

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

FILED
NOV 30 1999
LARRY W. PROPPS, CLERK
U. S. DISTRICT COURT

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

and

PAULA TOLBERT, BEULAH COUCH,
LAURA PRAYTOR, AMY HALL,
DANA WATSON, DANIELLE JONES, AND
FAITH DALTON,

Intervenors,

v.

TRAVELERS' PETROLEUM, INC.,

Defendant.

CIVIL ACTION NO.
7:98-2556-12AX

CONSENT DECREE

The Equal Employment Opportunity Commission (the "Commission") instituted this action pursuant to Sections 706(f)(1) and 707 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e, et seq., and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a (collectively "Title VII").

Paula Tolbert, Beulah Couch, Laura Praytor, Amy Hall, Dana Watson, Danielle Jones and Faith Dalton (collectively the "Intervenors") intervened in this action pursuant to Section 706(f)(1) of Title VII.

The Commission, the Intervenors, and the Defendant, Travelers' Petroleum, Inc. ("Defendant") (Collectively "the parties"), hereby stipulate to jurisdiction of the Court over the parties and the subject matter of this action.

The parties agree that the Defendant has denied and continues to deny any violation of Title VII or any other applicable state and/or federal law, rule, regulation, and/or standard. However, 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) subject to the

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Defendant's denials, the purpose and provisions of Title VII will be promoted and effectuated by the entry of the Consent Decree; and (3) this Consent Decree resolves all matters and effectively forever dismisses with prejudice the above-captioned lawsuit in controversy between the parties as provided in paragraphs 1 through 20 below.

It is therefore ORDERED, ADJUDGED AND DECREED as follows:

1. Defendant shall not discriminate against applicants or employees on the basis of sex by subjecting persons to sexual harassment or by denying equal employment opportunities to persons because of their sex.

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 filing of a charge, the giving of testimony or assistance, or the participation in any investigation, proceeding, or hearing under Title VII.

3. Defendant shall make a total payment of ONE-HUNDRED SEVENTY THOUSAND (\$170,000.00) DOLLARS in settlement of the claims of the Commission and the Intervenor, said amount to be divided among and/or between the Intervenor in any manner that the Intervenor and their attorney of record, J. David Flowers, deem appropriate. Defendant shall make payment by issuing a check in the foregoing lump sum amount payable to the Intervenor's attorney of record, J. David Flowers. Payment shall be made within ten (10) days after the entry of this Consent Decree by the Court, and Defendant shall mail the check to J. David Flowers. Defendant shall mail to Mindy E. Weinstein, Regional Attorney, Equal Employment Opportunity Commission, 129 West Trade Street, Suite 400, Charlotte, North Carolina 28202, a copy of the check and proof of its delivery to J. David Flowers.

4. The Commission has made reasonable efforts throughout the lawsuit to contact all potential claimants and determine their interest in this lawsuit. The efforts made by the Commission include attempting to contact by telephone and by letter each employee identified by the Defendant as having worked at the facility in question, Selfway Store # 1704. As a result of these efforts, the Commission has identified no individuals who have claims under this Consent Decree, other than the Intervenor herein.

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5. Defendant agrees to eliminate from the employment records of the Intervenor any and all documents and entries relating to their resignations and/or terminations and any disciplinary action taken against them.

6. Defendant agrees to place documentation regarding this lawsuit in the permanent employment records of Kenneth Kreutzer. The documentation shall include, at a minimum, a copy of this fully-executed Consent Decree and a copy of the Complaint(s) filed by the Commission and the Intervenor in this lawsuit. The Defendant further states that it will suspend Kenneth Kreutzer for a minimum period of two (2) weeks or fourteen (14) days without pay, said suspension to begin within thirty (30) days of the Court's entry of this Decree.

7. Within sixty (60) days of the Court's entry of this Consent Decree, Defendant agrees to develop a written sexual harassment policy. The policy will, at a minimum, define sexual harassment, provide a reporting procedure for employees who wish to report sexual harassment in the workplace, and provide assurances that Defendant will not retaliate against employees who report sexual harassment in the workplace. The policy will be posted at each of Defendant's facilities.

8. Defendant agrees that it shall provide a training program to all of its management and supervisory employees. At least fifteen (15) days prior to the program, Defendant shall provide the Commission with an agenda for the training program. The training program will include an explanation of the requirements of the federal equal employment opportunity laws, including Title VII and its prohibition against sexual harassment in the workplace. The training program will also include an explanation of Defendant's sexual harassment policy, including the responsibility of managers and supervisors under the policy. The program shall be at least three (3) hours in length. This training shall be completed within ninety (90) days after the Court's entry of this Consent Decree. Within ten (10) days after completion of the training, Defendant shall certify to the Commission the specific training, which was undertaken and shall provide the Commission with a roster of all employees in attendance. All certifications and reports made pursuant to this paragraph shall be made to Mindy E. Weinstein, Regional Attorney, Equal Employment Opportunity Commission, 129 West Trade Street, Suite 400, Charlotte, North Carolina 28202.

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9. Defendant agrees that it shall establish a training program for all of its non-management and non-supervisory employees. The training program will include an explanation of the requirements of the federal equal employment opportunity laws, including Title VII and its prohibition against sexual harassment in the workplace, an explanation and description of the conduct that may constitute sexual harassment, an explanation of Defendant's sexual harassment policy, and an explanation of the rights and responsibilities of employees and managers under the policy. This training shall be provided to current employees within ninety (90) days after the Court's entry of this Consent Decree. Within ten (10) days after completion of the training, Defendant shall certify to the Commission the specific training which was undertaken and shall provide the Commission with a roster of all employees in attendance. Thereafter, the training shall be provided to newly hired employees on or about the date of hire. The Defendant shall report to the Commission within ten (10) days after the completion of each calendar quarter the names of the employees who were hired during the quarter preceding the program, the names of the employees trained, and an explanation for any employee hired but not trained. All certifications and reports made pursuant to this paragraph shall be made to Mindy E. Weinstein, Regional Attorney, Equal Employment Opportunity Commission, 129 West Trade Street; Suite 400, Charlotte, North Carolina 28202.

10. During the term of this Consent Decree, Defendant shall conspicuously post the attached Employee Notice, marked Exhibit A, hereby made a part of this Consent Decree, in a place where it is visible to employees at its facility known as Store Number 1704, located at 1791 Asheville Highway in Spartanburg, South Carolina. In addition, Defendant shall conspicuously post the attached Employee Notice at any of its facilities to which Kenneth Kreutzer may be assigned during the term of this Consent Decree.

11. During the term of this Consent Decree, Defendant agrees to notify the Commission each time one of its employees reports an allegation of sexual harassment. A report pursuant to this paragraph shall mean that an employee has, either verbally or in writing, given notice to one of Defendant's management employees that unwelcome conduct of a sexual nature has occurred. The notification shall include the identity of the individual who reported the sexual harassment, including the individual's name, address, telephone number, and social security number, the nature of the complaint including the name of

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the alleged harasser, a description of the action Defendant took in response to the complaint; and copies of all documents received regarding the complaint, or prepared in response to it. All notifications made pursuant to this paragraph shall be made to Mindy E. Weinstein, Regional Attorney, Equal Employment Opportunity Commission, 129 West Trade Street, Suite 400, Charlotte, North Carolina 28202, and shall be made within thirty days of the date the employee reports the allegation of sexual harassment.

12. Defendant agrees that the Commission may review compliance with this Consent Decree. As part of such review, the Commission, upon ten (10) days written notice to the Defendant, may (at mutually convenient times) inspect the premises, interview employees, and examine and copy documents.

13. If at anytime during the term of this Consent Decree, the Commission believes that Defendant is in violation of this Consent Decree, the Commission shall give written notice of the alleged violation to the Defendant. Defendant shall have thirty (30) days in which to investigate and respond to the allegations. Thereafter, the Commission and Defendant shall have a period of thirty (30) 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.

14. The parties agree that this Consent Decree is not an admission of wrongdoing or liability of any kind by the Defendant.

15. Except as otherwise noted herein, this Consent Decree shall not prevent, preclude, or otherwise interfere with Defendant's right to sell, assign, merge operations, shut down, or otherwise conduct business in any way Defendant deems appropriate. This Consent Decree shall remain in full force in the event that Defendant sells, assigns, or merges its business to and/or with another person or entity.

16. This Consent Decree cannot be amended or modified except in writing signed by all of the parties.

17. The term of this Consent Decree shall be for eighteen (18) months from its entry by the Court.

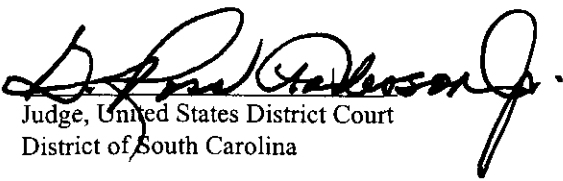
18. Each party shall bear its own costs and attorney fees, except as otherwise noted herein.

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

Date:

11/29/99



Judge, United States District Court
District of South Carolina

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

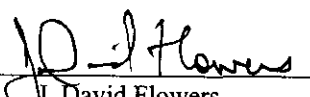
Equal Employment Opportunity
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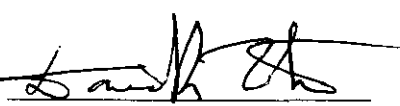
by:


Mindy E. Weinstein
Regional Attorney

by:



J. David Flowers
Attorney for Intervenors
Federal ID # 5374
P.O. Box 10842
Greenville, S.C. 29603

by:


David R. Treeter
Senior Trial Attorney
Federal ID # 6900
129 W. Trade St.
Suite 400
Charlotte, NC 28202

Travelers' Petroleum, Inc.

by:


Richard J. Morgan
Attorney for Defendant
Federal ID # 1266
McNair Law Firm
Post Office Box 11390
Columbia, SC 29211

NOTICE TO EMPLOYEES

1. This Notice is posted pursuant to an agreement between Travelers Petroleum, Inc. and the United States Equal Employment Opportunity Commission in a case resulting from three charges alleging sexual harassment.
2. Federal law requires that there be no discrimination against any employee or applicant for employment because of the employee's race, color, religion, sex, national origin, age (40 or older) or disability.
3. Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e, et seq. Is a federal law which prohibits sex discrimination against any employee in aspects of employment including, but not limited to, hiring promotion, discharge, pay, job training and fringe benefits.
4. Travelers Petroleum, Inc. supports and will comply with such Federal law in all respects and will not take any actions against employees because they have exercised their rights, reported an alleged violation under the law or have given testimony, assistance or participation in any investigation, proceeding or hearing conducted by the U.S. Equal Employment Opportunity Commission.
5. It is Travelers Petroleum's policy to maintain a working environment free from sex discrimination. Travelers Petroleum has adopted a policy regarding sexual harassment, setting forth a complaint procedure for individuals who believe they have been a victim of or witnessed sexual harassment.

An employee has the right, and is encouraged to exercise that right, to report allegations of employment discrimination in the workplace. An employee may contact the U.S. Equal Employment Opportunity Commission at the following address and telephone number for the purpose of filing a charge of employment discrimination.

Equal Employment Opportunity Commission
Greenville Local Office
15 South Main Street, Suite 530
Greenville, South Carolina 29601
Tel: (864) 241-4400

Exhibit A

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