IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, Plaintiff, v. LEHIGH CEMENT COMPANY, Defendant.	)	Civil Action No. WMN-06-2739

CONSENT DECREE

This action was instituted by Plaintiff, the U.S. Equal Employment Opportunity Commission (the "EEOC" or the "Commission"), against Defendant, Lehigh Cement Company, ("Lehigh"), alleging that Lehigh violated Sections 703(a) and 704(a) of Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. Section 2000e-2(1) and 2000e-3(a), by subjecting Amanda R. Stevens to a sexually and retaliatory hostile and offensive work environment; by discharging her one day after Lehigh learned that she intended to obtain a lawyer to assist her with the ongoing harassment; and by subjecting other female employees to a sexually hostile work environment. Lehigh has denied, and continues to deny all claims asserted by the EEOC.

The Commission and Lehigh 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.

The Court has examined this Decree and finds that it is reasonable and just and in accordance with the Federal Rules of Civil Procedure and Title VII. Therefore, upon due

consideration of the record herein and being fully advised in the premises, it is ORDERED, ADJUDGED AND DECREED:

Scope of Decree

1. This Decree resolves all issues and claims in the Complaint filed by the Commission in this Title VII action, which emanated from the Charge of Discrimination filed by Amanda R. Stevens. This Decree in no way affects the Commission's right to process any other pending or future charges that may be filed against Lehigh and to commence civil actions on any such charges as the Commission sees fit.

2. This Decree applies to the Union Bridge, Maryland facility and all Human Resources personnel with oversight responsibility of Lehigh's North Division, except for Paragraph 5, which applies to all facilities which comprise Lehigh's North Division. The Decree shall be in effect for a period of three 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. This Decree, being entered with the consent of the EEOC and Lehigh, shall not constitute an adjudication or finding on the merits of the case.

Monetary Relief

4. Lehigh shall pay $277,000.00 (two hundred seventy-seven thousand dollars and no cents) to resolve this action. The total shall be distributed to identified claimants, Amanda Stevens and Vickie Hahn. The distribution to these identified claimants shall be determined by the EEOC.

Injunctive Relief

5. Lehigh North Division's employees, supervisors, managers, and officers, and all persons with Human Resources oversight over Lehigh North Division are enjoined from sexually harassing or condoning the sexual harassment of any Lehigh North Division employee. The prohibited harassment includes the use of offensive or derogatory comments, or other verbal or physical conduct based on an individual's sex, which creates an intimidating, hostile, or offensive working environment, or which interferes with the individual's work performance. Such sex-based harassment violates Title VII, which, in part, is set forth below:

> It shall be an unlawful employment practice for an employer --
>
> (1) to discriminate against any individual with respect to [her] ... terms, conditions, or privileges of employment, because of such individual's ... sex ....

42 U.S.C. § 2000e-2(1). Lehigh North Division's employees, supervisors, managers, and officers, and all persons with Human Resources oversight over Lehigh's North Division are enjoined from retaliating against any Lehigh North Division employee who complains of sexual harassment, as set forth in the following provision:

> It shall be an unlawful employment practice for an employer to discriminate against any of his employees ... because he has opposed any practice made an unlawful employment practice by this subchapter, or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this subchapter.

42 U.S.C. § 2000e-3(a).

Written Policies & Procedures

6. Within 30 days of the entry of this Decree, Lehigh will implement and maintain the written policies and procedures for the Union Bridge facility prohibiting employment discrimination, including sex discrimination, sexual harassment and retaliation, attached as Appendix A.

7. Within 30 days of the entry of this Decree, Lehigh will implement and maintain the complaint procedure for employees at Union Bridge who believe that they have been discriminated against, harassed, or retaliated against, attached as Appendix A.

8. Within 30 days of the entry of this Decree, Lehigh will establish and maintain a functioning, toll-free telephone number for reporting incidents of discrimination, harassment or retaliation at Union Bridge. The telephone will be answered by human resources personnel employed by Lehigh or outsourced personnel who are trained to investigate claims of discrimination, harassment and retaliation. The telephone will be answered personally by these trained human resources personnel from 8:00 a.m. to 5:00 p.m., Monday through Friday. During other hours, this telephone line will have an outgoing recorded message containing information about the complaint reporting procedure and a listing of staffed hours, and will accept recorded messages and complaints.

9. Within 30 days of the entry of this Decree, Lehigh will implement and maintain procedures for the investigation and handling of reported allegations of or suspected incidents of discrimination, harassment or retaliation, together with a disciplinary policy for Union Bridge employees who engage in discriminatory, harassing or retaliatory behavior, annexed as Appendix A.

10. Lehigh will distribute a copy of the written policies and procedures described in paragraphs 6 through 9 above to all of its employees at Union Bridge within 30 days of the entry of this Decree, and shall distribute a copy of the written policies and procedures to all employees hired thereafter at Union Bridge within ten days of the commencement of their employment.

Notice and Posting

11. Within 15 days of the entry of this Decree, Lehigh will display and maintain the EEOC poster in each of its facilities in a place visually accessible to applicants and employees of Lehigh.

12. Within 30 days of the entry of this Decree, Lehigh will display and maintain at the Union Bridge facility, in a place visually accessible to applicants and employees of that facility, a copy of the non-discrimination policy described in paragraph 6, the complaint procedure described in paragraph 7, and the disciplinary policy for employees who engage in discriminatory, harassing or retaliatory behavior described in paragraph 9.

13. Within 30 days of the entry of this Decree, Lehigh will display and maintain at the Union Bridge facility, in a place visually accessible to applicants and employees at that facility, a remedial Notice pursuant to this Decree which will contain the toll-free number for reporting incidents of discrimination, harassment, or retaliation, a copy of which is attached as Appendix B, printed on EEOC letterhead.

14. Within 30 days of execution of this decree, Lehigh North Division's President will send a memorandum to all employees at Union Bridge emphasizing Lehigh's commitment to abide by all federal laws prohibiting employment discrimination, including laws prohibiting sex discrimination and harassment, and retaliation, a copy of which is annexed as Appendix C.

Anti-Discrimination Training

15. Within two months from the entry of this Decree, and every year thereafter for the duration of this Decree, Lehigh will provide all of its employees at Union Bridge with no fewer than two hours of training in federal laws prohibiting discrimination in employment, with a particular emphasis in sexual harassment and retaliation.

a. The anti-discrimination training will be conducted by an organization approved by Lehigh and EEOC.

b. Lehigh will maintain attendance records identifying the name and job title of the attendees at each session. Within five days of the training, Lehigh will forward to EEOC a copy of the attendance records from the training session.

16. Within two months of the entry of this Decree, Lehigh will provide all of its new employees at Union Bridge with training in federal laws prohibiting discrimination in employment, with a particular emphasis in sexual harassment and retaliation. The training will be conducted live or in DVD/Video format.

a. The anti-discrimination training will be conducted within 10 days of the commencement of employment by a new employee.

b. Lehigh will maintain records identifying the name and job title of the employees receiving such training at Union Bridge, the date of commencement of employment, and date of training. Every six months, for the duration of this Decree, Lehigh will forward to EEOC a copy of the records regarding such training.

17. Within two months from the entry of this Decree, and every year thereafter for the duration of this Decree, Lehigh will provide no fewer than two additional hours of training in

federal laws prohibiting discrimination, with a particular emphasis in sexual harassment and retaliation, for all Union Bridge management and those with Human Resources oversight over Lehigh's Union Bridge facility.

a. Lehigh will maintain attendance records identifying the name and job title of the attendees at each session conducted at Union Bridge. Within five days of the training, Lehigh will forward to EEOC a copy of the attendance records from the training session.

18. Within two months from the entry of this Decree, Lehigh will provide all of its new managers and those with Human Resources oversight over employees at the Union Bridge facility within 10 days of the date such personnel are placed in a management or Human Resources position, with anti-discrimination training, with a particular emphasis in harassment and retaliation. The training will be conducted live or in DVD/Video format.

a. Lehigh will maintain records identifying the name and job title of the employees receiving such training, the date of commencement of each such employee's position, and date of training. Every six months, for the duration of this Decree, Lehigh will forward to EEOC a copy of the records regarding such training.

19. During the period of this Decree, the Union Bridge facility will make a change to its regular employee and managerial training curriculum to include notification of the content of federal anti-discrimination laws and Lehigh's non-discrimination policy, complaint reporting procedure, disciplinary policy regarding discriminatory behavior, harassment, and retaliation, and the letter from Lehigh North Division's President described in paragraph 14.

Additional Monitoring Provisions

20. For the duration of this Decree, Lehigh shall maintain records of all written or oral complaints or allegations of sex discrimination, harassment or retaliation made by any of its employees at the Union Bridge facility. Within three months of the entry of this Decree, and every six months thereafter, Lehigh shall provide EEOC with a written report containing, at a minimum, a summary of each complaint made pursuant to this paragraph, and for each such complaint: the name of the complaining party or party who was allegedly subjected to sex discrimination, harassment or retaliation, the name of the person(s) who allegedly engaged in such sexually discriminatory, harassing or retaliatory conduct, the results of any investigation of the complaint or allegation, and any remedial action taken by Lehigh. A final report shall be sent to EEOC 15 days before the date of the expiration of this Decree.

21. In addition to the monitoring provisions set forth elsewhere in this Decree, EEOC may monitor compliance during the duration of this Decree by inspection of Lehigh's premises at Union Bridge, its records, and interviews with Union Bridge employees at reasonable times. Upon five business days notice by the EEOC, Lehigh will make available for inspection and copying any reasonable request for records by EEOC and employees sought to be interviewed by EEOC. Lehigh reserves the right to have legal counsel present at any managerial interview.

22. All materials required by this Decree to be sent to EEOC shall be addressed to:

Equal Employment Opportunity Commission
Baltimore Field Office
Attention: Maria Salacuse, Senior Trial Attorney
10 S. Howard Street, 3rd Floor
Baltimore, Maryland 21201

23. The Commission and Lehigh shall bear their own costs and attorneys' fees.

24. The undersigned counsel of record in the above-captioned action hereby consent, on behalf of their respective clients, to the entry of the foregoing Consent Decree.

FOR LEHIGH:

/s/
Russell H. Gardner (Bar No. 00040)

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/s/
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(Signed by Russell H. Gardner with permission of counsel)

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Baltimore Field Office
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SO ORDERED, this ___ day of _____, 2007.

William M. Nickerson
Senior United States District Judge