

Defendant denies that it discriminated against Terry R. Johnson. The Commission, Terry R. Johnson, and AFG Industries, Inc., have agreed to this Consent Decree to settle all of the claims involved in this lawsuit. This Consent Decree does not constitute an

admission by the Defendant of the allegations in the complaint. The parties to this action desire to avoid the additional expense and delay in the litigation of this case.

In the event this Consent Decree is not approved or does not become final, it shall not be admissible in evidence in any subsequent proceeding in this action.

This Decree constitutes the complete and exclusive agreement between the Commission, Terry R. Johnson, and AFG Industries, Inc., with respect to the matters referred to herein. No waiver, modification or amendment of any provision of this Decree shall be effective unless made in writing. No representations or inducements to compromise this action have been made between the parties hereto, other than those recited or referenced in this Decree.

The Court has reviewed the terms of this Consent Decree in light of the applicable laws and regulations, the representations of counsel for all parties, and hereby approves the Consent Decree.

It is hereby **ORDERED, ADJUDGED AND DECREED:**

I. JURISDICTION

The United States District Court for the Eastern District of Tennessee, at Greeneville, has jurisdiction over the parties and the subject matter of this litigation and will retain jurisdiction over this Decree for the purposes of enforcement and dispute resolution.

II. SCOPE OF DECREE

A. This Consent Decree resolves all issues and claims arising out of the Commission's complaint in this case, Civil Action No. 2:04-CV-364, alleging unlawful employment practices by Defendant based on Charge No 253-2002-0111 filed by **Terry Johnson**. This Consent Decree shall not be considered in any manner to be dispositive of any other charge which is or may be pending before any office of the Commission other than Charge No. 253-2002-0111.

B. The provisions of this Consent Decree shall be effective and binding upon the parties to this action for three years after the date of its entry by the Court.

III. INJUNCTIVE RELIEF

A. Defendant, its officers, agents, employees, and all persons acting in concert with Defendant are hereby enjoined from engaging in any employment practice which has the purpose or effect of discriminating against any employee on the basis of religion pursuant to Title VII of the Civil Rights Act of 1964, as amended.

B. Defendant, its officers, agents, employees, and all persons acting in concert with Defendant are hereby enjoined from engaging in any employment practice which has the purpose or effect of retaliating against any employee or applicant for employment for participating in any proceeding under Title VII or for opposing discriminatory employment practices made unlawful under Title VII of the Civil Rights Act of 1964, as amended.

IV. TRAINING

Defendant shall provide employment-discrimination awareness training to all supervisory and management personnel related to engineering services at the two float plants in Kingsport, Tennessee, and all supervisory personnel at those plants, according to the following terms:

- (a) The training session will include at least two (2) hours of instruction.
- (b) The training will include the following topics: Title VII of the Civil Rights Act of 1964, including religion discrimination; how to prevent, identify and remedy religion discrimination; what constitutes reasonable accommodation for religion; what constitutes retaliation in violation of Title VII.
- (c) The training will be conducted by an outside trainer to be chosen by Defendant.
- (d) Within thirty (30) days after execution of this Consent Decree by the parties, Defendant shall submit to the Commission the date of the proposed training session and a detailed outline of the proposed training. The Commission will have thirty (30) days after the date of receipt of such information to accept or reject the training proposal, including the proposed trainer. The Commission will not unreasonably withhold its approval of the proposal. If the Commission does not approve the contents of the training session, the parties shall attempt to resolve the matter and, if unsuccessful, submit the dispute to the Court.
- (e) The training session will be conducted within one hundred eighty (180) days after the date of the entry of this Consent Decree by the Court or within sixty (60) days of approval of the outline or resolution of disputes relating to same as set forth in (d) above, whichever occurs later.

V. INDIVIDUAL RELIEF

A. In compromise and settlement of these disputed claims, Defendant agrees to pay \$65,000.00 compensatory damages to Terry R. Johnson. The payment is not an admission of liability by AFG. Rather, it is for purpose of resolving a highly disputed claim.

B. Within 21 days of the entry of this decree, Defendant shall deliver a check to Terry R. Johnson at a mutually agreed time and place. The Defendant shall also mail a copy of the check to:


Katharine Kores, Regional Attorney
Equal Employment Opportunity Commission
1407 Union Avenue, Suite 621
Memphis, Tennessee 38104

C. Within ten days after approval and entry of this Decree by the Court, Defendant shall expunge the personnel records of Terry R. Johnson to remove any adverse or negative reference regarding his employment at A F G Industries, Inc., that in any manner relates to his refusal to work on his Sabbath.

VI. COSTS

Each of the parties shall bear its own costs and attorneys fees.

IT IS SO ORDERED THIS 29th DAY OF September 2005.



RONNIE GREER
United States District Court Judge

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