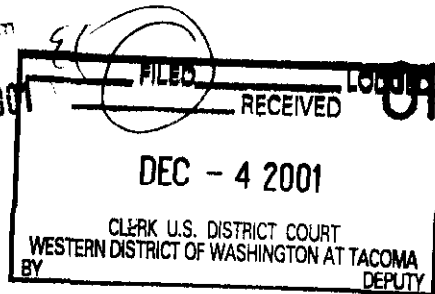


THE HONORABLE ROBERT J. BRYAN

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Received From  
SEATTLE

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ON DOCKET

DEC - 4 2001

By Deputy

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

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EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

JULIE A. NEEDHAM,

Intervenor Plaintiff

v.

TUALATIN VALLEY BUILDERS SUPPLY,  
INC., et. al

Defendants.

CIVIL ACTION NO. C01-5426RJB

CONSENT DECREE AND ORDER  
DISMISSING ACTION

INTRODUCTION

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1. This action originated with a discrimination charge filed by Julie A. Needham with the Equal Employment Opportunity Commission ("EEOC") alleging violations of Title VII of the Civil Rights Act of 1964 (Title VII). A copy of the charge is attached hereto as Exhibit 1.

2. The EEOC investigated this charge and issued an administrative determination on June 5, 2001, finding reasonable cause to believe that Defendant, Tualatin Valley Builder's Supply, Inc. ("TVBS" or "Defendant") had subjected Julie Needham to a hostile work environment based on sexual harassment in violation of Title VII. Also, the Commission found that TVBS retaliated

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Seattle District Office  
Federal Office Building  
909 First Avenue, Suite 1000  
Seattle, Washington 98104-1051  
Telephone (206) 462-6883  
Fax (206) 226-6911  
TDD (206) 226-6882

1 against Ms. Needham in response to her complaints of harassment. A copy of the Letter of  
2 Determination is attached hereto as Exhibit 2.

3 3. The EEOC subsequently filed this lawsuit on July 31, 2001, in the United States  
4 District Court for the Western District of Washington at Tacoma. Plaintiff alleged, *inter alia*, that  
5 TVBS violated Title VII when it subjected Julie Needham to a hostile work environment based on  
6 sexual harassment and retaliated against her for her complaints of harassment.

7 4. In its Answer, Defendant denied the allegations of discrimination in the EEOC's  
8 complaint, denied that it violated Title VII, denied that it subjected Julie Needham to a hostile work  
9 environment based on sexual harassment, and denied that it retaliated against her.

10 5. The parties want to conclude fully and finally all claims arising out of EEOC's  
11 complaint and the charge of discrimination filed with EEOC by Julie Needham. They enter this  
12 Consent Decree to further the objectives of equal employment as set forth in Title VII.

13 **NONADMISSION OF LIABILITY AND**  
14 **NONDETERMINATION BY THE COURT**

15 6. This Consent Decree is not an adjudication or finding on the merits of this case and  
16 shall not be construed as an admission by Defendant of a violation of Title VII.

17 **JURISDICTION AND VENUE**

18 7. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343  
19 and 1345. This action is authorized pursuant to Sections 706(f)(1) and (3) of Title VII of the Civil  
20 Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e-5(f)(1) and (3), and Section 102 of the Civil  
21 Rights Act of 1991, 42 U.S.C. § 1981a. The employment practices alleged to be unlawful in the  
22 complaint filed herein occurred within the jurisdiction of the United States District Court for the  
23 Western District of Washington at Tacoma.

24 **SETTLEMENT SCOPE**

25 8. This Consent Decree effectuates the full, final and complete resolution of all  
26 allegations of unlawful employment practices encompassed by the complaint filed in this action and  
27 the charge of discrimination filed with the EEOC by Julie Needham. The resolution of this action

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1 includes all claims by all parties for attorney fees and costs.

## 2 **MONETARY RELIEF**

3 9. In settlement of this lawsuit, TVBS agrees to pay Julie Needham the sum of Thirty-  
4 five Thousand Dollars (\$ 35,000.00). Julie Needham will execute an original Release of Claims  
5 which will be provided to her, through her counsel, by TVBS within 5 business days following the  
6 Court's entry of this Consent Decree. TVBS agrees to mail a check to Ms. Needham, through her  
7 counsel, in the above amount within 5 business days following receipt of the executed Release of  
8 Claims. Along with the settlement checks, Defendant will issue an IRS Form 1099 to Ms. Needham  
9 reflecting this payment.

10 It is understood that Ms. Needham will be responsible for any withholding, taxes, or  
11 penalties on this amount. TVBS will send copies to the EEOC of the settlement check and Forms  
12 1099 issued to Ms. Needham.

## 13 **AFFIRMATIVE AND OTHER RELIEF**

### 14 A. General Provisions

15 10. Defendant reaffirms its ongoing commitment to comply with Title VII. In  
16 furtherance of this commitment, it will monitor the affirmative obligations of this Consent Decree.

17 11. Defendant will not retaliate against any person for making a charge of discrimination  
18 or for testifying, assisting, or participating in any investigation, proceeding, or hearing associated  
19 with this action.

### 20 B. Anti-Discrimination Policies and Procedures

21 12. TVBS has and shall continue to carry out anti-discrimination policies, procedures and  
22 training for employees, supervisors and management personnel, to the extent not already established,  
23 and will provide equal employment opportunities for all employees. Defendant will evaluate and  
24 exercise reasonable care to prevent and correct promptly the practices of its managers and  
25 supervisors in order to prevent discrimination in employment and retaliation. TVBS will exercise  
26 reasonable care to insure that its managers and supervisors understand its Equal Employment  
27 Opportunity (EEO) policies and how those policies define and identify what constitutes

1 discrimination and retaliation.

2 13. TVBS will post a Notice to Employees and a copy of its EEO policy at each job site  
3 in which it operates business offices in the State of Washington.

4 C. Training

5 14. On an annual basis, during the pendency of this Consent Decree, Defendant, through  
6 the assistance of outside sources, will develop and present to managers and supervisors a minimum  
7 of six hours of training on employment issues, including topics specifically addressing sexual  
8 harassment and retaliation. Upon request, the EEOC will be given an opportunity to review the  
9 training materials.

10 15. TVBS will use its best efforts to obtain from each employee who attends the training  
11 described in Paragraph 14, a completed and signed evaluation form following attendance at the  
12 training. TVBS will notify the EEOC of the completion of the training and will specify the names  
13 and job titles of the employees who participated in and completed the training. TVBS will also  
14 provide copies of all signed, post-training evaluation forms as part of its semi-annual reports to the  
15 EEOC.

16 D. Reporting

17 16. During the pendency of this Consent Decree, TVBS shall report in writing and in  
18 affidavit form to the EEOC on a semi-annual basis, beginning six (6) months from the date the Court  
19 enters this Consent Decree, and thereafter every six months for the duration of the Decree the  
20 following information:

- 21 a. Certification of the completion of six hours of training annually, list of attendees and  
22 copies of all training evaluation forms;
- 23 b. Certification that its EEO policy has been distributed to all current and newly hired  
24 employees;
- 25 c. A list of any changes, modifications, revocations or revisions to its EEO policies and  
26 procedures which concern or affect the subject of discrimination based on sexual  
27 harassment, religion and the subject of retaliation;

- 1 d. A summary of all written complaints of discrimination, if any, which have reached  
2 TVBS's Human Resources Department management, whether filed internally or with  
3 a governmental agency, concerning Defendant's business operations in the State of  
4 Washington, and the resolution of each complaint; and,
- 5 e. A statement listing the other provisions of this Decree that Defendant is required to  
6 perform and certifying that Defendant has complied with the terms of the Decree. If  
7 the Defendant has not complied with any term of the Decree, the statement will  
8 specify the areas of noncompliance, the reason for the noncompliance, and the steps  
9 taken to bring the Defendant into compliance.

10 E. Personnel and other Records

11 17. Defendant will remove any information or references from Ms. Needham's and  
12 personnel file or records maintained by TVBS regarding her charge of discrimination or this lawsuit.

13 **ENFORCEMENT**

14 18. If the EEOC determines that TVBS has not complied with the terms of this Decree,  
15 the EEOC will provide written notification of the alleged breach to the Defendant. The EEOC will  
16 not petition the Court for enforcement of the Decree for at least thirty (30) days after providing  
17 written notification of the alleged breach. The 30-day period following the written notice shall be  
18 used by the parties for good faith efforts to resolve the dispute.

19 **RETENTION OF JURISDICTION**

20 19. The United States District Court for the Western District of Washington at Tacoma  
21 shall retain jurisdiction over this matter for the duration of the Decree.

22 **DURATION AND TERMINATION**

23 20. This Decree shall be in effect for three years beginning on the date the Court approves  
24 and enters the Consent Decree. If the EEOC petitions the Court for breach of the Decree, and the  
25 Court finds TVBS to be in violation of the terms of the Decree, the Court may extend the duration  
26 of the Decree.

CONCLUSION

21. The parties are not bound by any provision of this Decree until it is signed by authorized representatives of each party and entered by the Court.

DATED this 30th day of November, 2001.

A. LUIS LUCERO, JR.  
Regional Attorney

GWENDOLYN YOUNG REAMS  
Associate General Counsel

KATHRYN OLSON  
Supervisory Trial Attorney

EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION

EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION

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Office of the General Counsel  
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Washington, D.C. 20507

BY: A. Luis Lucero Jr.  
Attorney for Plaintiff

DAVIS, WRIGHT, TREMAINE LLP  
1300 SW Fifth Avenue, Suite 2300  
Portland, OR 97201-5682  
Telephone (503) 241-2300

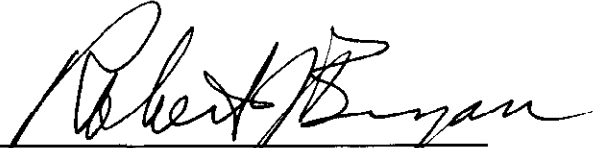
BY: Joseph Vance  
Attorney for Defendant

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TDD (206) 220-6882

1  
2 **ORDER APPROVING CONSENT DECREE AND DISMISSING ACTION**

3 The Court having considered the foregoing stipulated agreement of the parties, HEREBY  
4 ORDERS THAT the foregoing settlement agreement is approved as the final decree of this Court in  
5 full settlement of this action. This lawsuit is hereby dismissed with prejudice and without costs or  
6 attorneys' fees to any party. The Court retains jurisdiction of this matter solely for purposes of  
7 enforcing the Consent Decree approved herein.

8 DATED this 3d day of December, 2001.

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11 THE HONORABLE ROBERT J. BRYAN  
12 UNITED STATES DISTRICT COURT JUDGE  
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## CHARGE OF DISCRIMINATION

AGENCY

CHARGE NUMBER

☐ FEPA  
☒ EEOC

380A10527

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

RECEIVED  
SEDO-EEOC

Washington State Human Rights Comm

and EEOC

State or local Agency, if any

FEB 12 A 10:27

NAME (Indicate Mr., Ms., Mrs.)

HOME TELEPHONE (Include Area Code)

Ms. Julie Needham

(503) 781-5368

STREET ADDRESS

CITY, STATE AND ZIP CODE

DATE OF BIRTH

10006 N E 81st, Vancouver, WA 98682

10/27/1975

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

NUMBER OF EMPLOYEES, MEMBERS

TELEPHONE (Include Area Code)

Tualatin Valley Builders Supply

Cat C (201-500)

(360) 944-8401

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

3017 N E 112th Ave., Vancouver, WA 98682

011

NAME

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

DATE DISCRIMINATION TOOK PLACE  
EARLIEST LATEST☐ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ NATIONAL ORIGIN  
☒ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (Specify)

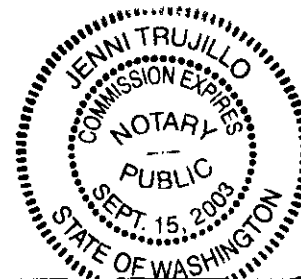
07/19/1999 07/26/2000

☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):

I was employed by Tualatin Valley Builders Supply for roughly one year, ending with my layoff in July 2000. I worked as a Receptionist and Sales Assistant at the Vancouver, Washington store location. Throughout the time I was employed I experienced sexual harassment from several co-workers and managers. These unwelcome actions included physical contact, spoken sexual remarks, and the direct request for sexual favors. I believe that these incidents of harassment were so frequent and pervasive that they created a clearly hostile environment for me and many other female employees.

I complained of this treatment to both my local managers and to Tualatin's Corporate management. Following my complaints, much of the harassment continued. Additionally, I feel that I was then retaliated against by my employer through the imposition of different standards of job performance and behavior. I was eventually terminated as a "layoff", even though I believe that there was no justifiable reason for my termination. These actions by the employer are violations of Title VII of the Civil Rights Act of 1964, as amended.



I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - (When necessary for State and Local Requirements)

State of Washington  
I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct.

SIGNATURE OF COMPLAINANT

Julie Needham

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(Month, day and year) 2-9-01

Jenni Trujillo

Date

Charging Party (Signature)

EEOC FORM 5 (Rev. 07/99)

CONSENT DECREE &amp; ORDER

EXHIBIT 1

PAGE 1 of 1





**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**Seattle District Office**

**JUN - 5 2001**

Federal Office Building  
909 First Ave., Suite 400  
Seattle, WA 98104-1061  
PH: (206) 220-6883  
T.D.: (206) 220-6882  
FAX: (206) 220-6911

Charge No. 380-A1-0527

Ms. Julie Needham  
10006 N E 81st  
Vancouver, WA 98682

Charging Party

Tualatin Valley Builders Supply  
P.O. Box 1138  
Lake Oswego, OR 97035

Respondent

**DETERMINATION**

Under the authority vested in me by the Commission, I issue the following determination as to the merits of the subject charge filed under Title VII of the Civil Rights Act of 1964, as amended [Title VII].

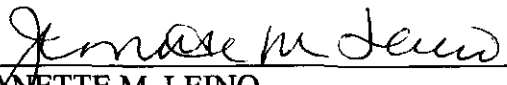
All requirements for coverage have been met. Charging Party alleged that Respondent violated Title VII, discriminating against her because of her sex in the matters of a sexually hostile environment and specific acts of sexual harassment. Charging Party also alleged that following her protest of these conditions, the Respondent, in retaliation for her complaint, selected her for layoff from employment.

I have considered all the evidence disclosed during the investigation and have determined that there is reasonable cause to believe that Charging Party was discriminated against, as she alleged, in violation of Title VII. The Charging Party was employed by the Respondent for slightly over one year. During the course of her employment the Charging Party was repeatedly subjected to unwelcome actions and remarks of a sexual nature, because of her sex. Although Charging Party voiced complaints concerning harassment to coworkers, supervisors and managers for Respondent, the employer's response was ineffective in preventing or correcting the sexually hostile environment. Less than one month after Charging Party complained about the harassment, she was selected for layoff, in retaliation for having so complained.

Upon finding that there is reason to believe that violations have occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, the Commission now invites the parties to join with it in reaching a just resolution of this matter. The confidentiality provisions of Title VII and Commission Regulations apply to information obtained during conciliation.

If the Respondent declines to discuss settlement or when, for any other reason, a settlement acceptable to the office Director is not obtained, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission. A Commission representative will contact each party in the near future to begin conciliation.

On Behalf of the Commission:

  
JEANETTE M. LEINO  
District Director

JUN - 5 2001

United States District Court  
for the  
Western District of Washington  
December 4, 2001

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

Re: 3:01-cv-05426

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

A Luis Lucero Jr, Esq.  
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
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RJB