

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION**

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

HARDEE'S OF SOUTHWEST MISSOURI

Defendant.

CIVIL ACTION NO.
3:05-cv-3050

CONSENT DECREE

This action was instituted by the Equal Employment Opportunity Commission (hereinafter the "Commission") against the Defendant Hardee's of Southwest Missouri (hereinafter "Defendant"), to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq. (Title VII), and the Civil Rights Act of 1991, 42 U.S.C. §1981a, and to remedy unlawful practices alleged in the Complaint filed in this action.

In the event this proposed Consent Decree is not approved or does not become final, then it shall not be admissible in evidence in any subsequent proceeding in this action. This Decree shall not be admissible in any other civil actions other than actions arising out of the rights and obligations of the parties under this Decree.

The Court has reviewed the terms of the proposed Consent Decree in light of the applicable laws and regulations and the pleadings of the parties and hereby approves the Consent Decree.

NOW, THEREFORE, the Court being fully advised in the premises, it is hereby

ORDERED, ADJUDGED AND DECREED:

I. JURISDICTION

The United States District Court for the Western District of Arkansas, Harrison Division, has jurisdiction over the parties and subject matter of this litigation.

II. SCOPE AND DURATION OF DECREE

A. This Consent Decree resolves all issues and claims arising out of the Commission's Complaint in this cause alleging unlawful employment policies and practices maintained by the Defendant and arising out of Charge No. 251-2005-00251 filed by Lori Donohue with the Commission. Notwithstanding any provisions contained in this Decree, this Agreement shall not be considered in any manner to be dispositive of any charges now pending before any office of the Commission other than Charge No. 251-2005-00251.

B. The provisions of this Consent Decree shall continue to be effective and binding upon the parties to this action for a period of three years from the date of the entry of this Decree.

III. NON-DISCRIMINATION PROVISION

A. Defendant, its officers, agents, employees, and all persons acting in concert with the Defendant agree to refrain from engaging in any employment practice which has the purpose or effect of discriminating against any employee because of the employee's sex, because of pregnancy or any pregnancy related condition.

B. Defendant agrees to train its supervisors and managers in the requirements of Title VII of the Civil Rights Act of 1964, as amended, regarding the prevention of sex discrimination and pregnancy discrimination. This training session will be conducted within sixty (60) days of the entry of this Decree. A list of the employees that attend the training session, a copy of the syllabus, and a copy of the training materials will be provided to the Commission within thirty (30) days of the training session.

C. Defendant will provide a copy of its equal employment opportunity policy to all of its employees within thirty (30) days of the entry of this Decree.

IV. NON-RETALIATION PROVISION

Defendant, its officers, agents, employees, and all persons acting in concert with Defendant shall not take any retaliatory measure against Lori Donohue or any employee for opposing practices made unlawful under Title VII of the Civil Rights Act of 1964, as amended, or for making a charge or complaint to the Commission, testifying, assisting, or participating in any manner in any investigation, proceeding, or hearing under Title VII of the Civil Rights Act of 1964, as amended.

V. NOTICE

Defendant shall conspicuously post the notice (poster) required to be posted by Title VII of the Civil Rights Act of 1964, as amended. Furthermore, Defendant shall conspicuously post the notice at Appendix A of this Decree for a three year period commencing within ten (10) days after entry of this Decree by the Court.

VI. INDIVIDUAL RELIEF

A. Defendant agrees to expunge the personnel records of Lori Donohue of any potentially unfavorable or adverse personnel comments regarding any aspect of her employment with Defendant. Defendant shall expunge from these employment records any reference to her charge of discrimination or to the litigation of the matter.

B. Defendant shall deliver to the following address a cashier's check or business check payable to "Lori Donohue" in the amount of \$8,500 in damages. The check should be mailed within ten (10) days after entry of this Decree by the Court. Defendant shall forward a copy of the check to William A. Cash Jr. at the Commission office in Little Rock, Arkansas.

Lori Donohue
217 Springwood Drive
Mountain Home, AR 72653

C. Defendant agrees to give a neutral reference to any potential employers of Lori Donohue who request a job reference. Any such neutral reference shall be identical to the form demonstrated in Appendix B. No mention of Ms. Donohue's charge of discrimination or this action will be made as part of the neutral reference.

VII. REPORTING

A. Defendant will provide three reports to the Commission. The first report will be submitted within twelve (12) months of entry of the Decree. The second report will be submitted within twenty-four (24) months of entry of the Decree. The final report will be submitted within thirty-six (36) months of the Decree. Each report will describe all complaints of pregnancy discrimination at its facility, describe the investigation conducted by Defendant in response to each complaint and indicate how the complaint was resolved. Each report will describe any additional training of Defendant's supervisors, managers and hourly employees in the requirements of Title VII of the Civil Rights Act of 1964, as amended.

B. Each report will be forwarded to William A. Cash, Jr., Senior Trial Attorney, at the Commission's Little Rock Area office.

VIII. COSTS

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

SO ORDERED THIS 27 DAY OF July, 2006.


UNITED STATES DISTRICT JUDGE

COUNSEL FOR PLAINTIFF

JAMES LEE

Deputy General Counsel

GWENDOLYN YOUNG REAMS

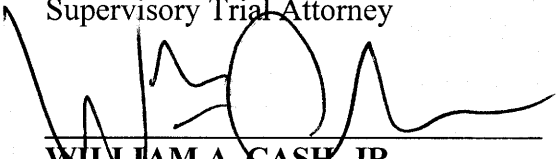
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COUNSEL FOR DEFENDANT


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APPENDIX A

NOTICE

NOTICE

1. Federal law prohibits an employer from discriminating against employees based on their sex, pregnancy, or any pregnancy related condition. Discrimination based on sex, pregnancy, or pregnancy related conditions violates Title VII of the Civil Rights Act of 1964, as amended.
2. Hardee's supports and will comply with such Federal law in all respects and will work to prevent sex and pregnancy discrimination in the workplace.
3. Hardee's will not take any action against employees who exercise their rights by filing charges with the Equal Employment Opportunity Commission and/or testified, assisted or participated in any manner in any investigation, proceeding, hearing, or litigation under Title VII of the Civil Rights Act of 1964, as amended.

DATE

APPENDIX B
NEUTRAL REFERENCE

Dear _____,

This letter is in reference to your request for information regarding the employment of Lori Donohue while employed at Hardee's of Southwest Missouri in Mountain Home, Arkansas..

Ms. Donohue worked at Hardee's from _____ through _____. Company policy does not permit us to give out any more information concerning Ms. Donohue's employment.

I am sure Ms. Donohue can provide you with the details concerning her tenure at Hardee's. I hope this information is helpful and that it satisfactorily answers your inquiry.

Very truly yours,

Hardee's of Southwest Missouri