

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

FILED

DEC 03 2001

LARRY W. PROPES, CLERK
COLUMBIA, SC

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
ANTHONY T. DIXON,)
)
Plaintiff-Intervenor,)
)
v.)
)
CELANESE ACETATE, LLC,)
)
Defendant.)
_____)

CIVIL ACTION NO.)
00-3076-22BD)

ENTERED
DEC 03 2001
GDH

CONSENT DECREE

Amc #1
The Equal Employment Opportunity Commission ("EEOC") instituted this action pursuant to Section 706(f)(1) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e, et seq. ("Title VII"), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a. Anthony T. Dixon intervened in this action and asserted claims under Title VII, 42 U.S.C. § 1981, and the common law of South Carolina.

The EEOC, Mr. Dixon, and the Defendant agree that the subject matter of this action is proper and hereby stipulate to jurisdiction of the Court over the parties.

Although Defendant admits no wrongdoing, 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.

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 15 below.

It is therefore ORDERED, ADJUDGED AND DECREED as follows:

1. Defendant shall not discriminate against applicants or employees on the basis of race by denying equal employment opportunities to persons because of their race.
2. Defendant shall not discriminate or retaliate against any person because of opposition to any practice made unlawful under Title VII, or because of the filing of a charge, the giving of testimony or assistance, or the participation in any investigation, proceeding or hearing under Title VII.
3. Defendant shall pay Anthony T. Dixon the sum of Seventy-Five Thousand Dollars (\$75,000) in settlement of the claim raised in this action. Defendant shall make payment by issuing a check payable to Anthony T. Dixon. Payment shall be made by January 3, 2002, and Defendant shall mail or deliver the check to Mr. Dixon in the care of Geraldine Sumter at the following address: Ms. Geraldine Sumter; Ferguson, Stein, Wallas, Adkins, Gresham & Sumter; 741 Kenilworth Avenue, Suite 300; Charlotte, North Carolina 28204. Defendant shall mail to Mindy E. Weinstein, Regional Attorney, Equal Employment Opportunity Commission, 129 West Trade Street, Suite 400, Charlotte, NC 28202, a copy of the check and proof of its delivery to Mr. Dixon.
4. Defendant shall provide a training program to all of its management and supervisory employees and any other employees who participate in personnel decision-making at its facility in Rock Hill, South Carolina. At least fifteen (15) days prior to the program, Defendant shall provide the EEOC with an agenda for the training program. The training program shall include

CME
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an explanation of the requirements of the federal equal employment opportunity laws, including Title VII of the Civil Rights Act of 1964, and its prohibition against race discrimination in the workplace, and particularly racial harassment. The training shall also include an explanation of the record keeping requirements of Title VII as set forth in 29 C.F.R. § 1602.14. This training shall be completed within one hundred and twenty (120) days after entry of the decree by the Court. Within ten (10) days after completion of the training, Defendant shall certify to the EEOC the specific training which was undertaken and shall provide the EEOC with a roster of all employees in attendance.

5. Defendant shall provide a training program to all of its current employees who worked , from January 1, 1995 through present in the AR Mechanic department at Defendant's Rock Hill, South Carolina, facility. Such employees shall include but not be limited to AR Mechanics, welders, and employees assigned to clean the area. At least fifteen (15) days prior to the program, Defendant shall provide the EEOC with an agenda for the training program. The training program shall include an explanation of the requirements of the federal equal employment opportunity laws, including Title VII of the Civil Rights Act of 1964, and its prohibition against race discrimination in the workplace. The training will specifically address issues of illegal harassment in the workplace, including racial and sexual harassment. The training shall also explain the procedure available to employees who may wish to complain about discrimination, retaliation and harassment, including the right to bring a complaint to the EEOC. This training shall be completed within one hundred twenty (120) days after entry of the decree by the Court. Within ten (10) days after completion of the training, Defendant shall certify to the EEOC the specific training which was undertaken and shall provide the EEOC with a roster of all employees in attendance.

6. Defendant will modify its present harassment investigation policy. Defendant presently delegates part of the investigation of such complaints to its front line supervisors. Henceforth, Defendant agrees that it will use investigators from its Human Resources Department to investigate complaints of discrimination, retaliation and harassment. This includes the function of interviewing the appropriate witnesses and documenting facts learned during the investigation. Defendant further agrees that all documentation related to such an investigation will be collected by its Human Resources Department and maintained in accordance with 42 U.S.C. § 2000e-8(c) and 29 CFR § 1602.14.

7. During the term of this Decree, Defendant shall conspicuously post the attached Employee Notice, marked Appendix A, hereby made a part of this Decree, in a place where it is visible to employees at its Rock Hill, South Carolina, facility.

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8. Defendant agrees to provide the EEOC with semi-annual reports during the term of this Decree. The reports shall include the following information: the identities of all employees at its Rock Hill, South Carolina, facility who, during the reporting period, complained of racial harassment, including by way of identification each person's name, race, address, telephone number, social security number, the date and nature of the complaint, and what action was taken on the complaint. Defendant shall submit the reports to the EEOC on January 28, 2002, July 30, 2002, January 28, 2003, July 29, 2003, January 27, 2004, and July 31, 2004, in compliance with Paragraph 11.

9. Defendant agrees that the EEOC may review compliance with this Decree. As part of such review, the EEOC may inspect the premises, interview employees and examine and copy documents. Any inspection for the purpose of satisfying the review component of this provision shall occur after providing Defendant with at least three (3) days of advance notice. The Notice

contemplates that the EEOC speak to the named representative of Defendant.

10. If anytime during the term of this Decree the EEOC believes Defendant is in violation of this Decree, the EEOC shall give written notice of the alleged violation to the counsel for Defendant, Clinton S. Morse, Esq., 1800 First Union Tower, Drawer 1200; Roanoke, Virginia 24006. Defendant shall have twenty (20) days in which to investigate and respond to the allegations. Thereafter, the parties shall have a period of thirty (30) days, or such additional period as may be agreed upon by them, in which to engage in negotiation and conciliation regarding such allegations, before the EEOC pursues any remedy provided by law.

11. The term of this Decree shall be for three (3) years from its entry by the Court.


12. Defendant shall bear its own attorneys' fees and costs.

13. The EEOC shall bear its own attorneys' fees and costs.

14. Defendant shall pay to Geraldine Sumter, Esq., an agreed upon confidential sum for the attorneys' fees and costs accrued by Anthony T. Dixon as part of this litigation.

15. This Court shall retain jurisdiction of this cause for the duration of the Decree as specified in ¶ 11 for purposes of monitoring compliance with this Decree and entry of such further orders as may be necessary or appropriate.

December 3, 2001
Date


CAMERON MCGOWAN CURRIE
U.S. District Court Judge

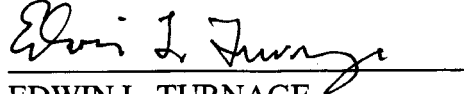
[Signature pages follow]

Dated this 27th day of November, 2001.

GWENDOLYN YOUNG REAMS
Associate General Counsel

MINDY E. WEINSTEIN
Regional Attorney

Bobby C. Simpson
Acting Supervisory Trial Attorney



EDWIN L. TURNAGE
Trial Attorney
Federal ID# 5189
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
15 S. Main Street, Suite 530
Greenville, South Carolina 29601
(864) 241-4406

CWC
#6
WE CONSENT

Dated this 20th day of November, 2001.



MS. HEATHER H. POLZIN
FLIPPIN, DENSMORE, MORSE
& JESSEE

1800 First Union Tower, Drawer 1200
Roanoke, Virginia 24006

Attorney for Defendant

Dated this 20th day of November, 2001.



MS. GERALDINE SUMTER
Federal ID#: 4391

FERGUSON, STEIN, WALLAS, ADKINS
GRESHAM & SUMTER
741 Kenilworth Avenue, Suite 300
Charlotte, North Carolina 28204

Attorney for Anthony Dixon

NOTICE TO EMPLOYEES

1. This Notice is posted pursuant to a voluntarily-entered consent decree between Celanese Acetate, LLC (“Celanese”) and the United States Equal Employment Opportunity Commission and Anthony T. Dixon arising from a case alleging race discrimination and retaliation in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e, et seq. (“Title VII”).
2. Federal law requires that there be no discrimination against or harassment of any employee or applicant for employment because of the employee's race, color, religion, sex, national origin, age (40 or older) or disability.
3. Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e, et seq., is a federal law which prohibits race discrimination or harassment of any employee in all aspects of employment including, but not limited to, hiring, promotion, discharge, pay, job training and fringe benefits.
4. Celanese hereby reaffirms its commitment to compliance with such federal law in all respects. Celanese will not take any actions against employees because they have exercised their rights, reported an alleged violation under the law or have given testimony, assistance or participation in any investigation, proceeding or hearing conducted by the U. S. Equal Employment Opportunity Commission.
5. It is Celanese’s policy to maintain a working environment free from race discrimination and race harassment. Celanese has adopted a policy regarding race discrimination and race harassment, and the policy sets forth a complaint procedure for individuals who believe they have been a victim of or witnessed race discrimination or race harassment.

An employee has the right, and is encouraged to exercise that right, to report allegations of employment discrimination or harassment in the workplace. An employee may contact the U. S. Equal Employment Opportunity Commission at the following address and telephone number for the purpose of filing a charge of employment discrimination or harassment.

Equal Employment Opportunity Commission
Greenville Local Office
301 N. Main Street, Landmark Building, Suite 1402
Greenville, SC 29601
Tel: (864) 241-4400

Appendix A