

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
GREENSBORO DIVISION**

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,)	
)	
Plaintiff,)	Civil Action No.: 1:06CV836
)	
v.)	CONSENT DECREE
)	
MOLL INDUSTRIES, INC.)	
)	
Defendant.)	
)	

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’s Complaint alleged that Defendant discriminated against Jessica Dix on the basis of sex, female/pregnancy, by terminating her from its Seagrove, North Carolina facility because of her pregnancy. Defendant denies the allegations asserted in the Complaint.

The Commission and the Defendant, Moll Industries, Inc. (the “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.

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, and that the entry of this Consent Decree does not constitute an admission of liability by any party, or disavowal of such allegations by the EEOC.

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 14 below.

It is therefore ORDERED, ADJUDGED AND DECREED as follows:

1. Defendant shall not discriminate against any person on the basis of sex, female/pregnancy within the meaning of Title VII.
2. Defendant shall pay Jessica Dix the sum of Twenty Thousand and No/100 Dollars (\$20,000.00) minus required withholdings, in full and final settlement of the claims raised in the Complaint or which could have been raised by the EEOC in this action, or which were raised in the EEOC Charge filed by Ms. Dix. Defendant shall make payment by issuing a check payable to Jessica Dix. Payment shall be made within fifteen (15) days after the Court approves this Consent Decree, and Defendant shall mail the check to Ms. Dix at an address provided by the Commission. Within ten (10) days after the check has been sent, Defendant shall mail to Lynette A. Barnes, Regional Attorney, Equal Employment Opportunity Commission, 129 W. Trade Street, Suite 400, Charlotte N.C., 28202, a copy of the check and proof of its delivery to Jessica Dix.
3. Within ten (10) days of the entry of this decree by the Court, Defendant shall eliminate from the employment records of Jessica Dix any and all documents, entries, or references of any kind relating to the facts and circumstances which led to the filing of EEOC Charge Number 145-2006-00061 and the related events that occurred thereafter. This provision does not pertain to Defendant's documents received from, or sent to, the EEOC or the Court regarding this matter which may be kept in a separate legal file. Within fifteen (15) days of the entry of this decree by the Court, Defendant shall report compliance with this provision to the EEOC.

4. Within thirty (30) days of the entry of this decree, Defendant shall revise its policies at its Seagrove facility addressing sex discrimination to explicitly prohibit discrimination on the basis of pregnancy in all terms and conditions of employment and decisions with regard to employment status including hire, promotion, retention, demotion, transfer, and discharge. Defendant shall further revise its non-discrimination policies to explicitly prohibit retaliation for protected activity. Policy language shall include an explanation of procedures for reporting discrimination and a procedure for the thorough and immediate investigation of employee complaints of discrimination. Within the aforementioned thirty (30) day time period, Defendant shall distribute a written copy of its revised policy to all current employees. During the term of this Decree, Defendant shall distribute the policy to all new employees at its Seagrove facility and review it with them at the time of hire.

5. During the term of this decree, Defendant shall, within thirty (30) days, post a copy of the policy described in paragraph 4, *supra*, in its Seagrove, North Carolina facility in a place where it is visible to all employees. If the policy becomes defaced or unreadable, Defendant shall replace it by posting another copy of the policy. Within forty-five (45) days after the Consent Decree is entered, Defendant will notify the EEOC that it has been posted.

6. During the term of this Decree, Defendant shall provide an annual training program to all of its managers, supervisors and employees in the Seagrove, North Carolina facility. Each training program shall include an explanation of the requirements of Title VII of the Civil Rights Act of 1964 and its prohibition against retaliation in the workplace. Each training program shall specifically address pregnancy discrimination as a form of prohibited sex discrimination. Each training program shall also include an explanation of Defendant's policy referenced in paragraph 6 above, and an explanation of the rights and responsibilities of employees and managers under the policy. Each training program shall include practical

guidelines on preventing and reporting discrimination with examples of the types of conduct prohibited by Title VII, including examples regarding pregnancy discrimination.

The first training program shall be completed within one hundred (100) days after entry of the decree by the Court. Each subsequent training program shall be conducted at approximately one-year intervals. At least fifteen (15) days prior to each program, Defendant will notify the Commission of the scheduled training program and the inclusion of the topics referenced above. (Other topics may also be included in such training programs.) Within ten (10) days after completion of each training program, Defendant shall certify to the Commission that specific training on the topics referenced above was undertaken and shall provide the Commission with a roster of all employees in attendance.

7. Within thirty (30) days after the entry of this Decree by the Court, and continuing throughout the term of this Decree, Defendant shall conspicuously post the attached Employee Notice, marked Exhibit A, hereby made a part of this Decree, in a place where it is visible to employees at its Seagrove, North Carolina facility. If the Notice becomes defaced or unreadable, Defendant shall replace it by posting another copy of the Notice. Within forty-five (45) days after entry of this Decree, Defendant shall notify the Commission that the Notice has been posted pursuant to this provision.

8. During the term of this Consent Decree, Defendant shall 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 will include the following information pertaining to Defendant's Seagrove facility from the date of entry of this Consent Decree:

- A. The identities of all individuals who have complained of sex, female/pregnancy discrimination, including by way of identification

each person's name, address, telephone number, position, and social security number;

- B. All steps taken by Defendant to investigate and address identified complaints of sex, female/pregnancy discrimination, procedures followed in investigation of the complaints, and the outcome of such investigations;
- C. for each individual identified in 8.A. above, explain whether the subject individual's employment status has changed in any respect (for example, including but not limited to, termination, firing, demotion, promotion, or to part-time from full-time); and
- D. for each individual whose employment status has changed as identified in 8.C. above, a detailed statement explaining why the individual's employment status has changed.

In the event there is no activity to report pursuant to this paragraph, Defendant shall send EEOC a "negative" report indicating no activity.

9. The Commission may review Defendant's compliance with this Decree with respect to its Seagrove, North Carolina facility. As part of such review during the term of this Decree, the Commission may inspect Defendant's Seagrove, North Carolina facility, interview employees and examine and copy documents.

10. If anytime during the term of this Decree, the Commission believes that Defendant's Seagrove facility is in violation of the Decree, the Commission shall give notice of the alleged violation of the Decree to Defendant. The notice shall be reasonably specific in detail to allow Defendant to investigate and respond to the alleged violation. Defendant shall have ten (10) business days in which to investigate and respond to the allegations. Thereafter,

the parties shall then have a period of ten (10) business days or such additional period as may be agreed upon by them, in which to engage in negotiation regarding such allegations before the Commission exercises any remedy provided by law.

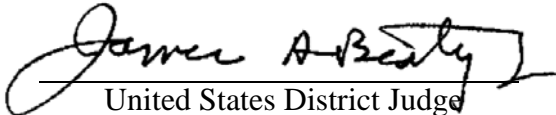
11. The term of this Decree shall be for two (2) years from its entry by the Court.

12. All reports or other documents sent to the Commission by Defendant pursuant to this Decree shall be sent to: Lynette A. Barnes, Regional Attorney, Equal Employment Opportunity Commission, 129 W. Trade Street, Suite 400, Charlotte N.C., 28202.

13 Each party shall bear its own costs and attorney's fees.

15. 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. Subject to enforcement of this Decree, the above-referenced lawsuit is hereby dismissed.

This the 20th day of April, 2007.


United States District Judge

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

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION, Plaintiff

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General Counsel

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Deputy General Counsel

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