-CV-1896. This Consent Decree shall not constitute an adjudication of or finding on the merits of the case and shall not be construed as a violation of Title VII by Defendant.

CONSENT DECREE

Upon consent of the parties to this action, it is hereby ORDERED, ADJUDGED and DECREED that:

NON-DISCRIMINATION AND NON-RETALIATION

1. This Court has jurisdiction over the parties and the subject matter of this action.

2. Defendant agrees that it will not discriminate on the basis of retaliation in violation of Title VII.

3. Defendant agrees that it will not engage in any employment practices which retaliate in any manner against any person, including but not limited to, Kellie Portman, because of that person's opposition to any practice alleged or believed to be unlawful under Title VII, or because of the filing of a charge, the giving of testimony or assistance, or the participation in any manner in any investigation, hearing or proceeding under Title VII.

4. Defendant shall not divulge, directly or indirectly, except as required by law, to any employer or potential employer of Kellie Portman, any of the facts or circumstances related to the charge of discrimination against Defendant, or any of the events relating to her participation in the litigation of this matter.

5. Defendant shall comply fully with all provisions of Title VII. Nothing in this Consent Decree, either by inclusion or exclusion, shall be construed to limit the obligations of Defendant under Title VII or the EEOC's authority to process or litigate any charge of discrimination which may be filed against Defendant in the future.

MONETARY RELIEF

6. Defendant agrees to pay monetary relief in the total amount of \$93,000 to Elka Faye Portman and her private counsel (Andrew N. Howe, Esq.), in

full settlement of the claims against Defendant which were raised in the Commission's Complaint. The check will be mailed to Kellie Portman through her private attorney Andrew N. Howe, Esq., at 2901 St. Lawrence Avenue, P.O. Box 4429, Reading, Pennsylvania 19606, by certified mail, return receipt requested. Defendant will mail a photocopy of the check to the EEOC, to the attention of Woody Anglade, Trial Attorney, EEOC, The Bourse, 21 South Fifth Street, Suite 400, Philadelphia, PA 19106-2515, within five days of the date of mailing of the check to Mr. Howe, Esq. In order to receive the monetary relief, Ms. Portman must execute the Settlement Agreement and General Release which has been provided to her counsel by counsel for Rite Aid on behalf of the Company.

POSTING OF NOTICE

7. Within ten (10) business days after entry of this Decree, or as soon as practicable, Rite Aid shall post a same-sized copy of the Notice attached as Exhibit A to this Decree on a bulletin board located at its 30 Hunter Lane, Camp Hill, PA facility usually used by Defendant for communicating with employees. The notice shall remain posted for two (2) years from the date of entry of this Decree. Counsel for Rite Aid shall provide a copy of the Notice, and an indication of the date and location of its posting, to the EEOC's Philadelphia District Office, attention, Woody Anglade, Trial Attorney, within ten (10) days of the posting. Defendant shall permit a representative of the EEOC to enter Defendant's 30

Hunter Lane, Camp Hill, PA premises for purposes of verifying compliance with this Paragraph at any time during normal business with reasonable written notice. Defendant shall take all reasonable steps to ensure that the posting is not altered, defaced or covered by any other material. Should the posted copies become defaced, removed, marred, or otherwise illegible, Rite Aid agrees to as soon as practicable post a readable copy in the same manner as hereto specified.

TRAINING

8. Defendant agrees to provide training on the requirements of Title VII on the following terms:

a. Defendant agrees to provide at least one training session during the duration of the Consent Decree, to all of its managers and supervisors who work at its 30 Hunter Lane, Camp Hill, PA facility by providing training on an employee's rights under Title VII, and the employer's obligations under Title VII, with an emphasis on what constitutes unlawful discrimination, how to keep Defendant free of such forms of discrimination, and what constitutes unlawful retaliation;

b. Each training session will include a live presentation by a company designee with specialized training, emphasizing Rite Aid's commitment to preventing and correcting discrimination and retaliation.

9. Defendant agrees to provide the EEOC with a copy of the training material used following training conducted pursuant to the terms of this Consent Decree.

10. Rite Aid shall certify to the EEOC in writing prior to the expiration of the Consent Decree that the training has taken place and that the required personnel have attended. Such certification shall include the dates, location and duration of the training sessions.

RECORDKEEPING

11. For a period of two (2) years following entry of this Decree, Defendant agrees to maintain and make available for inspection and copying by the Commission, records of each complaint and investigation files of any incident of alleged retaliation discrimination made at its 30 Hunter Lane, Camp Hill, PA facility. Each such report shall indicate the date the complaint was made, who made it, what was alleged, and what actions the Defendant took to resolve the matter. The Defendant shall also make records of all actions it takes to prevent retaliation discrimination at its 30 Hunter Lane, Camp Hill, PA facility during the duration of this Decree.

12. Defendant shall make all documents or records referred to in Paragraph 11, above, available for inspection and copying within a reasonable period of time after the Commission provides Rite Aid with written notice

requesting same directed to Marilyn T. McClure-Demers, Employment Law Counsel, Rite Aid, 30 Hunter Lane, Camp Hill, PA 17011, or her successor.

13. Nothing contained in this Decree shall be construed to limit any obligation Defendant may otherwise have to maintain under Title VII or any other law or regulation.

DISPUTE RESOLUTION

14. In the event that either party to this Decree believes that the other party has failed to comply with any provision(s) of the Decree, the complaining party shall notify the other party of the alleged non-compliance within ten (10) days of the alleged non-compliance and shall afford the alleged non-complying party ten (10) business days to remedy the non-compliance or to satisfy the complaining party that the alleged non-complying party has complied. If the alleged non-complying party has not remedied the alleged non-compliance within ten (10) business days, the complaining party may apply to the Court for appropriate relief.

MISCELLANEOUS PROVISIONS

15. Each party to this Decree shall bear its own expenses, costs and attorneys' fees.

16. The terms of this Decree are and shall be binding upon the present and future representatives, agents, directors, officers, assigns, and successors of

Defendant in their capacities as representatives, agents, directors and officers of Rite Aid, and not in their individual capacities. This Paragraph shall not be construed as placing any limit on remedies available to the Court in the event that any individual is found to be in contempt for a violation of this Decree.

17. This Consent Decree shall fully and finally resolve all claims which were raised by the EEOC in its Complaint in Civil Action No. 05-CV-1896.

18. This Consent Decree shall be filed in the United States District Court for the Middle District of Pennsylvania and shall continue to be in effect for a period of two (2) years. Any application by any party to modify or vacate this Consent Decree during such period shall be made by motion to the Court on no less than thirty (30) days notice to the other party.

19. The Court retains jurisdiction over this case in order to enforce the terms of the Consent Decree.

20. The Clerk of the District Court is hereby directed to send a file-stamped copy of this Consent Decree to counsel of record.

For Plaintiff EEOC:

For Defendant Rite Aid:

James L. Lee
Deputy General Counsel
Gwendolyn Young Reams
Associate General Counsel
Washington, D.C.

/s/ Brian P. Downey
Brian P. Downey, Esquire
Pepper Hamilton LLP
200 One Keystone Plaza
North Front & Market Streets
Post Office Box 1181
Harrisburg, PA 17108-1181

Jacqueline H. McNair
Regional Attorney (908)

Marilyn T. McClure-Demers
Marilyn T. McClure-Demers
Employment Law Counsel
Rite Aid
30 Hunter Lane
Camp Hill, PA 17011

Judith A. O'Boyle
Supervisory Trial Attorney

/s/ Woody Anglade
Woody Anglade
Trial Attorney
Equal Employment Opportunity Commission
Philadelphia District Office
21 S. 5th Street, Suite 400
Philadelphia, PA 19106

IT IS ORDERED AND APPROVED:

BY THE COURT:

Sylvia H. Rambo, J.

Date: 3/8/06

EXHIBIT A

NOTICE TO ALL RITE AID EMPLOYEES

This Notice is being posted pursuant to a Consent Decree entered by the Federal Court in EEOC, et al., v. Rite Aid Corporation, Civil Action Number 05-1896 (M.D. PA.), resolving a lawsuit filed by the Equal Employment Opportunity Commission ("EEOC") against Rite Aid ("Rite Aid").

Title VII of the Civil Rights Act of 1964, 42 U.S.C. Section 2000e, et seq., as amended, ("Title VII"), prohibits discrimination against employees and applicants for employment based upon race, color, sex, religion or national origin. Title VII further prohibits retaliation against employees or applicants who avail themselves of their rights under Title VII by engaging in protected activities, such as opposing employment practices believed to be discriminatory, filing a charge of discrimination and/or testifying or participating in a Commission investigation. The EEOC is a federal agency which investigates charges of unlawful employment discrimination. The EEOC has authority to bring lawsuits in Federal Court to enforce Title VII.

To resolve the case, the parties have entered into a Consent Decree which provided, among other things, that: (1) consistent with its current anti-retaliation policy, Rite Aid will not retaliate against any person because she or he opposed any practice made unlawful by Title VII, filed a charge of discrimination, participated in any Title VII proceeding, or asserted any rights under the Consent Decree; and (2) Rite Aid agrees to train certain employees at its 30 Hunter Lane, Camp Hill, PA, facility regarding unlawful discrimination and retaliation.

If you believe you have been discriminated against, you may contact the EEOC at (215) 440-2600. The EEOC charges no fees and has employees who speak languages other than English.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This Notice must remain posted for two years from the date below and must not be altered, defaced or covered by any other material. Any questions about this Notice or compliance with its terms may be directed to the: Regional Attorney, EEOC Philadelphia District Office, 21 South 5th Street, Philadelphia, PA 19106.

By: _____
Name: Jeanne Lee McMan
Position: Regional Attorney
For: Equal Employment Opportunity
Commission

By: Marilyn T. McClure-Demers
Name: Marilyn T. McClure-Demers
Position: Employment Law Counsel
For: Rite Aid