

A. LUIS LUCERO, JR., REGIONAL ATTORNEY  
 JOHN F. STANLEY, ACTING SUPERVISORY TRIAL ATTORNEY  
 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
 909 FIRST AVENUE, SUITE 400  
 SEATTLE, WA 98104  
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U.S. COURTS

2 OCT 11 PM 3: 57

**ORIGINAL**

UNITED STATES DISTRICT COURT  
 DISTRICT OF IDAHO

OCT 18 2002

EQUAL EMPLOYMENT OPPORTUNITY )  
 COMMISSION, )  
 Plaintiff, )  
 v. )  
 RALPH'S, INC. d/b/a SHERMAN IGA )  
 AND IGA, INC. )  
 Defendants. )

REC'D  
 LODGED FILED

CIVIL NO. CIV 01-0157-N-EJL  
 CONSENT DECREE AND ORDER  
 DISMISSING ACTION

**I. INTRODUCTION**

1. This action originated with charges of discrimination filed with the plaintiff, Equal Employment Opportunity Commission ("EEOC" or "Commission"), on December 1, 1999, by Kimberly Pierce; December 9, 1999, by Jo Munson; and April 6, 2000 by Barbara Munson. The charges alleged sexual harassment, sex discrimination and constructive discharge against defendant, Ralph's, Inc. d/b/a/ Sherman IGA and IGA, Inc. ("defendants"), in violation of Title VII of the Civil Rights, 42 U.S.C. §2000e *et seq.* ("Title VII"). A copy of the charges is attached to this consent decree as Exhibit 1.

2. The EEOC sent defendant Letters of Determination on March 14, 2001,

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 TDD: (206) 220-6882

for Kimberly Pierce and Jo Munson, and on March 23, 2001, for Barbara Munson finding there was reasonable cause to believe that the allegations of each of them were true and that defendant had sexually harassed Kimberly Pierce, Jo Munson and Barbara Munson ("charging parties") in violation of Title VII. A copy of the Letters of Determination is attached as Exhibit 2.

3. The Commission filed this lawsuit on April 11, 2001, in the United States District Court for the District of Idaho against Ralph's, Inc. d/b/a Sherman IGA and IGA, Inc.

4. The plaintiff, plaintiff-intervenor and defendant want to conclude the claims arising out of the charges, the EEOC's determination, and this action without expending further resources in contested litigation.

## **II. NON-ADMISSION OF LIABILITY AND NON-DETERMINATION BY THE COURT**

5. This consent decree is not an adjudication or finding on the merits of this case and shall not be construed as an admission by defendant of a violation of Title VII.

## **III. SETTLEMENT SCOPE**

6. This consent decree is the final and complete resolution of all allegations of unlawful employment practices contained in Kimberly Pierce's, Jo Munson's and Barbara Munson's discrimination charges, in the EEOC's Letters of Determination, and in the complaint filed in this action. The injunctive relief provisions of this consent decree apply to all Ralph's, Inc. d/b/a Sherman IGA facilities, employees and managers.

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#### IV. MONETARY RELIEF

7. In settlement of this suit, defendant agrees to pay \$96,500 to Kimberly Pierce, Jo Munson and Barbara Munson, in the following amounts, in satisfaction of all claims for monetary relief in this action. The amounts will be allocated as follows:

**(1) Barbara Munson:** \$9,000 paid previously; \$4,000 to be paid not later than October 12, 2002; \$4,000 to be paid not later than September 1, 2003; \$4,000 to be paid not later than September 1, 2004; and \$25,000 to be paid not later than September 1, 2005;

**(2) Kimberly Pierce Brandal:** \$5,000 paid previously; \$4,000 to be paid not later than October 12, 2002; \$4,000 to be paid not later than September 1, 2003; \$4,000 to be paid not later than September 1, 2004; and \$23,000 to be paid not later than September 1, 2005;

**(3) Jo Munson:** \$3,500 paid previously; \$4,000 to be paid not later than October 12, 2002; and \$3,000 to be paid not later than September 1, 2003.

Defendant shall pay interest at a rate of 7% annually on all principal amounts, except for payments made on or before October 12, 2002. The schedule of payments, reflecting principal and interest amounts, is attached as Exhibit 3. A copy of all checks will be mailed to the Commission at the time of payment. In return, Kimberly Pierce, Jo Munson and Barbara Munson have negotiated and will execute release agreements with defendant, to which the EEOC is not a party, in full satisfaction of all claims related to or arising out of their employment.

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## V. INJUNCTIVE RELIEF

### A. General Provisions

8. Defendant agrees to comply with the provisions of Title VII in its employment decisions. To further this commitment, defendant will monitor the affirmative obligations of this consent decree.

9. Defendant will not retaliate against any current or former employee for opposing any practice made unlawful by Title VII or for participating in any activity protected by Title VII.

10. Defendant will expunge from the charging parties' records all references to their charges of discrimination. Defendant will provide each with a good job reference if requested by a potential employer and will not refer to her charge of discrimination or the outcome of this litigation.

11. In recognition of its obligations under Title VII, defendant will institute the policies and practices set forth below.

### B. Establishment of Policy and Procedures to Prevent Discrimination

12. Defendant agrees to hire a professional consultant with expertise in developing practices and procedures to prevent and correct sexual harassment and retaliation in the workplace. The expert will advise the company on developing written policies and procedures to prevent and correct sexual harassment and retaliation in facilities owned and operated by defendant.

13. The written policy will include a statement from William Joe Peterson that he, as owner of the company, is committed to ensuring that the practices and the

conduct of the owner, manager and employees will comply with the requirements of Title VII prohibiting discrimination on the basis of sex, race, color, religion or national origin in the workplace. The policy will also include provisions specifying that those who violate the policy will be subject to appropriate discipline, up to and including termination.

14. The written policy will also include an internal complaint procedure for employees to report incidents of discrimination with several avenues to make complaints so that defendant's owner and managers are made immediately aware of such complaints, can investigate and take appropriate action.

15. The internal complaint procedure will include the following provisions:

- a. A list of the appropriate persons to whom an individual should report allegations of discrimination and sexual harassment;
- b. An explanation of how to make a complaint and the steps involved in investigating an allegation of harassment or discrimination, including informing the affected individuals of the outcome of the investigation;
- c. A designated phone number where complaints of sexual harassment can be made and with assurance the complaints will also be immediately responded to.

16. Defendant will submit a copy of its revised written policy for the EEOC's review and approval not later than September 1, 2003. Within thirty (30) days of the date of approval by the EEOC, defendants will distribute the policy to all present and

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future employees, both management and non-management.

17. Defendant also agrees that if any changes or modifications are made to the written policy during the duration of the consent decree, the defendant will seek prior approval from EEOC.

**C. Posting Notice**

18. Defendant will post the notice attached as Exhibit 4 to this consent decree. The notice shall be posted on a centrally located bulletin board at Ralph's/Sherman IGA where notices to employees are normally posted or where employees will see the notice for the duration of the consent decree. Defendant will also post in the same location a copy of the EEO policy referenced in paragraphs 11 through 14, above.

**E. Training**

19. During the term of this consent decree, defendant will provide at least six hours of employment discrimination and sexual harassment training annually for its owner, managers and employees conducted by a qualified professional with expertise in the field of discrimination and sexual harassment in the workplace. The training agenda shall include instruction on employment issues, including but not limited to, the following topics: a definition of sexual harassment; how to recognize sexual harassment; how managers and supervisors should respond to sexual harassment complaints; how managers and supervisors should conduct sexual harassment investigations; the effects of sexual harassment on employees in the workplace; the appropriate steps the managers and supervisors at each location should take to

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prevent sexual harassment from occurring; appropriate discipline if sexual harassment occurs; the legal obligations of owners, supervisors and managers to prevent and correct sexual harassment. In addition, such training must also include defendant's written equal employment opportunity policy and its internal complaint procedures established pursuant to paragraphs 11-15, above.

20. The first training will take place not later than September 1, 2003. The second training will take place not later than September 1, 2004, and the third training will take place not later than September 1, 2005. The form, content, and number of the training events will be subject to prior review by the EEOC, and the cost of training shall be borne by defendant.

21. Defendant will provide to the EEOC a list of attendees of the training, and an evaluation form filled out by each attendee with the option to sign their names or remain anonymous, and a copy of the training materials and handouts with the reports required in paragraph 23.

**F. Reporting**

22. Six months after implementation of the policy referenced above in paragraphs 11-14, and every six months thereafter for the term of the decree, defendant will provide a report to the Commission with the following information:

a. a summary of the complaints of employment discrimination, if any, filed pursuant to the provisions of its written and disseminated policy as set forth in paragraphs 11-14 during the preceding six-month period. The report will describe the resolution of each complaint.

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b. copies of the attendee lists, evaluations, and materials of the training required by paragraphs 19-21.

c. a statement listing the other provisions of this decree that defendant is required to perform during the preceding period and certifying that it has complied with the terms of the decree. If defendants have not complied with any term of the decree, the statement will specify the areas of noncompliance, the reason for the noncompliance, and the steps taken to bring defendants into compliance.

#### **VI. ENFORCEMENT**

23. The United States District Court for the District of Idaho shall retain jurisdiction over this matter for the duration of the decree. If the EEOC concludes that defendant has breached any of the above provisions, it may bring an action to enforce this consent decree no sooner than fourteen (14) days after providing defendants written notification of the alleged breach. The period following the written notice will be used by the parties for good faith efforts to reach agreement on how to bring defendants into compliance with the decree.

#### **VII. TERMINATION OF DECREE**

25. This decree shall be in effect for three years commencing with the date the decree is entered by the court. If the EEOC petitions the court and the court finds defendants to have violated the terms of this consent decree, it may extend the period

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of this consent decree and award the Commission its costs in bringing an enforcement action.

DATED this 11<sup>th</sup> day of October, 2002.

Respectfully submitted,

A. LUIS LUCERO, JR.  
Regional Attorney

NICHOLAS M. INZEO  
Acting Deputy General Counsel

JOHN F. STANLEY  
Acting Supervisory Trial Attorney

GWENDOLYN YOUNG REAMS  
Associate General Counsel

BY: A. Luis Lucero Jr.

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EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
Office of the General Counsel  
1801 "L" Street, N.W.  
Washington, D.C. 20507

Attorneys for Plaintiff

BY: 

Jeffrey A. Child  
CHILD & FISHER  
212 S. Eleventh Street, Suite 1  
Coeur D'Alene, ID 83814

Attorneys for Defendant

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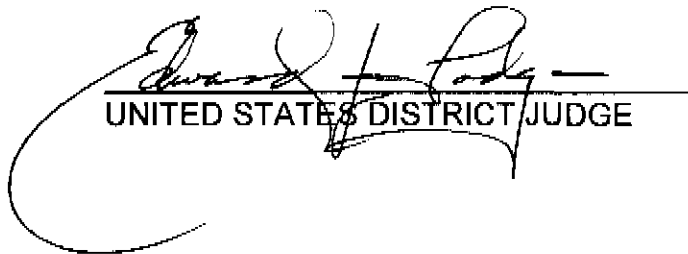
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ORDER

The Court, having considered the foregoing stipulated agreement of the parties, HEREBY ORDERS THAT the foregoing consent decree be, and the same hereby is, approved as the final decree of this Court in full settlement of this action. This lawsuit is hereby dismissed with prejudice and without costs or attorneys' fees to any party. The Court retains jurisdiction of this matter for purposes of enforcing the consent decree approved herein.

DATED this 17<sup>th</sup> day of October, 2002.

  
UNITED STATES DISTRICT JUDGE

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
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Idaho Human Rights Commission and EEOC  
State or local Agency, if any

NAME (Indicate Mr., Ms., Mrs.) HOME TELEPHONE (Include Area Code)  
Ms. Jo Munson (208) 777-2149

STREET ADDRESS CITY, STATE AND ZIP CODE DATE OF BIRTH  
1155 Shannon Lane, Post Falls, ID 83854 06/05/197

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME NUMBER OF EMPLOYEES, MEMBERS TELEPHONE (Include Area Code)  
Sherman IGA Cat A (15-100) (208) 664-9992

STREET ADDRESS CITY, STATE AND ZIP CODE COUNTY  
1212 Sherman Ave., Coeur D' Alene, ID

NAME TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS CITY, STATE AND ZIP CODE COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es)) DATE DISCRIMINATION TOOK PLACE  
 RACE  COLOR  SEX  RELIGION  NATIONAL ORIGIN EARLIEST LATEST  
 RETALIATION  AGE  DISABILITY  OTHER (Specify) 07/03/1998 10/28/199  
 CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):

\*\*\*See Attached\*\*\*

RECEIVED

DEC 09 1999

IDAHO HUMAN RIGHTS  
COMMISSION

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - (When necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Month, day and year)

Date 12-3-99 Jo Munson Charging Party (Signature)

THE PARTICULARS ARE:

**I. Complainant's Statement of Harm:**

I was sexually harassed by Respondent and forced to constructively discharge my employment.

**II. Respondent's Reason for Adverse Action:**

Respondent gave no reason for the harassment.

**III. Complainant's Statement of Discrimination:**

I believe I have been discriminated against on the basis of my sex, female. In support of this allegation, I offer the following particulars:

A. I worked in the deli at Respondent, a grocery store. I have worked there on and off since July 3, 1998. I quit my job once and then came back four months ago.

B. Respondent's owner, Bill Peterson, sexually harassed me and other women. He grabbed me, made rude sexual comments to me, and when I expressed my displeasure about him touching me, he told me I "deserved it." Other women have also experienced similar types of harassment.

C. During October 1999, Mr. Peterson scheduled me to work ten days in a row. When I told him that because of family obligations, I could not work 10 days in a row, he became abusive towards me, even calling me a "liar." This was the straw that broke the camel's back. All of the sexual harassment and abuse had accumulated to the point I knew I could not continue to work for this man, and so I quit my job.

D. Respondent employs over 15 employees.

I believe the practices of the above-named Respondent are in violation of:

- Title 67, Chapter 59 of the Idaho Code
- Title 44, Chapter 17 of the Idaho Code
- Title VII of the Civil Rights Act of 1964
- Age Discrimination in Employment Act of 1967 (ADEA)
- Americans with Disabilities Act

# CHARGE OF DISCRIMINATION

AGENCY  
 FEPA  
 EEOC

CHARGE NUMBER  
 A-11-0400395  
 352-00228

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

Idaho Human Rights Commission and EEOC  
*State or local Agency, if any*

NAME (Indicate Mr., Ms., Mrs.) Ms. Barbara Munson HOME TELEPHONE (Include Area Code) (208) 665-2292

STREET ADDRESS CITY, STATE AND ZIP CODE DATE OF BIRTH  
408 N. 15th St., Coeur D Alene, ID 83814 07/24/1957

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME NUMBER OF EMPLOYEES, MEMBERS TELEPHONE (Include Area Code)  
Sherman IGA Cat A (15-100) (208) 664-9992

STREET ADDRESS CITY, STATE AND ZIP CODE COUNTY  
1211 Sherman Ave., Coeur D Alene, ID 83814 055

NAME TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS CITY, STATE AND ZIP CODE COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es)) DATE DISCRIMINATION TOOK PLACE  
 RACE  COLOR  SEX  RELIGION  NATIONAL ORIGIN  
 RETALIATION  AGE  DISABILITY  OTHER (Specify)  
 EARLIEST LATEST  
06/01/1991 03/01/2000  
 CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):

\*\*\*See Attached\*\*\*

*[Faint stamp]*

APR 06 2000

*[Faint stamp]*

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - (When necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct.

SIGNATURE OF COMPLAINANT

Date 3/31/2000  
 Charging Party (Signature) *Barbara Munson*

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Month, day and year)

THE PARTICULARS ARE:

**I. Complainant's Statement of Harm:**

I have been subjected to sexual harassment and harassment about needing a kidney transplant by the owner of the store. I have also been subjected to retaliation for rejecting the sexual advances of the owner of the store. After former employees filed a Charge of Discrimination against Respondent, the owner retaliated against me. Finally, I had no choice but to take a constructive discharge.

**II. Respondent's Reason for Adverse Action:**

William Peterson, owner, has suggested that I need to take time off work because of my disability. He also told me that I needed to make a decision as how I would testify regarding the other Charges filed against him and that my friends would lose their jobs if he lost the cases.

**III. Complainant's Statement of Discrimination:**

I believe that I was discriminated against on the basis of my sex, female, in that I was subjected to sexual harassment. I believe that I was retaliated against for rejecting the sexual harassment. I also believe that I have been subjected to discrimination on the basis of my disability, renal failure, and that I was retaliated against for the perception that I support former co-workers who filed Charges of Discrimination. In support of this, I offer the following:

A. I began working for Respondent in June of 1991 as a checker. I was promoted to deli manager in September 1994. I was transferred to the bakery a few months later.

B. From about the time that I began my employment, Mr. Peterson has made inappropriate and sexual comments to me despite my protests. He also asked me for sex. The following are instances of sexual harassment to which I was subjected.

1. It is the responsibility of the deli/bakery employees to answer the telephone. Mr. Peterson would call on Wednesday, his day off work. When I answered, Mr. Peterson would say, "Your hair looked really nice yesterday" or "I really liked what you were wearing."

2. Mr. Peterson often made comments about the way I looked. As a result, I began to wear baggy and loose fitting clothes.

3. Sometime in 1995, Mr. Peterson said that he had a dream about me and that it gave him an erection. He said he wished that I had been there. Later that day, he gave me a sexually explicit magazine. I immediately gave it back to him and said I did not like those kinds of magazines.

4. On December 26, 1995, I opened the store with Mr. Peterson. He said, "We will be alone for at least an hour." He then suggested that we not let the large bakery table go to waste. It was clear that he was suggesting we have sex on that table. I said I would not do that and that I was a married woman. I made sure that I was never alone with him again.

5. Mr. Peterson could come into the freezer when I was there and comment about how cold it was. While staring at my chest, he would comment, "I have a hard-on."

6. Mr. Peterson overheard a conversation I had with Kim Pierce, a co-worker, about a television program on mistresses. Later he said that he could not give me cash but that he could give me things like clothing and jewelry. He asked if I had ever had a facial. When I said, "No," he offered to pay for me to have a facial.

7. One morning, Mr. Peterson took money out of the candy machines. He said it was his play money and that he said he was getting a room at Bennett Bay Inn, a hot-tub resort, and asked me whether I would like to join him. I replied, "No, I am a married woman!"

8. He was holding a melon in each hand and said, "I would sure like to play with Rhonda's melons." It was clear that he was making a sexual reference to Rhonda, the produce manager.

9. He told me to hold still for a moment. When I did that, he pulled my sweater down and exposed my shoulder. He supposedly did this so that he could look at the tattoo that he heard was on my shoulder. I was so shocked that I could not say anything.

10. In November 1999, he offered me a banana. I said that I could not eat bananas anymore because I had renal failure. He said that was too bad because he liked to watch me eat bananas.

11. That same day, he commented that he liked my thighs. When I questioned what he was talking about, he pretended that he was commenting on the T-shirt I was wearing which has the picture of a chicken's head and the name of a brand of breeding that is carried by the store.

C. After I rejected Mr. Peterson's requests for sex several times, it was clear to me that my lack of cooperation would lead to problems for me. The following are instances of the retaliation to which I was subjected.

1. In November of 1996, I had to have foot surgery. I was off for two weeks. On the first day back to work, my foot began to swell and I was in a lot of pain from standing. I asked to go home but Mr. Peterson would not allow me to leave.

2. In November of 1998, I had knee surgery and had to be off work for six weeks. During my medical leave, Ms. Pierce was asked to take over my job permanently by Mr. Peterson. When I returned to work, Mr. Peterson became very angry after I handed a note from my doctor to him. He then walked over to the deli and ripped the schedule off the wall and walked away.

D. On August 28, 1999, I informed Mr. Peterson that I had renal failure and would need a kidney transplant within a year. I did not have any medical restrictions. Subsequently, Mr. Peterson harassed me about taking time off from work although I kept telling him that I did not need to take time off and was able to do my job. He repeatedly told me that I needed to rest and asked me whether I would like to take some time off work. He also asked Kim Pierce to take over my job permanently because he thought that I would no longer be able to perform my duties.

E. In September of 1999, Mr. Peterson asked me to take supervision of the bakery and the deli departments. Mr. Peterson said that I would only be doing the ordering and that his daughter, Beth Nick, would get the bonus for the deli. He did not think that I should get a raise for doing both jobs in both departments. He claimed that I was the only person that knew how to do the ordering for the deli, so I had to do the ordering for both departments anyway.

F. Mr. Peterson knew that he was causing me a great deal of stress and that it was affecting my health, yet he continued to do things that he knew were stressful. For example, I wrote up an employee for habitually being late. Mr. Peterson simply ignored my write-up and refused to support me on the discipline of this employee.

G. On January 15, 2000, I requested an accommodation. I asked that my scheduled hours be reduced so that I did not work more than eight hours per day and four days per week for a total of 32 hours. This was a reduction from 40 and more hours per week.

H. On Sunday, February 27, 2000, I went into the store to purchase some items. Mr. Peterson said he wanted to talk to me. He said that he knew that I was a principal in the lawsuit filed with the Human Rights Commission by Kim Pierce and Jo Munson. He said I needed to make a decision on what I was going to do. He said I would be called to testify and what happened to him would affect the people that worked for him. He said that if this thing went one step further, his wife and daughter would be hurt by it, and he would have to file for bankruptcy. If he had to file for bankruptcy, all my friends would lose their jobs. He said I could prevent all this by writing a letter to the Human Rights Commission saying I had no knowledge of anything in the lawsuit and had nothing to testify about. He suggested Ms. Pierce and I were planning to share any money that came from the lawsuit. He knows that my testimony will support any case against him. I told him that due to health, I could not handle the stress of the conversation and did not want to talk about it anymore. He said that someone needed to talk to him about it and get things settled. He asked my husband to talk to him, which he did.

F. I could no longer take the discriminatory and retaliatory treatment to which Mr. Peterson had subjected me to for so many years, and my health was suffering as a result. I knew that I had no recourse but to take a constructive discharge on March 1, 2000, as it was apparent that Mr. Peterson had no intention of ever putting a stop to the illegal treatment of me.

G. Respondent has more than 15 employees.

I believe the practices of the above-named Respondent are in violation of:

- Title 67, Chapter 59 of the Idaho Code
- Title 44, Chapter 17 of the Idaho Code
- Title VII of the Civil Rights Act of 1964
- Age Discrimination in Employment Act of 1967 (ADEA)
- Americans with Disabilities Act
- Equal Pay Act



# CHARGE OF DISCRIMINATION

AGENCY

 FEPA EEOC

CHARGE NUMBER

E-1299-202

38CA00075

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

Idaho Human Rights Commission  
State or local Agency, if any

and EEOC

NAME (Indicate Mr., Ms., Mrs.)

HOME TELEPHONE (Include Area Code)

Ms. Kimberly Pierce

(208) 667-5548

STREET ADDRESS

CITY, STATE AND ZIP CODE

DATE OF BIRTH

1720 N. 9th St., Coeur D Alene, ID 83814

10/28/1964

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

NUMBER OF EMPLOYEES, MEMBERS

TELEPHONE (Include Area Code)

Sherman IGA

Cat A (15-100)

(208) 664-9992

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

1211 Sherman Ave., Coeur D Alene, ID 83814

055

NAME

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

RACE  COLOR  SEX  RELIGION  NATIONAL ORIGIN  
 RETALIATION  AGE  DISABILITY  OTHER (Specify)

DATE DISCRIMINATION TOOK PLACE

EARLIEST

LATEST

04/01/1995

 CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):

\*\*\*See Attached\*\*\*

**RECEIVED**IDAHO HUMAN RIGHTS  
COMMISSION

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - (When necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(Month, day and year)

Date 11-22-99

Kimberly M Pierce

THE PARTICULARS ARE:

**I. Complainant's Statement of Harm:**

I have been subjected to sexual harassment by the owner of the store. Finally, I could no longer take the sexual harassment and was forced to take a constructive discharge.

**II. Respondent's Reason for Adverse Action:**

William Peterson, owner, has laughed when I have objected to his sexual harassment.

**III. Complainant's Statement of Discrimination:**

I believe that I was discriminated against on the basis of my sex, female, in that I was subjected to sexual harassment. In support of this, I offer the following:

A. I began working for Respondent in April 1995, as the deli manager.

B. From the time that I began my employment, Mr. Peterson has made inappropriate and sexual comments to me despite my protests. The following are instances of sexual harassment to which I was subjected.

- ◆ Mr. Peterson would call me on the telephone while we were working and tell me that my butt looked very nice in my pants.
- ◆ Mr. Peterson would hug me. When I told him not to do that, he would respond in a mocking tone of voice saying, "I'm sorry I got in your space."
- ◆ On October 31, 1998, Mr. Peterson said, "At the risk of sounding like a pervert, did you get that short outfit?" I told him that I did not.
- ◆ On December 8, 1998, I asked Mr. Peterson whether he wanted some bean dip. He said that would be like whipped cream as it would have the same effect.
- ◆ On January 26, 1998, I told Mr. Peterson that his sexual comments were not appropriate. He laughed and said, "Whatever."
- ◆ On February 5, 1999, the deli case was broken and the drain was plugged. Mr. Peterson said, "I guess we'll need to douche it out once a month."
- ◆ On February 23, 1999, Mr. Peterson said, "You know Barbara (Munson) is not going to do small sticky buns, only big ones. She has a problem with sticky buns." I told Mr. Peterson that he was disgusting.

- ◆ On August 6, 1999, I asked Mr. Peterson whether the repairpersons from Market Equipment had indicated when they would be at the store to do repairs. Mr. Peterson said, "Oh, they're coming or at least breathing hard."
  - On August 7, 1999, I was buying groceries. I asked Mr. Peterson to check me out. He said, "I've been checking you out for years."
- C. I could no longer take the sexual harassment from Mr. Peterson and I was forced to take a constructive discharge effective August 27, 1999.
- D. Respondent has more than 15 employees.

I believe the practices of the above-named Respondent are in violation of:

- Title 67, Chapter 59 of the Idaho Code
- Title 44, Chapter 17 of the Idaho Code
- Title VII of the Civil Rights Act of 1964
- Age Discrimination in Employment Act of 1967 (ADEA)
- Americans with Disabilities Act
- Equal Pay Act



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Seattle District Office

MAR 14 2001

Federal Office Building  
909 First Ave., Suite 400  
Seattle, WA 98104-1061  
PII: (206) 220-6883  
TDD: (206) 220-6882  
FAX: (206) 220-6911

Charge 38CA00075

Ms. Kimberly Pierce  
1720 North 9<sup>th</sup> Street  
Coeur d'Alene, ID 83814

Charging Party

Sherman IGA  
1212 Sherman Avenue  
Coeur D'Alene, ID 83814

Respondent

DETERMINATION

Under the authority vested in me by the Commission's Procedural Regulations, I hereby issue on behalf of the Commission the following determination as to the merits of the subject charge.

Respondent is an employer within the meaning of Title VII of the 1964 Civil Rights Act, as amended (Title VII), and timeliness, deferral, and all other jurisdictional requirements have been met. Substantial weight has been accorded the findings of the Idaho State Human Rights Commission. A review of the record presented indicates that the state agency indicated above was unsuccessful in its attempt to settle this matter.

Having determined that there is reason to believe that a violation has occurred on the allegations of sexual harassment and constructive discharge, the Commission now invites the parties to join with it in collective efforts toward a just resolution of this matter. A representative of this office will be in contact with each party in the near future to begin the conciliation process.

When the Respondent declines to enter into settlement discussions, or when the Commission's representative for any other reason, is unable to secure a settlement acceptable to the office Director, the Director shall so inform the parties in writing and advise them of the court enforcement alternative available to the Charging Party, aggrieved persons, and the Commission.

On behalf of the Commission:

JEANETTE M. LEINO  
District Director

cc: Jeffrey A. Child, Attorney for Respondent

EX 2



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Seattle District Office

MAR 14 2001

Federal Office Building  
909 First Ave., Suite 400  
Seattle, WA 98104-1061  
PH: (206) 220-6883  
TDD: (206) 220-6882  
FAX: (206) 220-6911

Charge 38CA00080

Ms. Jo Munson  
P O Box 1153  
Spirit Lake, ID 83869

Charging Party

Sherman IGA  
1212 Sherman Avenue  
Coeur D'Alenc, ID 83814

Respondent

DETERMINATION


Under the authority vested in me by the Commission's Procedural Regulations, I hereby issue on behalf of the Commission the following determination as to the merits of the subject charge.

Respondent is an employer within the meaning of Title VII of the 1964 Civil Rights Act, as amended (Title VII), and timeliness, deferral, and all other jurisdictional requirements have been met. Substantial weight has been accorded the findings of the Idaho State Human Rights Commission. A review of the record presented indicates that the state agency indicated above was unsuccessful in its attempt to settle this matter.

Having determined that there is reason to believe that a violation has occurred on the allegations of sexual harassment and constructive discharge, the Commission now invites the parties to join with it in collective efforts toward a just resolution of this matter. A representative of this office will be in contact with each party in the near future to begin the conciliation process.

When the Respondent declines to enter into settlement discussions, or when the Commission's representative for any other reason, is unable to secure a settlement acceptable to the office Director, the Director shall so inform the parties in writing and advise them of the court enforcement alternative available to the Charging Party, aggrieved persons, and the Commission.

On behalf of the Commission:

  
JEANETTE M. LEINO  
District Director

cc: Jeffrey A. Child, Attorney for Respondent



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Seattle District Office

MAR 23 2001

Federal Office Building  
909 First Avenue, Suite 400  
Seattle, WA 98104-1061  
(206) 220-6883  
TTY (206) 220-6882  
FAX (206) 220 6911

Charge No. 38CA00228

Ms. Barbara Munson  
408 N. 15th St.  
Coeur D'Alene ID 83814

Charging Party

Sherman IGA  
1211 Sherman Avenue  
Coeur D'Alene ID 83814

Respondent

DETERMINATION

Under the authority vested in me by the Commission's procedural regulations, I hereby issue on behalf of the Commission the following determination as to the merits of the subject charge.

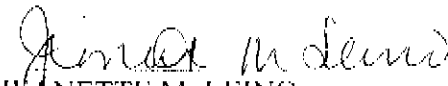
Respondent is an employer within the meaning of Title VII of the Civil Rights Act of 1964, as amended (Title VII), and timeliness, deferral, and all other jurisdictional requirements have been met. Charging Party alleged that Respondent discriminated against her in violation of Title VII in that she was subjected to sexual harassment, disability discrimination, and retaliation, and that she was forced to quit her employment as a result.

I have considered all the evidence and have determined that there is reasonable cause to believe that violations have occurred as to sexual harassment, retaliation, and constructive discharge. I have determined that there is no reasonable cause to believe that disability discrimination occurred.

Having determined that there is reason to believe that violations have occurred, the Commission now invites the parties to join with it in collective efforts toward a just resolution of this matter. A representative of this office will be in contact with each party in the near future to begin the conciliation process.

When the Respondent declines to enter into settlement discussions, or when the Commission's representative for any other reason is unable to secure a settlement acceptable to the office Director, the Director shall so inform the parties in writing and advise them of the court enforcement alternative available to the Charging Party, aggrieved persons, and the Commission.

On Behalf of the Commission:

  
JEANETTE M. LEINO  
District Director

cc: Jeffrey A. Child, Attorney for Respondent

**PAYMENT SCHEDULE**

	<u>BARBARA MUNSON</u>	<u>KIMBERLY PIERCE BRANDAL</u>	<u>JO MUNSON</u>
Gross Amount Due	\$46,000.00	\$40,000.00	\$10,500.00
Paid 10/8/01	-\$ 9,000.00	-\$ 5,000.00	-\$ 3,500.00
Paid 10/12/02	-\$ 4,000.00	-\$ 4,000.00	-\$ 4,000.00
Remaining Unpaid Balance	<u>\$33,000.00</u>	<u>\$31,000.00</u>	<u>\$ 3,000.00</u>
Interest @ 7% to 9/1/03 (324 days)	\$ 2,050.52	\$ 1,926.25	\$ 186.41
Principal due	<u>\$ 4,000.00</u>	<u>\$ 4,000.00</u>	<u>\$ 3,000.00</u>
Total due 9/1/03	\$ 6,050.52	\$ 5,926.25	\$ 3,186.41
Remaining Unpaid Balance	<u>\$29,000.00</u>	<u>\$27,000.00</u>	<u>\$ .00</u>
Interest @ 7% to 9/1/04 (365 days)	\$ 2,030.00	\$ 1,890.00	
Principal due	<u>\$ 4,000.00</u>	<u>\$ 4,000.00</u>	
Total due 9/1/04	\$ 6,030.00	\$ 5,890.00	
Remaining Unpaid Balance	<u>\$25,000.00</u>	<u>\$23,000.00</u>	
Interest @ 7% to 9/1/05 (365 days)	\$ 1,750.00	\$ 1,610.00	
Principal due	<u>\$25,000.00</u>	<u>\$23,000.00</u>	
Total due 9/1/05	\$26,750.00	\$24,610.00	
Remaining Unpaid Balance	<u>\$ .00</u>	<u>\$ .00</u>	

**NOTICE TO ALL EMPLOYEES**

This notice is being posted pursuant to an agreement between RALPH'S INC., DBA SHERMAN, IGA AND IGA, INC. and the Equal Employment Opportunity Commission.

Title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, and the Americans with Disabilities Act of 1990 are enforced by the EEOC and require the following:

That there be no discrimination against any employee or applicant for employment because of the employee's race, sex, color, religion, national origin, age (over age 40), or disability with respect to hiring, firing, compensation, or other terms, conditions or privileges of employment.

It is an unlawful employment practice for an employer to retaliate against any employees or applicants for employment because they have opposed a practice or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under these statutes.

Ralph's Inc., dba Sherman, IGA and IGA, Inc. will institute a training program to train managers and employees regarding the requirements of the above statutes, with particular emphasis on sexual harassment and disability discrimination.

Ralph's Inc., dba Sherman, IGA and IGA, Inc. has posted this notice because the company supports and will comply with these federal laws in all respects and will not take any retaliatory action against employees because they have exercised their rights under the law.

DATED: \_\_\_\_\_

RALPH'S INC., DBA SHERMAN IGA AND IGA, INC.

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Ex 4



United States District Court  
for the  
District of Idaho  
October 18, 2002

\* \* CLERK'S CERTIFICATE OF MAILING \* \*

Re: 2:01-cv-00157

I certify that a copy of the attached document was mailed or faxed to the following named persons:

A Luis Lucero Jr, Esq. 1-206-220-6911  
US EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Seattle District Office  
909 First Ave #400  
Seattle, WA 98104-1061

John F Stanley, Esq. 1-206-220-6911  
US EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Seattle District Office  
909 First Ave #400  
Seattle, WA 98104-1061

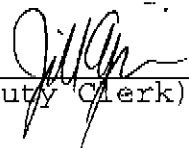
Jeffrey A Child, Esq.  
212 S Eleventh St #1  
Coeur d'Alene, ID 83814

Christine M Weaver, Esq. 1-509-328-6436  
MILLER DEVLIN MCLEAN & WEAVER  
201 W North River Dr #500  
Spokane, WA 99201-2266

\_\_\_\_ Chief Judge B. Lynn Winmill  
✓ Judge Edward J. Lodge  
\_\_\_\_ Chief Magistrate Judge Larry M. Boyle  
✓ Magistrate Judge Mikel H. Williams

Cameron S. Burke, Clerk

Date: 10-18-02

BY:   
(Deputy Clerk)