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EEOC v. HVM L.L.C d/b/a Extended Stay Hotels

Judge Deborah K. Chasanow

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EEOC v. HVM L.L.C d/b/a Extended Stay Hotels

Keywords

EEOC v. HVM L.L.C d/b/a Extended Stay Hotels, 8:13-CV-01980-DKC, Sex, Female, Disparate Impact, Compensation, Service, Hospitality, Title VII, Consent Decree

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
GREENBELT DIVISION

FILED ENTERED
LODGED RECEIVED

FEB 19 2014

AT 02/19/14 7
U.S. DISTRICT COURT
DISTRICT OF MARYLAND
DEP

EQUAL EMPLOYMENT)
OPPORTUNITY COMMISSION,)
)
Plaintiff,)
v.)
)
HVM L.L.C. D/B/A)
EXTENDED STAY HOTELS,)
)
Defendant.)
_____)

Civil Action No. 8:13-CV-01980-DKC

CONSENT DECREE

This action was instituted by Plaintiff Equal Employment Opportunity Commission (the "EEOC" or the "Commission") against Defendant HVM L.L.C. d/b/a Extended Stay Hotels ("Defendant" or "ESA").¹ The suit alleges that Defendant violated Sections 706(f)(1) & (3) of Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. §§ 2000e-5(f)(1) & (3), and Sections 6(d)(1) and 15(a)(2) of the Equal Pay Act ("EPA"), 29 U.S.C. §§ 206(d)(1) and 215(a)(2) by paying Latoya Weaver and a class of female employees lower wages than those paid to male colleagues for performing equal work. Defendant denies the allegations in the Complaint, and, for purposes of settlement and compromise only, Defendant wishes to resolve the instant controversy without the expense, delay, and burden of further litigation without any adjudication on the merits of this action and without any admission by Defendant of any alleged violation of Title VII, the EPA, or any other law.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED:

¹ ESA Management LLC is HVM L.L.C.'s successor.

The Commission and HVM L.L.C. desire to resolve this action without the time and expense of continued litigation, and they desire to formulate a plan to be embodied in a Decree which will promote and effectuate the purposes of Title VII and the EPA.

The Court has examined this Decree and finds that it is reasonable and just and in accordance with the Federal Rules of Civil Procedure, Title VII, and the EPA. Therefore, upon due consideration of the record, it is ORDERED, ADJUDGED AND DECREED:

Scope of Decree

1. This Decree resolves all issues and claims alleged in the Complaint filed by the Commission in this Title VII and EPA action which emanate from the Charge of Discrimination filed by Latoya Weaver.

2. This Decree shall be in effect for a period of two years from the date it is entered by the Court. During that time, this Court shall retain jurisdiction over this matter and the parties for purposes of enforcing compliance with the Decree, including issuing such orders as may be required to effectuate the purposes of the Decree.

3. The terms of this Decree shall pertain to the ESA property located in Lexington Park, Maryland ("the Property"), and to those individuals with supervisory authority over the Property, as defined in paragraph 6.

Relief to Latoya Weaver, Jessica May, Christa Hammett, and Bessie Reed ("Claimants")

4. Within 15 business days of entry of this Decree, and after Defendant's receipt of signed IRS Form W-4, and applicable state tax forms from Claimants, Defendant shall pay relief in the total amount of \$75,800.00, representing \$15,800.00 for alleged wage-based damages and \$60,000.00 for alleged non-wage-based damages. The checks will be sent directly to each individual, and a photocopy of the check and related correspondence will be mailed to the

EEOC's counsel of record. Defendant will issue each Claimant an IRS Form 1099 for the 2014 tax year for the alleged non-wage-based damages amount and an IRS Form W-2 for the 2014 tax year for the alleged wage-based damages amount. Defendant shall make all legally required withholdings from the alleged wage-based damages amount.

a. Latoya Weaver shall receive a total amount of \$44,840.00, representing \$8,840.00 in alleged wage-based damages and \$36,000.00 in alleged non-wage-based damages.

b. Jessica May shall receive a total amount of \$10,760.00, representing \$4,760.00 in alleged wage-based damages and \$6,000.00 in alleged non-wage-based damages.

c. Christa Hammett shall receive a total amount of \$16,720.00, representing \$1,720.00 in alleged wage-based damages and \$15,000.00 in alleged non-wage-based damages.

d. Bessie Reed shall receive a total amount of \$3,480.00, representing \$480.00 in alleged wage-based damages and \$3,000.00 in alleged non-wage-based damages.

Injunctive Relief

5. Defendant, its officers, agents, employees and all persons acting or claiming to act on its behalf and interest hereby are enjoined from discriminating on the basis of sex with respect to wages for the duration of the Decree. Such sex-based discrimination violates Title VII and the Equal Pay Act, including the following provisions:

It shall be an unlawful employment practice for an employer (1) . . . to discriminate against any individual with respect to [her] compensation . . . because of such individual's . . . sex

42 U.S.C. § 2000e-2(a).

No employer . . . shall discriminate, within any establishment in which such employees are employed between employees on the basis of sex by paying wages to employees in such establishment at a rate less than the rate at which [the employer] pays wages to employees of the opposite sex in such establishment for equal work on jobs the performance of which requires equal skills, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made

pursuant to (i) a seniority system; (ii) a merit system; (iii) a system which measures earnings by quantity or quality of production; or (iv) a differential based on any other factor other than sex.

29 U.S.C. § 206(d)(1).

Training

6. Within 90 days from the date of entry of the Decree and annually thereafter for the duration of the Decree, Defendant shall provide at least two hours of live training for any Assistant General Manager, General Manager, District Manager, and Regional District Officer who are employed in the region in which the Property is located (comprised of the following properties: (a) Newark – Christiana – Wilmington; (b) Washington, D.C. – Landover; (c) Lexington Park – Pax River; (d) Annapolis – Womack Drive; and (e) Annapolis – Admiral Cochrane Drive). The training shall address compliance with federal anti-discrimination laws, with a particular emphasis on compensation. All live training shall be conducted by an individual (or individuals, as the case may be) with experience in laws prohibiting employment discrimination.

Within 15 business days of this training, Defendant will provide the EEOC with written confirmation that the training occurred, including the date the training was completed and a signed attendance list identifying the name and job title for all attendees.

a. For the duration of the Decree, Defendant shall provide this same training within 60 days of being hired to any newly-hired Assistant General Manager, General Manager, District Manager, or Regional District Officer who is hired to work in the region in which the Property is located. This training may be pre-recorded. In year two of the Decree, if any such additional training occurs, Defendant will provide the EEOC with written confirmation that the training

occurred, including the date the training was completed and a signed attendance list identifying the name and job title for all attendees in its next semi-annual report.

Notice and Postings

7. Within 15 business days of entry of this Decree, Defendant will continue to post the posters required to be displayed in the workplace by Commission Regulations, 29 C.F.R. § 1601.30, in the Property.

8. Within 15 business days of entry of this Decree, Defendant will also post in all places where notices are customarily posted for the employees of the Property the Notice attached as Exhibit A. The Notice shall be posted and maintained for the duration of the Decree and shall be signed by a representative of Defendant with the date of actual posting shown. Should the Notice become defaced, marred, or otherwise made unreadable, Defendant will ensure that new readable copies of the Notice are posted in the same manner as specified above. Within its first semi-annual report, Defendant shall provide to the EEOC a copy of the signed Notice, written confirmation that the Notice has been posted, and a description of the location and date of the posting.

Monitoring Provisions

9. On a semi-annual basis, Defendant will submit to the Commission a list of all of its employees in the region in which the Property is located, who, to Defendant's knowledge, have complained of or reported any alleged wage discrimination during the duration of this Decree. This list will include each individual's name; home address; home telephone number; nature of the individual's complaint; name of individual who received the complaint or report; date complaint or report was received; description of Defendant's actions taken in response to the complaint or report, including the name of each manager or supervisor involved in those

actions. If no complaints of alleged wage discrimination were made, Defendant will confirm in writing to the EEOC that no such complaints were made.

10. In addition to the monitoring provisions set forth in this Decree, an EEOC attorney of record or other member of EEOC's Legal Department may monitor compliance during the duration of this Decree by reasonably requesting in writing certain of Defendant's wage records for individuals employed in the region identified in paragraph 6. Upon 15 business days' written notice by the EEOC, Defendant will make available for inspection and copying certain of its wage records requested by EEOC pertaining to wages paid to individuals employed in the region identified in paragraph 6.

11. All materials required by this Decree to be provided to the EEOC shall be sent by e-mail to Tanya Goldman, EEOC Trial Attorney, at tanya.goldman@eoc.gov.

12. The Commission and Defendant shall bear their own costs and attorneys' fees.

13. In the event the Commission believes Defendant has failed to comply with any provision of this Decree, the Commission shall:

a. Notify Defendant in writing of the alleged non-compliance by e-mail to Kevin M. Kraham, Littler Mendelson, P.C., 1150 17th Street, N.W., Suite 900, Washington, DC 20036, kkraham@littler.com; and

b. Afford Defendant at least 15 business days after service of the written notice to remedy the alleged non-compliance.

14. The undersigned counsel of record in the above-captioned action hereby consent to the entry of the foregoing Consent Decree.

/s/

Kevin M. Kraham (Bar No. 26220)*
Alison N. Davis (Bar No. 27987)
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Counsel for Defendant
ESA Management LLC, successor to HVM L.L.C.

*Signed for Kevin Kraham by Tanya Goldman,
with permission

/s/

Debra M. Lawrence
Regional Attorney

/s/

Maria Salacuse (Bar No. 15562)
Supervisory Trial Attorney

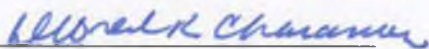
/s/

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Counsel for Plaintiff
EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

SO ORDERED.

Signed and entered this 14th day of February, 2014.


Deborah K. Chasanow
United States Chief District Judge