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EEOC v. Crownline Boats, Inc.

Judge John Phil Gilbert

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EEOC v. Crownline Boats, Inc.

Keywords

Lesley Kearney, Mindy VanFossen, Crownline Boats, Inc., 04-CV-4244-JPG, Consent Decree, Disparate Treatment, Failure to Accommodate, Sex, Female, Automotive, Employment Law, Title VII

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS
BENTON DIVISION**

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EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

CIVIL ACTION NO.
04-CV-4244-JPG

CROWNLINE BOATS, INC.

Defendant.

CONSENT DECREE

The United States Equal Employment Opportunity Commission (the "Commission") commenced this action against Crownline Boats, Inc. ("Crownline"), pursuant to Title VII of the Civil Rights Act of 1964 and Title 1 of the Civil Rights Act of 1991 in order to correct Crownline's alleged unlawful employment practices on the basis of sex and pregnancy and to provide appropriate relief to Ms. Lesley Kearney and a class of similarly situated pregnant female employees. This action was instituted and authorized by Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 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 and Crownline stipulate to the Court's jurisdiction over the parties. Further, the Commission and Crownline desire to resolve Civil Action No. 04-CV-34244-JPG without the burden and expense of further litigation. As a result, and based on the pleadings and the record as a whole, the Court finds that: [i] the Court has jurisdiction over the parties and the subject matter of this action; and [ii] the purpose and provisions of Title VII of

EXHIBIT A

the Civil Rights Act of 1964 and Title 1 of the Civil Rights Act of 1991 will be promoted and effectuated by the entry of this Decree.

IT IS THEREFORE ADJUDGED, ORDERED AND DECREED as follows:

1. Crownline expressly denies any wrongdoing whatsoever on the basis of any of the allegations set forth in the underlying charge of discrimination filed with the Commission or on the basis of any of the allegations set forth in the Commission's Complaint. This Consent Decree, being entered with the consent of the Commission, Ms. Lesley Kearney, Ms. Mindy VanFossen and Crownline, shall not constitute an adjudication or finding on the merits of this case against Crownline.

2. Crownline agrees that it and all of its officers, directors, employees, agents, shareholders, members, representatives and any affiliated entity will not discriminate against nor harass any Crownline employee on the basis of their sex or pregnancy status.

3. Crownline agrees that there will be no discrimination or retaliation of any kind against any person because of opposition to any practice made unlawful under Title VII of the Civil Rights Act of 1964 and Title 1 of the Civil Rights Act of 1991, or because of the filing of a charge, the giving of testimony, assistance, or participation in any manner in an investigation, proceeding or hearing under Title VII of the Civil Rights Act of 1964 and Title 1 of the Civil Rights Act of 1991.

4. Crownline shall pay the total sum of Thirty Five Thousand Dollars (\$35,000.00) to Lesley Kearney and Mindy VanFossen apportioned and allocated in the following amounts:

- (a) Lesley Kearney: Crownline shall pay to Lesley Kearney the sum of \$22,500.00, of which the sum of \$7,480.00 shall be allocated to reimbursement for lost wages for the period of February 17,2003 through June 14,2003, and from which Crownline shall make all applicable payroll deductions and withholdings. The remainder (\$15,020.00) shall be allocated to claims for non-wage related damages, for which Crownline shall issue an IRS Form 1099. Leslie Kearney

shall remain responsible for payment of all applicable federal and state taxes with respect to the payment made herein. Within ten (10) days of the entry of this Consent Decree, Crownline shall effect payment by issuing check(s) by certified mail in the amounts specified made payable to Leslie Kearney and addressed to Leslie Kearney at the following address: 9781 Bessie Road, Benton, Illinois 62812.

- (b) Mindy VanFossen: Crownline shall pay to Mindy VanFossen the sum of \$12,500.00, of which the sum of \$3,475.50 shall be allocated to reimbursement for lost wages for the period of May 1,2003 through June 28,2003, and from which Crownline shall make all applicable payroll deductions and withholdings. The remainder (\$9,024.50) shall be allocated to claims for non-wage related damages, for which Crownline shall issue an IRS Form 1099. Mindy VanFossen shall remain responsible for payment of all applicable federal and state taxes with respect to the payment made herein. Within ten (10) days of the entry of this Consent Decree, Crownline shall effect payment by issuing check(s) by certified mail in the amounts specified made payable to Mindy VanFossen and addressed to Mindy VanFossen at the following address: 807 E, Main Street, Christopher, Illinois 62822.

5. Crownline shall mail a copy of the checks and proof of its delivery (by certified mail receipt) to Laurie A. Young (or her successor), Regional Attorney, Equal Employment Opportunity Commission, Indianapolis District Office, 101 West Ohio St., Suite 1900, Indianapolis, Indiana 46204-4203, within thirty (30) days of mailing.

6. The term of this Decree shall be for twenty four months (24) months from the date of the execution of this Consent Decree.

7. Crownline agrees to submit periodic reports to the Commission detailing its compliance with this Decree. Crownline agrees to submit four (4) semi-annual reports during the term of this Decree. The first report shall be due seven (7) months after the execution of this decree, and the subsequent reports shall be mailed to the Commission no later than the final day of the month of each sixth month after the preceding report and continuing throughout the term of years covered by the Decree.

- a. Each semi-annual report shall include the following information for the six

(6) month period preceding the report: [i] the name, home address, and home telephone number of any Crownline employee filing an internal or external complaint or grievance alleging pregnancy discrimination; and [ii] the nature of the complaint and the corrective action taken.

b. All reports shall be directed to Laurie A. Young (or her successor), Regional Attorney, at the address specified in paragraph 5.

8. Within ninety (90) days of the date of execution of this Decree, Crownline shall provide a training program to all of its supervisors and managers regarding the provisions of Title VII of the Civil Rights Act as it pertains to sex and pregnancy discrimination in the work place. This training program shall include an explanation of the prohibition against retaliation for those employees reporting sex or pregnancy discrimination. Thirty (30) days before the training, Crownline shall provide: [i] notice to the Commission of the date, time, and place of the training; [ii] shall send to the Commission a copy of the training program and all written materials, if any, to be used; and [iii] shall provide the Commission with a roster of all employees who will receive the training. The Commission may provide reasonable input on the content of the training but shall do so no later than ten (10) days prior to the training.

Upon completion of the training, Crownline shall certify to the Commission the specific training that was undertaken and shall provide the Commission with a roster of all employees who received the training. All reports shall be sent to the attention of Laurie A. Young, Regional Attorney, at the address specified in paragraph 5.

9. Crownline agrees that the EEOC may review compliance with this Decree. As part of such review and after making reasonable arrangements, the EEOC may: inspect Crownline's premises; interview its employees with management employee interviews

conducted in the presence of an authorized company representative or Crownline's counsel; and examine and copy pertinent documents.

10. In the event that the EEOC determines that a violation of this Decree has occurred, it will, prior to exercising any remedy provided by law, provide written notice to Crownline and its attorney specifically identifying the alleged violation(s). Crownline will have thirty (30) days or any additional period which may be agreed to by the parties in which to investigate and respond to the allegation. Thereafter, the parties will have a period of thirty (30) days, or any such additional period as may be agreed upon by them, in which to negotiate and confer regarding such allegation before the Commission exercises any remedy provided by law.

11. Crownline shall post the Notice attached hereto as Appendix A. The Notice shall be placed within a conspicuous area where it shall be visible to all employees for the duration of the term of the Consent Decree.

12. The Commission and Crownline shall each bear its own costs and attorney fees.

13. The EEOC, Ms. Lesley Kearney and Ms. Mindy VanFossen shall fully and forever release and discharge Crownline, its successors and assigns, including present and former directors, officers, employees, and agents from any alleged claim or obligation based on the allegations of pregnancy discrimination in violation of Title VII of the Civil Rights Act 1964, which was or could have been raised in Civil Action No. 04-CV-4244-JPG, provided that Crownline complies with all provisions of this Decree during the pendency of this Decree. Ms. Lesley Kearney and Ms. Mindy VanFossen, having been given an opportunity to consult with their own legal counsel, further agree to be bound by the terms and conditions of the settlement agreements separately executed by each of them.

14. **RETENTION OF JURISDICTION BY COURT:** The Court will retain jurisdiction of this cause throughout the duration of this Decree for purposes of monitoring compliance with this Decree and entry of such further orders as may be necessary or appropriate.

MMmhtr |xm
Date

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Judge/ ttJmtd States District Court

This Consent Decree is approved and consented to by the following authorized representatives of the parties:

.esley Kearae^ 0
Mindy VanFossen
Mindy VanFossen

Date o
j/n-//-a6
Date

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Date

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Sigrglurebf Authorised Representative/Counsel
for Crownline^Boats^

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Fax (618) 234-9786
Attorneys for Crownline Boats, Inc.

EMPLOYEE NOTICE

Posted Pursuant to an Agreement with the
U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Louisville Area Office

NOTICE OF NON-DISCRIMINATION POLICY

This Notice is being distributed and posted by agreement between Crownline Boats, Inc. and the United States Equal Employment Opportunity Commission (EEOC).

Federal law requires that there be no discrimination nor harassment against any employee or applicant for employment because of the employee's race, color, religion, sex, national origin, age (over 40), disability or pregnancy status.

Federal law also prohibits employers from discriminating against employees on the basis of gender in all aspects of employment, including, but not limited to, hiring, promotion, discharge, pay, job training and fringe benefits.

Crownline Boats Inc. supports and will comply with such Federal law in all respects and will not take any actions against employees because they have exercised their rights, reported an alleged violation under the law, or have given testimony, assisted or participated 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. In accordance with Crownline's Employer Policy Manual, any employee who feels that he/she has been discriminated against should report any such incident to their department Director or the Manager or Director of the Human Resources Department, who can be reached at **(618) 937-6426**. An employee may contact the U. S. Equal Employment Opportunity Commission for the purpose of filing a charge of employment discrimination.

**Questions concerning this notice may be addressed to:
Equal Employment Opportunity Commission
101W. Ohio St., Suite 1900
Indianapolis, Indiana 46204-4203
Telephone: (317)226-7212
EEOC 800 # 1-800-669-4000
TDD (317) 226-4162**