

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**

Plaintiff,

**RENATA BICKHAM GIBSON,
Plaintiff-Intervenor**

**HANNON’S FOOD SERVICES OF
JACKSON INC., d/b/a KENTUCKY
FRIED CHICKEN,**

Defendant.

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**Civil Action No.:
3:04-CV-00793-W-Su**

CONSENT DECREE

This action was instituted by the U.S. Equal Employment Opportunity Commission (“the EEOC” or “the Commission”) on September 29, 2004 against Hannon’s Food Services of Jackson Inc., d/b/a Kentucky Fried Chicken (“Hannon”) to enforce provisions of Title VII of the Civil Rights of 1964, as amended, 42 U.S.C. § 2000e et seq. (“Title VII”) and Title I of the Civil Rights Act of 1991 (“Title I”).

A. The Commission alleged in its complaint that Hannon discriminated against female employees as a class by subjecting them to a sexually hostile work environment and thereafter retaliated against those individuals who complained and objected to the harassing conduct. The Commission further alleged that Hannon violated Title VII through the actions of its manager, who engaged in the harassing conduct; failed to respond adequately to complaints

of harassment; and then terminated the employment of Renata Bickham Gibson, in retaliation for opposing conduct made unlawful under Title VII. Hannon denies all of these allegations.

B. This Consent Decree is entered into by and shall be final and binding between, the EEOC and Hannon its directors, officers, agents, successors and assigns.

C. The Commission and Hannon agree to entry of this Consent Decree, which shall fully and finally resolve all claims the Commission raised in its Complaint in Civil Action No. 3:04-CV-00793-W-Su. This Consent Decree shall not constitute either an adjudication of or finding on the merits of the complaint and shall not be construed as an admission by Hannon of any violation of Title VII.

Findings

D. Having carefully examined the terms and provisions of this Consent Decree, and based on the pleadings, records and stipulations of the parties, the Court finds: (1) it has jurisdiction of the parties and subject matter jurisdiction of this action; and (2) the terms of this Decree are fair, reasonable, equitable and just, and adequately protect the rights of the parties, class members and the public interest.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

NON-DISCRIMINATION AND NON-RETALIATION

1. This Court has jurisdiction over the parties and subject matter of this action.
2. Hannon shall not engage in any employment practice which discriminates against any individual because of the individual's sex; subject women to differential treatment in the

terms and conditions of their employment; nor shall it engage in or knowingly allow sexual harassment of any employee.

3. Hannon shall not engage in any employment practice which retaliates in any manner against any person (who was a claimant, potential claimant or witness), including but not limited to, Renata Bickham Gibson, Renetta Shinall, Seritha Williams and Mary Brown, and any individual identified or named during this litigation and/or during the Commission's investigation into the charge filed by Mrs. Gibson, because of that person's opposition to any practice made an unlawful employment practice under Title VII, or because that person has made a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing under Title VII.

4. Hannon shall not divulge, directly or indirectly, to any identifiable employer or potential employer of Renata Bickham Gibson, Renetta Shinall, Seritha Williams and Mary Brown, and any individual identified or named during the Commission's investigation into the charge filed by Mrs. Gibson, any of the facts or circumstances related to the claims of discrimination against Hannon in this case, or any of the events relating to their participation in the Commission's investigation or in the litigation of this action. Hannon will only divulge that these persons were employed and give the dates of employment.

5. Nothing in this Consent Decree, either by inclusion or exclusion, shall be construed to limit the obligations of Hannon under Title VII or the Commission's authority to process, investigate or litigate any charge of discrimination now pending or filed in the future against Hannon.

MONETARY RELIEF

6. Hannon agrees to pay a total monetary amount of Fifteen Thousand Dollars (\$15,000.00) to Renata Bickham Gibson and the three (3) other aggrieved individuals, Renetta Shinall, Seritha Williams and Mary Brown.

7. Hannon agrees to pay the amount of Eight Thousand Dollars and No Cents (\$8,000.00) to Renata Bickham Gibson in full settlement of claims raised on Mrs. Gobson's behalf in the Commission's Complaint. Hannon will mail the check to Mrs. Gibson's attorney, Angela Gray Marshall at Post Office Box 6971, Jackson, MS 39282. Within five business days of mailing the check to Ms. Marshall, Hannon will mail a copy of the check, to the attention of Debra Hawes Crook, Senior Trial Attorney, EEOC, Ridge Park Place, 1130- 22nd Street South, Suite 2000, Birmingham, AL 35205.

8. Hannon agrees to pay the amount of Four Thousand Dollars and No Cents (\$4,000.00) to Renetta Shinall in full settlement of claims raised on her behalf against Hannon in the Commission's Complaint. Hannon will mail the check to Ms. Shinall's attorney, Angela Gray Marshall at Post Office Box 6971, Jackson, MS 39282. Within five business days of mailing the check to Ms. Marshall, Hannon will mail a copy of the check, to the attention of Debra Hawes Crook, Senior Trial Attorney, EEOC, Ridge Park Place, 1130- 22nd Street South, Suite 2000, Birmingham, AL 35205.

9. Hannon agrees to pay the amount of One Thousand Five hundred Dollars and No Cents (\$1,500.00) to Seritha Williams in full settlement of claims raised on her behalf against Hannon in the Commission's Complaint. Hannon will mail the check payable to Ms. Williams

at 307 Bradford Lane, Forest, MS, 39074. Within five business days of mailing the check to Ms. Williams, Hannon will mail a copy of the check, to the attention of Debra Hawes Crook, Trial Attorney, EEOC, Ridge Park Place, 1130- 22nd Street South, Suite 2000, Birmingham, AL 35205.

10. Hannon agrees to pay the amount of One Thousand Five hundred Dollars and No Cents (\$1,500.00) to Mary Brown in full settlement of claims raised on her behalf against Hannon in the Commission's Complaint. Hannon will mail the check payable to Ms. Brown at 723 Chapel Ridge Way, Brandon, MS 37042. Within five business days of mailing the check to Ms. Williams, Hannon will mail a copy of the check, to the attention of Debra Hawes Crook, Senior Trial Attorney, EEOC, Ridge Park Place, 1130- 22nd Street South, Suite 2000, Birmingham, AL 35205.

POSTING OF NOTICE

11. Hannon will continue to post notices advising employees of their rights under Title VII and will maintain these notices in each location. Hannon will continue to post its notices advising employees of the manner and method of reporting allegations of harassment.

NON-DISCRIMINATION AND ANTI-HARASSMENT POLICIES AND COMPLAINT PROCEDURES

12. Hannon's policy or policies against discrimination, harassment and retaliation, and its complaint procedures shall continue to be drafted in plain and simple language. Hannon shall ensure that its policy or policies against discrimination, harassment and retaliation and its related complaint procedures meet the following minimum criteria:

(a) that Hannon: (1) prohibits discrimination against employees on the basis of sex, race, national origin, religion and color, and prohibits retaliation in violation of Title VII; (2) prohibits retaliation against employees for opposing employment practices they reasonably believe are discriminatory, or for participating in an investigation by the EEOC of a charge of discrimination under Title VII; (3) prohibits any act, policy or practice that has the effect of harassing or intimidating any employee on the basis of sex, race, national origin, religion or color in violation of Title VII; and (4) prohibits any act, policy or practice that has the effect of creating, facilitating or permitting the existence of a work environment that is hostile to employees through acts such as physical/verbal abuse and derogatory comments based on sex, race, national origin, religion or color in violation of Title VII;

(b) the complaint procedure is designed to encourage employees to come forward with complaints regarding violations of its policy or policies against discrimination, harassment and retaliation, and will meet the following criteria: (1) provide effective mechanism(s) for reporting incidents of discrimination, harassment and retaliation; (2) provide that the complaints of discrimination, harassment and/or retaliation must be made either in writing or verbally initially which will be reduced to writing later; (3) identify neutral employees to whom an employee can make a complaint; (4) provide that, Hannon will: encourage prompt

reporting by employees; and (5) provide assurances that complainants shall not be subjected to retaliation;

(c) Hannon will provide for prompt investigation of complaints of harassment and/or retaliation;

(d) Hannon will provide for prompt communication to the complaining party of the results of the investigation and any remedial actions taken or proposed; and

(e) Hannon will provide for discipline up to and including discharge of an employee or supervisor who violates Hannon's policy or policies against discrimination, harassment and retaliation, and for increasingly severe discipline of repeat offenders.

13. Hannon will continue its practice of distribution to all employees in Jackson, Mississippi its policy or policies against discrimination, harassment and retaliation.

14. Within 120 days after entry of this Consent Decree, Hannon shall advise Debra Hawes Crook, Senior Trial Attorney, EEOC, Birmingham District Office, that its policies have been distributed to each current employee and that new employees will receive these policies and an opportunity to acknowledge receipt. Hannon will retain copies of any acknowledgment of receipt form(s) for an employee in the employee's personnel file.

SUPERVISOR ACCOUNTABILITY

15. Hannon shall promote supervisor accountability by the following conduct:

(a) providing annual anti-discrimination training to all of its supervisory and managerial personnel as set forth in Paragraph 17;

- (b) disciplining, up to and including discharge of any supervisor or manager who violates Hannon's policy or policies against discrimination, harassment and retaliation;
- (c) imposing on all managers and supervisory personnel a duty to administer their work areas to ensure compliance with Hannon's policy or policies against discrimination, harassment and retaliation; and
- (d) requiring all managers and supervisors to report any incidents and/or complaints of harassment and/or retaliation of which they become aware to the Corporate Office.

TRAINING

16. Hannon will continue to provide training on the requirements of Title VII as follows:

- (a) Hannon agrees to provide annual training sessions for all of its managers and supervisors in Jackson, Mississippi on employee rights and employer obligations under both Title VII, with training to emphasize what constitutes unlawful harassment and discrimination in the workplace, how to keep the company free from such discrimination, what constitutes unlawful retaliation and summarize how to conduct a prompt and effective investigation into allegations, complaints or charges of discrimination;
- (b) Hannon will provide orientation to all new employees which includes a copy of Hannon's policy on sexual harassment in the workplace, and a discussion of what

conduct constitutes sexual harassment, as well as and the complaint procedure to follow if sexual harassment occurs.

RECORDKEEPING

17. Nothing in this Decree shall be construed to limit any obligation Hannon otherwise may have to maintain records under Title VII or any other law or regulation. After expiration of this Consent Decree, records will be continued to be maintained by Hannon as required by law and Commission regulations.

DISPUTE RESOLUTION

18. In the event either party to this Decree believes the other party has failed to comply with any provision(s) of the Decree, the complaining party shall notify the other party of the alleged non-compliance within 20 days of the alleged non-compliance and afford the alleged non-complying party 20 business days to remedy the non-compliance or satisfy the complaining party that the alleged non-complying party has complied. If the alleged non-complying party has not remedied the alleged non-compliance or satisfied the complaining party that it has complied within 20 business days, the complaining party may apply to the Court for appropriate relief.

MISCELLANEOUS PROVISIONS

19. Each party to this Decree shall bear its own expenses, costs and attorneys' fees.

20. The terms of this Decree are and shall be binding upon the present and future representatives, agents, directors, officers, successors and assigns of Hannon in their capacities as representatives, agents, directors and officers of Hannon and not in their individual capacities.

This paragraph shall not be construed as placing any limit on remedies available to the Court in the event any individual is found in contempt for a violation of this Decree.

21. This Consent Decree shall fully and finally resolve all claims raised by the Commission in its Complaint in Civil Action No. 3:04-CV-00793-W-Su.

22. This Consent Decree shall be filed in the United States District Court for the Southern District of Mississippi. This Court retains jurisdiction over this matter and the parties for purposes of enforcing compliance with the Decree, including issuing such orders as may be required to effectuate its purposes. Any application by any party to modify or vacate this Consent Decree during such period shall be made by motion to the Court on no less than 30 days' notice to the other party.

s/Peyton S. Irby, Jr.

Peyton S. Irby, Jr. (MSB # 3029)
WATKINS, LUDLAM, WINTER & STENNIS
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s/Jacqueline H. McNair

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s/Debra Hawes Crook

Debra Hawes Crook (AL Bar(#ASB-6862-R69D)

Senior Trial Attorney

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Birmingham District Office

Ridge Park Place

1130- 22nd Street South, Suite 2000

Birmingham, AL 35205

(205) 212-2064

SO ORDERED:

By the Court: s/ HENRY T. WINGATE

Date: April 7, 2006

CHIEF UNITED STATES DISTRICT JUDGE