

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

SEP 22 1998

LARRY W. PROPER, CLERK
U. S. DISTRICT COURT

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION and Marian HOWARD,)
)
Plaintiffs,)
)
v.)
)
ORIAN RUGS, INC.,)
)
Defendant.)

CIVIL ACTION NO.
8:97-2488-20AK

CONSENT DECREE

This action was instituted by the Equal Employment Opportunity Commission (the "Commission") pursuant to Title 1 of the Americans with Disabilities Act and Title 1 of the Civil Rights Act of 1991.

The Commission and the Defendant, Orian Rugs, Inc. ("Defendant"), hereby stipulate to jurisdiction of the Court over the parties and the subject matter of this action.

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) the purpose and provisions of the ADA and the Civil Rights Act of 1991 will be promoted and effectuated by the entry of the Consent Decree; and (3) this Decree resolves all matters in controversy between the parties as provided in paragraphs 1 through 12 below.



It is therefore ORDERED, ADJUDGED AND DECREED as follows:

1. Defendant shall not discriminate against applicants or employees by denying equal employment opportunities based on disability.

2. Defendant shall not discriminate or retaliate in any way against any person because of his or her: (a) opposition to any practice made unlawful under the ADA and the Civil Rights Act of 1991, (b) because of the filing of a charge, the giving of testimony or assistance, or the participation in any investigation, proceeding or hearing, or participation as a complainant or witness in this matter.

3. Defendant agrees to eliminate from the personnel file of Marian Howard any and all documents and entries relating to the facts and circumstances which led to filing of EEOC Charge No. 146960004 and the related events that occurred thereafter. Defendant further agrees that it will provide Marian Howard a neutral job reference per its existing policy for any inquiries about her employment with Orian Rugs, Inc.

4. Defendant shall pay Marian L. Howard the sum of Eighteen Thousand, Five Hundred Dollars (\$18,500.00) in settlement of her claim. Payment shall be made by Defendant issuing a check payable to Marian L. Howard and her attorney, Charles L. Anderson. Payment shall be made within thirty days after the Court approves this Consent Decree, and the check shall be mailed to Charles L. Anderson as attorney for Marian L. Howard, at, P.O. Box 1286, Anderson, South Carolina 29622.



Defendant shall mail to Mindy E. Weinstein, Regional Attorney, or her successor, Equal Employment Opportunity Commission, 129 West Trade Street, Suite 400, Charlotte, NC 28202, a copy of the check and proof of its delivery to Marian L. Howard.

5. Within thirty (30) days of the entry of the Final Approval of this Consent Decree, Defendant shall conspicuously post the attached Employee Notice, marked Exhibit "A," in a place where it is visible to all employees at its Anderson, South Carolina Facility. The notice shall be printed on a document bearing the caption of this case, and include a sentence indicating that it is posted pursuant to the Consent Decree in EEOC AND Marian L. HOWARD V. ORIAN RUGS, INC., CASE NO. 8:97-2488-20AK in the United States District Court for the District of South Carolina, Anderson Division. Said Employee Notice shall remain posted during the term of this decree.

6. Defendant shall conduct annual training for its Managers who participate in personnel decisions during the term of this Consent Decree. The training program will include an explanation of the requirements of the federal equal employment opportunity laws, including the ADA and the Civil Rights Act of 1991. Upon completion of each annual 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.

7. During the two (2) year term of this Consent Decree, Defendant shall provide the Commission with reports at six month intervals, with the first report being due five (5) months after

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Final Approval and the second being due six (6) months after the first. The Defendant shall provide the Commission with a report every six (6) months thereafter throughout the term of this Decree. The reports shall include the following information: the name, address, telephone number, and social security number of all employees at Defendant's Anderson, South Carolina facility, if any, who, during the reporting period, complained about discrimination based on disability and/or retaliation, the identity of each person to whom each complaint was made, and the action taken by the Defendant in response to each complaint. The reports shall be submitted to the Commission at the time intervals outlined immediately above.

8. Defendant agrees that the Commission may review compliance with this Decree. As part of such review, the Commission may, upon ten (10) days notice, inspect the premises, interview employees and examine and copy documents.

9. If at any time during the term of this Decree, the Commission believes that the Defendant is in violation of this Decree, the Commission shall give notice of the alleged violation to the Defendant. The Defendant shall have thirty (30) days in which to investigate and respond to the allegations. Thereafter, the parties 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.

10. The term of this Decree shall be for two (2) years from

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its entry by the Court.

11. Each party shall bear its own costs and attorney fees.

12. This Court shall retain jurisdiction of this action for purposes of enforcing this Decree and entry of such further orders as may be necessary or appropriate.

Sept. 21, 1998
Date

Henry M. Herlong Jr.
Judge, U.S. District Court
District of South Carolina

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

ORIAN RUGS, INC.

By:

[Signature]
Laura E. Zoole
Corporate Counsel

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

By:

[Signature]
Theodore C. Lamb
Senior Trial Attorney

MARIAN L. HOWARD

By:

[Signature]
Charles L. Anderson
Intervenor's Counsel

By:

[Signature]
Mindy E. Weinstein
Regional Attorney

By:

[Signature]
David R. Treeter
Senior Trial Attorney

copies to:

Theodore C. Lamb
Senior Trial Attorney
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
129 West Trade Street
Suite 400
Charlotte, NC 28202