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Clerk, U.S. Dist. Court
W. Dist. of N.C.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

FILED
ASHEVILLE, N.C.

NOV 17 PM 2:22

W. DIST. OF N.C.

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

v.

PIONEER ASSOCIATES, INC. d/b/a
WILLIAMS ELECTRIC COMPANY,

Defendant.

CIVIL ACTION NO. 1:03CV184

CONSENT DECREE

The Equal Employment Opportunity Commission (the "Commission") instituted this action under the Equal Pay Act of 1963, Title VII of the Civil Rights Act of 1964, and Title I of the Civil Rights Act of 1991. Pioneer Associates, Inc. ("Pioneer" or "Defendant") denies it violated the EPA, Title VII, Title I, or any other federal or state law.

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 EPA and 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 13 below.

It is therefore ORDERED, ADJUDGED AND DECREED as follows:

1. Defendant shall not discriminate against individuals in violation of the EPA or Title VII, and specifically shall not pay lower wages to female employees than it pays to male employees for substantially equal work on jobs, the performance of which requires equal skill, effort, and

responsibility, and which are performed under similar working conditions, or by subjecting female employees to disparate terms and conditions of employment, or by denying female employees reclassification into other positions.

2. Defendant shall not discriminate or retaliate against any employee (a) because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to the EPA, or has testified or is about to testify in any such proceeding, or (b) because of opposition to any practice made unlawful under Title VII, or because of the filing of a charge or anticipated filing of a charge, the giving of testimony or assistance, or the participation in any investigation, proceeding or hearing under the foregoing statute.

3. Defendant shall issue checks payable as follows: to Angela Ragland, the sum of Ten Thousand Eight Hundred Eighty-Seven Dollars (\$10,887.00) minus standard tax and other required deductions; to Tina Kitchens, the sum of Nine Thousand Sixty-Eight Dollars (\$9,068.00) minus standard tax and other required deductions; to Carol Redd, the sum of Eight Thousand Nine Hundred Fifteen Dollars (\$8,915.00) minus standard tax and other required deductions; and to Debra Morgan, the sum of Six Hundred Fifty-Six Dollars (\$656.00) minus standard tax and other required deductions. Payment shall be made within ten (10) days after the Court enters this Consent Decree by mailing the certified checks to each individual at addresses to be provided by the Commission. Within ten (10) days after the certified checks have been sent, Defendant shall mail to the Commission copies of the checks and proof of the delivery of the checks to the individuals at the addresses provided by the Commission.

4. During the term of this Decree, Defendant shall provide a training program on the federal equal employment opportunity laws to all managers and supervisors of Williams Electric Company. The training program shall include an explanation of the requirements of the federal

equal employment opportunity laws, including the EPA and its prohibition against payment of wages based on sex, Title VII and its prohibition against sex discrimination in the workplace, including disparate terms and conditions of employment based on sex, and its prohibition against retaliation. The training program shall also cover an explanation of the rights and responsibilities of employees and managers under the policy.

The training program shall be completed within ninety (90) days after entry of the decree by the Court. Within thirty (30) days after completion of the training program, Defendant shall certify to the Commission the specific training which was undertaken and shall provide the Commission with a roster of all managers and supervisors in attendance.

5. Defendant also agrees to eliminate from the employment records of Angela Ragland, Tina Kitchens and Carol Redd any and all documents and entries relating to the facts and circumstances which led to the filing of the EEOC charge of discrimination and the related events that occurred thereafter, including the filing of this lawsuit. Defendant also agrees to provide a neutral letter of reference, a copy of which is attached hereto for the following individuals: Angela Ragland; Tina Kitchens; and Carol Redd. In addition, if Defendant receives any inquiries regarding the employment of any of the aforementioned individuals, Defendant shall provide a copy of the letter.

6. Within ninety (90) days of the entry of this decree by the Court, Defendant shall modify its existing written anti-discrimination policy. The revised policy shall include but not be limited to the following: an explanation of the requirements of the federal equal employment opportunity laws, including the EPA and its prohibition against payment of wages based on sex; Title VII and its prohibition against sex discrimination in the workplace, including disparate treatment in the terms and conditions of employment on the basis of sex; and a procedure for

complaining about discrimination. Defendant shall distribute to each current full and part-time employee a copy of the policy within the aforementioned ninety (90) day time period. During the term of this Decree, Defendant shall distribute the policy to all new employees at the time of hire.

7. During the term of this Decree, Defendant shall conspicuously post the attached Employee Notice, marked Appendix A, hereby made a part of this Decree, in the Williams Electric Company facility in Shelby, North Carolina, in a place where it is visible to employees. If the Notice becomes defaced or unreadable, Defendant shall replace it by posting another copy of the Notice.

8. During the term of this Consent Decree, Defendant will provide the Commission with reports at six (6) month intervals, with the first being due four (4) months after approval by the Court of this Decree. The reports shall include the following information:

- (a) the identities of all of Defendant's employees who have complained of or reported alleged discrimination under Title VII or the EPA, including by way of identification each individual's full name, home address, home telephone number, and gender; a statement of the individual's complaint, and a description of what action was taken in response to the individual's complaint;
- (b) the identities of all individuals employed by Defendant as a Groundman or Flagger during the reporting period, including by way of identification each individual's full name, home address, home telephone number, gender, and rate of pay;
- (c) the identities of all individuals Defendant who applied for the position of Groundman during the reporting period, including by way of identification each

individual's full name, home address, home telephone number, gender, whether hired and if so, job classification; and

- (d) a list of the location and date(s) of all out of town emergency storm work performed by Defendant during the reporting period, and the identities of all Defendant employees who worked said storm trips, including by way of identification each individual's full name, gender and job classification.

9. Defendant agrees that the Commission may review compliance with this Decree.

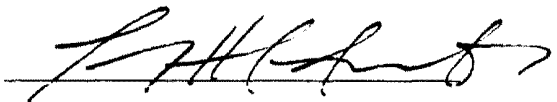
10. If at any time during the term of this Decree, the Commission believes that Defendant is in violation of this Decree, the Commission shall give written notice of the alleged violation to Defendant. Defendant then shall have twenty (20) days in which to investigate and respond to the allegations. Thereafter, the parties shall have a period of twenty (20) 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.

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

12. The term of this Decree shall be for one (1) year from its entry by the Court.

13. This Court shall retain jurisdiction of this cause for the term of this Decree for purposes of monitoring compliance with this Decree and entry of such further orders as may be necessary or appropriate. The Commission is filing an order dismissing with prejudice the above captioned matter simultaneously herewith.

11-17-04
Date

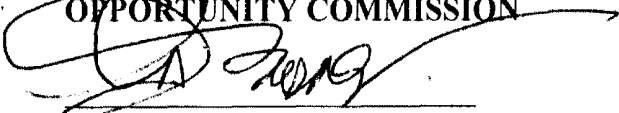

LACY H. THORNBURG
UNITED STATES DISTRICT COURT JUDGE

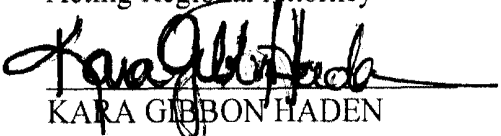
The parties jointly request that the Court approve and enter the Consent Decree:

This the 16th day of November 2004.


This the 11th day of November 2004.

**EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION**


LYNETTE A. BARNES
Acting Regional Attorney


KARA GIBBON HADEN
Senior Trial Attorney
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
Charlotte District Office
129 West Trade Street, Suite 400
Charlotte, North Carolina 28202
Telephone: 704.344.6885
Facsimile: 704.344.6780
Counsel for Plaintiff

PIONEER ASSOCIATES, INC.


JAMES B. SPEARS, Esq.
JOHN D. COLE, Esq.
OGLETREE DEAKINS NASH
SMOAK & STEWART, P.C.
Federal Plaza Building
400 West Trade Street
Charlotte, North Carolina 28202
Telephone: 704.342.2588
Facsimile: 704.342.4379
Counsel for Defendant

EMPLOYEE NOTICE

Federal law requires that employers not discriminate against any employee or applicant for employment because of the individual's race, color, religion, sex, national origin, age (40 or older) or disability. Federal law also prohibits retaliation against employees because they have opposed unlawful employment discrimination, participated in employment discrimination proceedings, or otherwise asserted their rights under the laws enforced by the EEOC.

Title VII of the Civil Rights Act of 1964 is a federal law that prohibits sex discrimination or retaliation against any employee in all aspects of employment including, but not limited to, hiring, promotion, discharge, pay, job training and fringe benefits.

The Equal Pay Act of 1963 is a federal law which prohibits wage discrimination on the basis of sex for equal work on jobs, the performance of which requires equal skill, effort and responsibility, and which are performed under similar working conditions.

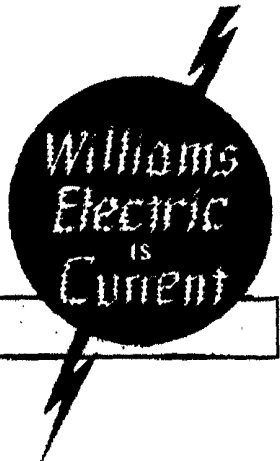
Pioneer Associates, Inc. supports and will continue to comply with such federal law in all respects. Pioneer Associates will continue not to take any actions against employees because they have exercised their rights, reported an alleged violation under the law or given testimony, assistance or participation in any investigation, proceeding or hearing conducted by the U. S. Equal Employment Opportunity Commission.

An employee has the right, and is encouraged to exercise that right, to report allegations of employment discrimination in the workplace. An employee may contact their local U. S. Equal Employment Opportunity Commission field office for the purpose of filing a charge of employment discrimination. To locate the nearest field office, contact:

Equal Employment Opportunity Commission
1801 L Street, N.W.
Washington, DC 20507
TEL: 1-800-669-4000
TTY: 1-800-669-6820

APPENDIX A

Williams Electric Company



Williams
Electric
IS
Current

INSTALLING AND SERVICING OVERHEAD & UNDERGROUND POWER & TELEPHONE FACILITIES
SPORTS LIGHTING — TREE TRIMMING/REMOVAL — CABLE TV

2119 E. Dixon Blvd., P.O. Box 2367, Shelby, North Carolina 28151-2367
Telephone 704/484-1881 • Fax 704/480-9326 • Email weco_shelby@bellsouth.net

November 9, 2004

To Whom It May Concern:

Re: Angela Ragland

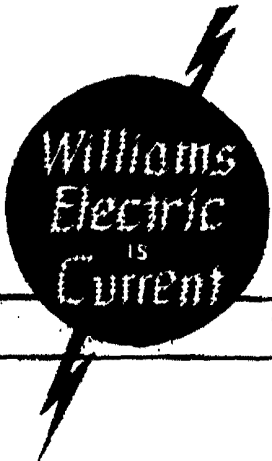
Williams Electric Company employed Angela Ragland as a Flagger from April 20, 1998 to January 11, 2001. Ms. Ragland earned \$9.00 per hour. Ms. Ragland left the employ of Williams Electric Company to pursue other opportunities.

Sincerely,



Rick Falls
Vice-President, Williams Electric Company

Williams Electric Company



Williams
Electric
IS
Current

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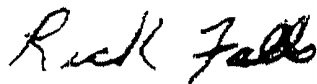
November 9, 2004

To Whom It May Concern:

Re: Carol Redd

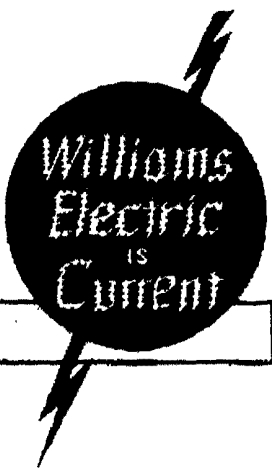
Williams Electric Company employed Carol Redd as a Flagger from June 22, 1998 to January 11, 2001. Ms. Redd earned \$9.00 per hour. Ms. Redd left the employ of Williams Electric Company to pursue other opportunities.

Sincerely,



Rick Falls
Vice-President, Williams Electric Company

Williams Electric Company



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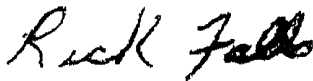
November 9, 2004

To Whom It May Concern:

Re: Tina Kitchens

Williams Electric Company employed Tina Kitchens as a Flagger from January 18, 1999 to January 11, 2001. Ms. Kitchens earned \$9.00 per hour. Ms. Kitchens left the employ of Williams Electric Company to pursue other opportunities.

Sincerely,



Rick Falls
Vice-President, Williams Electric Company

United States District Court
for the
Western District of North Carolina
November 17, 2004

* * MAILING CERTIFICATE OF CLERK * *

Re: 1:03-cv-00184

True and correct copies of the attached were mailed by the clerk to the following:

John D. Cole, Esq.
Ogletree, Deakins, Nash, Smoak & Stewart, PC
400 West Trade St.
Federal Plaza Bldg.
Charlotte, NC 28202

James B. Spears Jr., Esq.
Ogletree, Deakins, Nash, Smoak & Stewart, PC
400 West Trade St.
Federal Plaza Bldg.
Charlotte, NC 28202

Kara L. Gibbon Haden, Esq.
Equal Employment Opportunity Commission
Charlotte District Office
129 West Trade Street
Suite 400
Charlotte, NC 28202

Bobby C. Simpson, Esq.
Equal Employment Opportunity Commission
Charlotte District Office
129 West Trade Street
Suite 400
Charlotte, NC 28202

cc:
Judge (✓)
Magistrate Judge ()
U.S. Marshal ()
Probation ()
U.S. Attorney ()
Atty. for Deft. ()
Defendant ()
Warden ()
Bureau of Prisons ()
Court Reporter ()
Courtroom Deputy ()
Orig-Security ()
Bankruptcy Clerk's Ofc. ()
Other _____ ()

Date: Nov. 17 2004

Frank G. Johns, Clerk

By: J. Howell
Deputy Clerk