

FILED

FEB 26 2001 *dec*

LARRY W. PROPPS, CLERK
CHARLESTON, SC

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION**

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**

Plaintiff,

and

**CHRISTINE BROOKS,
STEPHANIE OWENS,
JENEINE JENKINS,**

Plaintiff-Intervenors,

v.

**LABORATORY CORPORATION
OF AMERICA HOLDINGS,**

Defendant.

**Civil Action No.
9:99-3263-8AJ**

CONSENT DECREE

The Equal Employment Opportunity Commission (the "Commission") instituted this action pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e-5(f)(1) and (3) ("Title VII"), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

The Commission, the Plaintiff-Intervenors and the Defendant, Laboratory Corporation of America Holdings ("Defendant"), hereby stipulate to jurisdiction of the Court over the parties and agree that the subject matter of this action is properly before the Court.

Plaintiff, Plaintiff-Intervenors and Defendant desire to resolve the allegations in the Complaint without the burden, expense, and delay of contested litigation. Defendant expressly denies any wrongdoing and only enters into this Decree to avoid the costs associated with further

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litigation. Therefore, all have agreed to the entry of this Consent Decree. This Decree, being entered with the consent of the parties, shall not constitute an adjudication or finding on the merits of the present action and shall not be used or introduced for any purpose whatsoever in any legal proceeding, except in an action to enforce this Decree. It is further understood and agreed that this Decree shall not be subject to enforcement by any person or entity who is not a party to the present action. The parties have agreed to this Decree, and neither this Decree nor the provisions contained herein shall be interpreted or construed as an admission by Defendant of a violation of Title VII or any other law prohibiting discrimination.

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 Title VII 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 8 below.

It is therefore ORDERED, ADJUDGED AND DECREED as follows:

1. As set forth above, Defendant denies that it engaged in the conduct alleged in the Complaint. Defendant agrees that it will not discriminate against females on the basis of sex, including subjecting them to sexual harassment, within the meaning of Title VII of the Civil Rights Act of 1964. Defendant further agrees that it will not discriminate or retaliate against any person because of opposition to any practice made unlawful under Title VII of the Civil Rights Act of 1964 or because of the filing of a charge, the giving of testimony or assistance, or the participation in any investigation, proceeding or hearing under that statute.

2. Defendant shall pay the sum of one hundred twenty five thousand (\$ 125,000)

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dollars in settlement of all claims raised in this action and in return for a full and final release by the Plaintiff-Intervenors (in the *Confidential Settlement Agreement and Release* entered into by the Plaintiff-Intervenors and Defendant) and by EEOC (as set forth in paragraph 7 below), and dismissal of this action with prejudice. Defendant shall make payment by issuing checks payable as set out in the *Confidential Settlement Agreement and Release*. Payment shall be made within ten (10) days of Defendant's receipt of the fully executed *Confidential Settlement Agreement and Release* from Plaintiff-Intervenors.

3. Defendant has adopted an anti-discrimination policy in the form attached hereto as *Exhibit A*. For a period of two (2) years, Defendant shall provide an annual training program to all of its management and supervisory employees within its Charleston, South Carolina region. Each training program shall cover Defendant's anti-discrimination policy and an explanation of the rights and responsibilities of employees and managers under the policy. Each training program shall also include an explanation of the requirements of Title VII of the Civil Rights Act of 1964 and its prohibition against sex discrimination in the workplace, including sexual harassment and retaliation. The first training program shall be completed within one hundred eighty (180) days after entry of the decree by the Court. Following completion of each training program, Defendant shall certify to the Commission that training was conducted pursuant to the terms of this Decree.

4. For a period of at least two (2) years following the entry of this Decree, Defendant shall conspicuously post its sexual harassment policy in a place where it is visible to employees in its facilities within its Charleston, South Carolina region. If the posted policy becomes defaced or unreadable, Defendant shall replace it by posting another copy of the policy.

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5. Defendant agrees to eliminate from the employment records of Christine Brooks, Stephanie Owens and Jeneine Jenkins all documents and entries relating to the facts and circumstances which led to filing of EEOC Charges of sexual harassment and the related events that occurred thereafter, including the filing of this lawsuit.

6. In the event Defendant receives an inquiry or job reference request for Christine Brooks, Stephanie Owens or Jeneine Jenkins, Defendant shall provide only neutral information, such as dates of employment. No information shall be disclosed to potential employers concerning the filing of the charges of discrimination or this lawsuit.

7. General Release. In consideration of the payment described in paragraph 2, the EEOC, on behalf of itself and its agents, representatives, attorneys, assigns and employees, fully and finally releases Defendant and any of its past or present employees, administrators, agents, officials, officers, directors, shareholders, divisions, parents, subsidiaries, predecessors, successors, affiliates, partners, insurers, or attorneys, from any and all liability, claims, demands, actions, causes of action, suits, grievances, debts, sums of money, agreements, promises, damages, back and front pay, costs, expenses, attorneys' fees, and remedies of any type relating to any claims that arose or may have arisen out of the this litigation, including: (a) all claims that were raised or could have been raised by EEOC in the captioned action; and (b) all claims, actions or liability that arose, or could have arisen under Title VII of the Civil Rights Act of 1964 and the Civil Rights Act of 1991 in the captioned action.

8. The parties agree to seek entry of this Consent Decree and dismissal of this litigation with prejudice as to all claims, in the form attached hereto as *Exhibit B*. The parties agree that

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

Feb. 23rd, 2001
Date


Paul Duffy
Judge, U.S. District Court
District of South Carolina

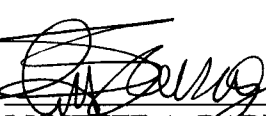
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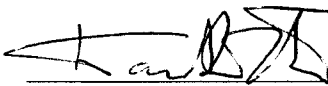
The parties jointly request that the Court approve and enter the Consent Decree:

FOR PLAINTIFF:


GWENDOLYN YOUNG REAMS
Associate General Counsel

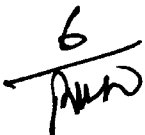
By: 
MINDY E. WEINSTEIN
Regional Attorney

By: 
LYNETTE A. BARNES
Supervisory Trial Attorney

By: 
DAVID R. TREETER
Senior Trial Attorney
Federal Bar No. 6900
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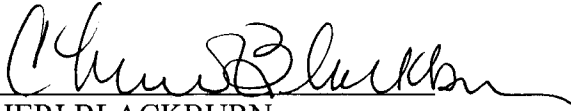
FOR PLAINTIFF-INTERVENORS:

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23 Broad Street
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FOR DEFENDANT:

By:



CHERI BLACKBURN

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Charleston, SC 29401

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LAB CORP'S ANTI-HARASSMENT POLICY

EXHIBIT A

EMPLOYEE POLICIES AND PROCEDURES	LABORATORY CORPORATION OF AMERICA HOLDINGS	APPLIES TO: ALL EMPLOYEES		
		PAGE NUMBER: 1	D A T E	EFFECTIVE: 1/1/97
		SECTION: 5		REVISED: 08/01/97

SEXUAL HARASSMENT

I. POLICY

The Company is committed to providing a professional work environment in which all individuals are treated equally and with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal opportunity and prohibits discriminatory practices and is free from all forms of harassment, including sexual harassment. Sexual harassment, whether verbal, physical or environmental is unacceptable in this organization and will not be tolerated.

A. Definition of Sexual Harassment

Sexual harassment is illegal and is one type of harassment that is prohibited at LabCorp. For purposes of this policy, sexual harassment is defined as unwelcome or unwanted conduct of a sexual nature (verbal or physical) when:

- Submission to or rejection of this conduct by an individual is used as a factor in decisions affecting hiring, evaluation, promotion or other aspects of employment; or
- The conduct substantially interferes with an individual's employment or creates an intimidating, hostile or offensive work environment.

Examples of sexual harassment may include, but are not limited to: unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; jokes of a sexual nature; flirtations, advances or propositions; verbal abuse of a sexual nature; graphic or verbal commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling, touching, pinching, assault, coerced sexual acts or suggestive insults, obscene comments or gestures; and displays in the workplace of sexually suggestive objects or pictures. Harassment is not necessarily confined to unwanted sexual conduct. Hostile or physically aggressive behavior may also constitute sexual harassment.

Sexually harassing behavior is unacceptable in the workplace itself and in any other work-related settings.

B. Application of Policy

LabCorp will not tolerate, condone or allow sexual harassment, whether engaged in by fellow employees, supervisors, executives or by customers or other non-employees who conduct business with the organization. LabCorp requires reporting of all incidents of sexual harassment, regardless of who the offender may be.

Managers and supervisors are expected to maintain a constructive work environment that is free from sexual harassment and all forms of discriminatory conduct and that supports

EMPLOYEE POLICIES AND PROCEDURES	LABORATORY CORPORATION OF AMERICA HOLDINGS	APPLIES TO: ALL EMPLOYEES		
		PAGE NUMBER: 2	D A T E	EFFECTIVE: 1/1/97 REVISED: 08/01/97
		SECTION: 5		

individual dignity and respect to which all individuals and employees associated with LabCorp are entitled to expect and receive.

Violations of this policy will not be tolerated. Anyone engaging in such activity is acting beyond the scope of any authority he/she may have from the Company. Any manager or supervisor who is made aware of a complaint of harassment and fails to take action will be subject to disciplinary action, up to and including termination.

Individuals who believe they have been subjected to sexual harassment should report the incident orally or in writing to their supervisor or manager, local Human Resources manager, or Corporate Human Resources. Individuals found to have engaged in misconduct constituting sexual harassment will be disciplined, up to and including termination. If an investigation results in a finding that the complainant falsely accused another of sexual harassment knowingly or in a malicious manner, the complainant may be subject to corrective action.

Any individual who believes he or she is being harassed is encouraged to firmly and promptly notify the offender that his or her behavior is unwelcome.

 LabCorp <small>Laboratory Corporation of America</small>	<i>HARASSMENT</i>	Policy Number	EFFECTIVE: 1/1/97
		1-111	REVISED: 6/20/2000

I. PURPOSE

Harassment undermines the integrity of the Company and employee relationships. LabCorp will aggressively investigate and act promptly to correct such alleged or actual activity

II. POLICY

The Company is committed to providing a professional work environment in which all individuals are treated equally and with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal opportunity and prohibits discriminatory practices and is free from all forms of discrimination and conduct which could be considered harassing, coercive or obsessive harassment, including sexual harassment. Sexual or any discriminatory harassment based on race, color, sex, age, national origin, citizenship, religion, sexual orientation, disability or veteran status will not be tolerated. Any harassment, whether verbal, physical or environmental is unacceptable in this organization and will not be tolerated.

A. DEFINITION OF SEXUAL HARASSMENT:

1. Sexual harassment is illegal and is one type of harassment that is prohibited at LabCorp. For purposes of this policy, sexual harassment is defined as unwelcome or unwanted conduct of a sexual nature (verbal or physical) when:
 - a. Submission to or rejection of this conduct by an individual is used as a factor in decisions affecting hiring, evaluation, promotion or other aspects of employment; or
 - b. The conduct substantially interferes with an individual's employment or creates an intimidating, hostile or offensive work environment.
2. Examples of sexual harassment may include, but are not limited to: unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; jokes of a sexual nature; flirtations, advances or propositions; verbal abuse of a sexual nature; graphic or verbal commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling, touching, pinching, assault, stalking, coerced sexual acts or suggestive insults, obscene comments or gestures; and displays in the workplace of sexually suggestive objects or pictures, and any other gender-based inappropriate conduct. Harassment is not necessarily confined to unwanted sexual conduct. Hostile or physically aggressive behavior may also constitute sexual harassment.

 <small>LABORATORY CORPORATION OF AMERICA</small>	<i>HARASSMENT</i>	Policy Number	EFFECTIVE: 1/1/97
		1-111	REVISED: 6/20/2000

3. Sexually harassing behavior is unacceptable in the workplace and in any other work-related settings.

B. APPLICATION OF POLICY:

1. LabCorp will not tolerate, condone or allow sexual or other discriminatory harassment, whether engaged in by fellow employees, supervisors, executives or by customers or other non-employees who conduct business with the organization. LabCorp requires reporting of all incidents of sexual or discriminatory harassment, regardless of who the offender may be.
2. Supervisors are expected to maintain a constructive work environment that is free from sexual or other harassment and all forms of discriminatory conduct and that supports individual dignity and respect to which all individuals and employees associated with LabCorp are entitled to expect and receive.
3. Violations of this policy will not be tolerated. Anyone engaging in such activity is acting beyond the scope of any authority he/she may have from the Company. Any supervisor who is made aware of a complaint of harassment and fails to take action will be subject to disciplinary action, up to and including termination.
4. Individuals who believe they have been subjected to sexual or discriminatory harassment should report the incident orally or in writing to their supervisor, local Human Resources Manager/Director, or Corporate Human Resources. Individuals found to have engaged in misconduct constituting sexual harassment will be disciplined, up to and including termination. If an investigation results in a finding that the complainant falsely accused another of sexual harassment knowingly or in a malicious manner, the complainant may be subject to corrective action.
5. Any individual who believes he/she is being harassed is encouraged to firmly and promptly notify the offender that his/her behavior is unwelcome.
6. If after investigating a complaint, the Company finds that the complaint is false or any employee has provided false information during an investigation, corrective action, up to and including termination, may be taken against the individual who filed the false complaint or gave false information.

EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT
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**EQUAL EMPLOYMENT OPPORTUNITY)
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**Civil Action No.
9:99-3263-8AJ**

**JOINT MOTION FOR ENTRY OF A CONSENT DECREE
AND ORDER OF DISMISSAL**

Plaintiff, the Equal Employment Opportunity Commission ("Plaintiff"), Plaintiff-Intervenors, Christine Brooks, Stephanie Owens and Jeneine Jenkins ("Plaintiff-Intervenors"), and Defendant, Laboratory Corporation of America Holdings ("Defendant"), the parties to this action, jointly move this Court to approve and enter the Consent Decree and Order of Dismissal filed herewith. In support of this motion, the parties jointly represent to the Court as follows:

1. The parties are desirous of resolving this matter without the burden and expense of further litigation.
2. The parties waive trial, briefs, arguments, findings of fact and conclusions of law.
3. The intent of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et seq., ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a,

will be effectuated by entry of the Consent Decree.

4. The Consent Decree is intended to, and does, resolve all issues in dispute between the parties.

5. The parties further request that the Order of Dismissal filed herewith be entered concurrent with the signing of the Consent Decree. It is the intent of the parties to dismiss this case with prejudice; however, the parties specifically agree that for a period of two (2) years from the date of entry of the Consent Decree by the court, the parties can initiate proceedings seeking judicial enforcement of the Consent Decree.


WHEREFORE, Plaintiff, Plaintiff-Intervenors, and Defendant jointly request that the Court approve and enter the Consent Decree filed herewith and enter the Order of Dismissal.

SUBMITTED this the 21 day of February, 2001.

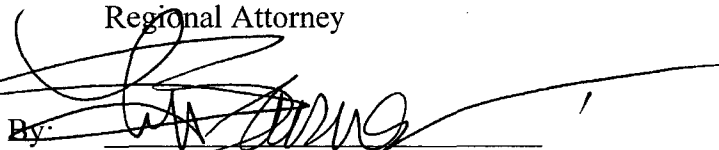
FOR PLAINTIFF:

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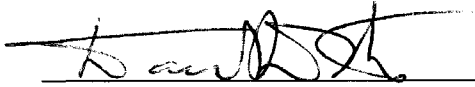
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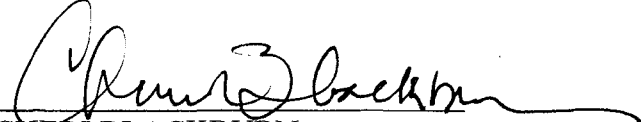
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Defendant.

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ORDER OF DISMISSAL

This matter is before the Court on the joint motion of Plaintiff, Plaintiff-Intervenors and Defendant for entry of a Consent Decree and Order of Dismissal.

The Court has jurisdiction over the parties and the subject matter of the action. The Court has reviewed the terms of the proposed Consent Decree, and in light of the pleadings and applicable laws and regulations, it has approved the Consent Decree as one which will promote and effectuate the purposes 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.

WHEREFORE, IT IS ORDERED that the Consent Decree is approved and shall be entered. It is further ordered that this action is hereby dismissed with prejudice, reserving the

right of the parties to initiate proceedings seeking judicial enforcement of the Consent Decree for a period of two (2) years from the date of entry of the Consent Decree by the Court.

THIS ____ day of _____, 2001.

United States District Judge
District of South Carolina