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## EEOC v. J.D. Strett & Company, Inc. d/b/a Harrisburg BP

Judge Phil J. Gilbert

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## EEOC v. J.D. Strett & Company, Inc. d/b/a Harrisburg BP

### Keywords

EEOC, J.D. Strett & Company, Inc., d/b/a Harrisburg BP, 05-4186 JPG, Consent Decree, Disparate Treatment, Sexual Harassment, Sex, Retail, Employment Law, Title VII

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

EQUAL EMPLOYMENT OPPORTUNITY	)	
COMMISSION, et. al,	)	
	)	
Plaintiff,	)	CIVIL ACTION NO. 05-4186 JPG
	)	
v.	)	
	)	
J.D. STRETT & COMPANY, INC., d/b/a	)	
HARRISBURG BP,	)	
	)	
Defendant.	)	

**CONSENT DECREE**

Plaintiff Equal Employment Opportunity Commission (hereinafter the "Commission") has instituted this action alleging that J.D. Strett & Company, Inc. (hereinafter the "Defendant" or "J.D. Strett") subjected Beverly Sanders, Connie Stacey, Tamala Buchanan (formerly Thompson) and Grace Bellamy to sexually harassing conduct and discrimination in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a). J.D. Strett denies the allegations asserted against it by the Commission.

For purposes of settlement and compromise only, the parties have advised the Court that they wish to resolve the instant controversy without the expense, delay, and burden of further litigation;

THEREFORE, it is the finding of this Court, made on the pleadings and on the record as a whole and upon agreement of the parties, that: (i) this Court has jurisdiction over the parties to and the subject matter of this action, (ii) the requirements of the Title VII will be carried out by the implementation of this Decree, (iii) this Decree is intended to and does resolve all matters in

controversy in this lawsuit among the parties, and (iv) the terms of this Decree constitute a fair and equitable settlement of all issues in this lawsuit.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED as follows:

**I. General Provisions**

1. This Decree, being entered with the consent of the parties for purposes of settlement, shall not constitute an adjudication on the merits of this lawsuit and shall not be construed as an admission by Defendant of any violation of Title VII or any executive order, law, rule or regulation dealing with or in connection with sexual harassment or sex discrimination in the workplace, or as a finding by any governmental agency or authority of wrongdoing.

2. Defendant shall not discriminate against its employees with respect to hiring, promotion, firing, compensation, or other terms, conditions or privileges of employment on the basis of sex.

3. Defendant shall not discriminate or retaliate against any person because he or she: (a) has opposed any practices alleged in this lawsuit as unlawful under Title VII; (b) has participated in any investigation by the Commission connected with or leading up to this lawsuit; (c) has participated in this lawsuit; or (d) has benefitted or will benefit in any way as a result of this Consent Decree.

**II. Relief for Charging Party**

1. Defendant will pay a total of \$250,000 ("Settlement Sum") as compensatory damages to Beverly Sanders, Connie Stacey, Tamala Buchanan and Grace Bellamy. Within twenty (20) days after execution of the Decree, Defendant will mail a check to Kristen Glasford

made payable to the law firm of Rhode & Jackson in the amount of the Settlement Sum. The Settlement Sum shall be distributed equally, \$62,500 each, to Sanders, Stacey, Buchanan and Bellamy, less costs, expenses and attorneys' fees attributable to each of them. Sanders, Stacey, Buchanan and Bellamy shall each execute a waiver of all existing claims against Defendant. The terms of said waivers shall be negotiated separately between Defendant and attorneys Kristen Glasford and Teresa Machicao Hopkins.

### **III. Posting and Policies**

1. Defendant shall post and cause to remain posted the Notice attached hereto as Exhibit A, in locations visible to all employees, for a period of two (2) years, starting from the date of entry of this Decree, at all convenience stores and/or gas stations owned or operated by J.D. Streett.

2. Defendant shall post and cause to remain posted the Policy on Sexual Harassment attached hereto as Exhibit B, in locations visible to all employees, for a period of two (2) years, starting from the date of entry of this Decree, at all convenience stores and/or gas stations owned or operated by J.D. Streett.

3. Defendant shall post and cause to remain posted the posters required to be displayed in the workplace by EEOC regulation 29 C.F.R. §1601.30 at all convenience stores and/or gas stations owned or operated by J.D. Streett.

4. Defendant shall, within six (6) months from the date of entry of this Decree, provide sexual harassment training to all management and non-management employees at all convenience stores and/or gas stations owned or operated by J.D. Streett.

#### **IV. Reporting, Record-keeping, and Access**

1. Every six (6) months during the effective period of this Decree, Defendant shall provide written notification to the EEOC's Regional Attorney in its St. Louis District Office of any internal complaint of sex discrimination or sex harassment, made by any employee any convenience stores and/or gas stations owned or operated by J.D. Streett, including the name(s) of the employee(s), a description of the investigation of the complaint(s), the finding of the investigation and a description of action taken, or resolution of the complaint(s).

2. Within forty-five (45) days of the entry of this Decree, Defendant shall prepare and submit to the EEOC's Regional Attorney in its St. Louis District Office a letter affirming that the notices have been posted and that the posters have been posted as required by Section III, above.

3. Within forty-five (45) days of the completion of the training required under Section III, subsection 4, Defendant shall prepare and submit to the EEOC's Regional Attorney in its St. Louis District Office a letter affirming completion of said training. The letter shall include the names of all employees who attended the training.

#### **V. Term and Effect of Decree**

1. By entering into this Decree the parties do not intend to resolve any charges of discrimination currently pending before the Commission other than Charge Numbers 280-2004-01201 (Sanders) and 280-2004-01225 (Stacey).

2. This Decree shall be binding upon the parties hereto, their successors and assigns. Defendant shall affirmatively notify any purchasers of the obligations of this Consent Decree prior to any sale which may take place.

3. This Decree shall be for a period of two (2) years. During the Decree's term the Court shall retain jurisdiction of this cause for purposes of compliance.

4. Each party shall bear that party's own costs and attorneys' fees, except as stated in section II, paragraph 1.

**DATE: January 25, 2007**

s/ J. Phil Gilbert  
**UNITED STATES DISTRICT JUDGE**

FOR DEFENDANT:

by   
J.P. STREETT & COMPANY, INC.

FOR PLAINTIFF:

  
ROBERT G. JOHNSON  
Regional Attorney

  
BARBARA A. SEELY  
Supervisory Trial Attorney


  
MELVIN D. KENNEDY  
Senior Trial Attorney  
St. Louis District Office  
Robert A. Young Federal Bldg.  
1222 Spruce, Room 8.100  
St. Louis, MO 63103  
(314) 539-7915



EXHIBIT A  
(J.D. Streett & Company, Inc. letterhead)

**NOTICE TO EMPLOYEES**

Federal law prohibits discrimination against any employee or applicant for employment because of the individual's race, national origin, color, religion, sex, disability or age (forty and over) with respect to hiring, promotion, firing, compensation, or other terms, conditions or privileges of employment. It also prohibits sexual harassment of employees and retaliation against employees because they have opposed practices they believe discriminate or are unlawful on the basis of race, national origin, color, religion, sex, disability or age (forty and over) or because they have filed charges with the EEOC or participated in or cooperated with an EEOC investigation.

J.D. Streett & Company, Inc. supports and will comply with such Federal law in all respects and will not take any action against employees because they have exercised their rights under the law. Specifically, J.D. Streett & Company, Inc. will not tolerate sexual harassment or discrimination against any employee, with regard to the terms and conditions employment because of his or her sex. Furthermore, J.D. Streett & Company, Inc. will not tolerate retaliation against any employee because an employee reports, protests or opposes any employment practice which is believed by such employee to be unlawful under Federal law.

Employees should feel free to report instances of sexual harassment or sex discrimination to any management official at any time. J.D. Streett & Company, Inc. has established policies

and procedures to investigate promptly any such reports and to protect the employee(s) making such reports from retaliation.

\_\_\_\_\_  
President  
J.D. Streett & Company, Inc.

EXHIBIT B



**HARASSMENT POLICY**

It is the policy of J.D. Streett to hire, train, promote, compensate and administer all employment decisions, practices and policies without regard to race, color, sex, pregnancy, age, religion, national origin, disability, ancestry or any other factor protected by federal, state or local law or ordinance. J.D. Streett prohibits and will not tolerate discrimination against or harassment of any employee or applicant for employment because they are members of any of the aforementioned protected groups or individuals.

All employees will be held accountable for the maintenance of an atmosphere free of harassment or discrimination and the effective administration of this policy. No supervisor or employee has any authority to take any action in violation of this policy.

J.D. Streett believes that every employee has the right to work in an environment free of sexual, racial or other prohibited harassment. Such conduct does not advance the purposes of J.D. Streett; it is also morally wrong, and may subject J.D. Streett to legal exposure. Consequently, any employee who engages in this prohibited conduct will be subject to disciplinary action, up to and including termination.

***Conduct Constituting Prohibited Sexual Harassment***

Under guidelines published by the Equal Employment Opportunity Commission, "unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature" constitute unlawful harassment in the following instances:

- a. when submission to such conduct is made either explicitly or implicitly a term or condition of employment; or
- b. when submission to or rejection of such conduct by an individual is used as a basis for any employment decision (e.g. promotion, wage increase, termination) affecting such individual; or
- c. when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile or offensive working environment.

Without compiling an exhaustive list, the following are illustrative of conduct that J.D. Streett condemns and prohibits under this policy:

- (a) For any person to condition a benefit such as a certain salary or promotion on the granting of sexual favors or the establishment or continuance of a personal relationship, or to imply to an employee that an award of such a benefit is conditioned upon the granting of sexual favors or the establishment or continuance of a personal relationship.
- (b) For any employee to state or imply that another employee's performance is attributable in whole or in part to the sex of that employee.
- (c) For any employee to state or imply that a fellow employee's promotion in J.D. Streett hierarchy has resulted from the granting of a sexual favor or relationship.



Sexual harassment may involve such matters as crude sexual jokes or sexual names; sexually suggestive, lewd or profane language or gestures; offensive sexual flirtations and innuendoes; a display of obscene, lewd or pornographic material; sexual advances; grabbing or touching another individual; or other, similar demeaning and insulting behavior based on sex. Employees of J.D. Streett should be aware that the issue of whether conduct constitutes sexual harassment or discriminatory conduct may depend on how that conduct is viewed by the employee who is subjected to the conduct. Any employee who initiates or persists in this prohibited conduct assumes the risk of violating this policy in the event that the person who is the object of the conduct views it as offensive; accordingly, such an employee may be subject to discipline even if the conduct might not have been intended as offensive.

***Conduct Constituting Prohibited Ethnic, Religious, Age-Based, Racial, Sexual, Disability-Related or Other Discriminatory Joking or Epithets***

Without compiling an exhaustive list, the following are illustrative of conduct J.D. Streett condemns and prohibits under this policy:

- (a) It is prohibited for any employee to bring any item to the work premises for purposes of a racial, ethnic, sexual, religious, age-related, disability-related or other discriminatory joke or epithet.
- (d) It is also prohibited for any employee to use J.D. Streett property, bulletin boards, e-mail or voice mail systems, or documents for purposes of a racial, ethnic, religious, age-related, disability-related, sexual or other discriminatory joke or epithet.
- (e) It is also prohibited for any employee to deface J.D. Streett property or the personal property of anyone else for purposes of a racial, ethnic, religious, age-related, disability-related, sexual or other discriminatory joke or epithet.
- (d) It is also prohibited for any employee to utter or use any racial, ethnic, religious, age-related, disability-related, sexual or other discriminatory jokes or epithets at work, or when referring to or about any other person, whether an employee or a non-employee.

***Procedure Upon Occurrence of Prohibited Conduct***

Any employee who believes he or she has been subjected or exposed to sexual, racial or other prohibited harassment or discrimination or subjected to ethnic, racial, age-related, disability-related, religious, sexual or other discriminatory joking or epithets or any employee who observes such behavior toward another employee must immediately report this activity to the employee's Manager, the HR Department and/or CFO of J.D. Streett at 1-800-678-6600. If you do not believe these individuals have adequately addresses your problem, please feel free to call the President of J.D. Streett at 1-800-678-6600. All complaints shall be taken seriously and will be treated in a confidential manner to the extent reasonable. Retaliation of any form against anyone who complains pursuant to this policy is strictly prohibited. An investigation shall be made immediately concerning any complaint. If the investigation leads to a determination that the charges are true or there has been any improper conduct, corrective action will be taken immediately. Regardless of the outcome of the investigation, no retaliation against any employee or other person making a good-faith report of suspected harassment or discrimination will be tolerated. Appropriate discipline will be determined and imposed against anyone violating this policy depending on the severity of the conduct and other pertinent factors.

12/11/06