

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRANKLIN COUNTY, NORTH  
CAROLINA,

Defendant.

Civil Action No. 5:09cv00415

**CONSENT DECREE**

This action was brought by the United States against Franklin County, North Carolina (the "County") to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.*, ("Title VII"), following receipt by the United States from the Equal Employment Opportunity Commission of a charge of discrimination filed by Karen Dorrans. This Court has jurisdiction of the action under 42 U.S.C. § 2000e-5(f) and 28 U.S.C. § 1345.

In its Complaint, the United States alleges that the County retaliated against Karen Dorrans, in violation of Section 704(a) of Title VII, by subjecting her to adverse employment actions because she complained about sexual harassment and disciplining her because she did not confront her alleged harasser about his conduct.

The County denies that it has retaliated against Ms. Dorrans and denies that it has violated Title VII or any state statute. Nevertheless, the United States and the County, desiring that this action be settled by an appropriate Consent Decree ("Decree"), and without the burden

and risks of protracted litigation, agree to the jurisdiction of this Court over the parties and the subject matter of this action. The United States and the County also hereby waive, for purposes of this Decree only, hearings and findings of fact and conclusions of law on all issues, and further agree to the entry of this Decree as final and binding with regard to the assertions in the United States' complaint in this case.

This Decree, being entered into with the consent of the United States and the County, shall in no way constitute an adjudication or finding on the merits of the case, nor be construed as an admission by the County or a finding of wrongdoing or violation of any applicable federal or state law or regulation.

In resolution of this action, the parties hereby AGREE to, and the Court expressly APPROVES, ENTERS and ORDERS, the following:

**GENERAL RELIEF**

1. The County, by and through its officials, agents, employees and all persons in active concert or participation with the County in the performance of employment or personnel functions, is enjoined from engaging in any practice that unlawfully discriminates against any person in violation of Title VII.

2. The County, by and through its officials, agents, employees and all persons in active concert or participation with the County in the performance of employment or personnel functions, shall not retaliate against or in any way adversely affect the terms and conditions of employment of any person because that person has opposed any practice made unlawful by Title VII, filed a charge with the Equal Employment Opportunity Commission ("EEOC"), or testified, assisted or participated in any manner in an investigation, proceeding or hearing under Title VII,

including this case or this Decree.

3. Within forty-five (45) days from the date of entry of this Decree, the County shall submit to the United States proposed modifications to its Harassment and Retaliation policies and procedures for the United States to review and approve. These modifications shall include:

(a) a description of the manner in which an employee of the County may make a complaint of harassment;

(b) a clear statement that a complaint of harassment may be written or verbal;

(c) the identification, by job title, of all individuals who are authorized to accept complaints of harassment against the County;

(d) a statement that the complaining party is not required to confront the offending individual;

(e) a statement that all complaints of harassment will be promptly and objectively investigated;

(f) a statement that the County will provide the results of an investigation into a complaint of harassment to the complaining party in writing, or as soon as possible to comply with its obligations under Title VII to investigate such complaints promptly, but in no event later than 30 days unless a written explanation is submitted to the complainant as to the reason(s) a response to the complaint could not be completed within a 30 day time frame;

(g) a statement requiring any supervisory employee who receives a verbal or written complaint of harassment from an employee to report the complaint to the County's Equal Opportunity Officer, discussed in paragraph 5, within five (5) business days of receiving such a complaint, and that supervisory employees who fail to meet this requirement are subject to

discipline;

(h) a statement requiring any supervisory employee who has not received a verbal or written complaint of harassment from an employee but nonetheless has actual knowledge of what he or she believes may constitute harassment of an employee to bring his or her knowledge to the County's Equal Opportunity Officer within five (5) business days of obtaining such knowledge, and that supervisory employees who fail to meet this requirement are subject to discipline; and

(i) a statement that an employee who opposes conduct made unlawful by Title VII, which includes but is not limited to lodging a complaint with the County and/or filing an EEOC charge, and/or participates in any manner in an investigation or proceeding or hearing under Title VII, shall not be subjected to retaliation.

4. For purposes of this Decree, "supervisory employee" is defined to include:

(a) any employee who possesses direct supervisory authority over at least one other employee; and

(b) any employee who has the authority to hire, fire, promote, transfer, or discipline another employee.

5. Within thirty (30) calendar days from the date of entry of this Decree, the County shall designate a person (the "EEOC Officer") who shall have responsibility to receive reports of complaints from supervisory employees and to ensure that the written policies and procedures set forth in Paragraph 3, above, as well as the training set forth in paragraph 9, below, are fully implemented and complied with.

6. Within ten (10) calendar days from the date upon which the County implements

the written policies and procedures set forth in Paragraph 3, above, the County shall distribute copies of such policies and procedures to all of its employees, supervisors and appointed and elected officials.

7. Within ten (10) calendar days from the date upon which the County implements the written policies and procedures set forth in Paragraph 3, above, the County shall publicize such policies and procedures by, *inter alia*, posting them in all buildings and facilities used for posting equal employment opportunity information, by email to all employees with county email addresses, and on any internet or intranet website used for posting notices or policy changes for or concerning the County.

8. The County shall ensure that each new employee receives a copy of the written policies and procedures implemented pursuant to Paragraph 3, above, at the time of the new employee's hire. Each new County employee shall sign an acknowledgment that she or he has read and understands such policies, and such acknowledgments shall be maintained in the employee's personal file.

9. No later than thirty (30) days from the date on which the United States approves the proposed modifications to its Harassment and Retaliation policies and procedures, the County shall provide, at its own cost, mandatory training on the law of equal employment opportunity and prohibited harassment and retaliation to all supervisory employees, including all managers. The training shall, at a minimum, include an explanation of the County's policies and procedures, modified as set forth in Paragraph 3, above. The County will select, with the concurrence of the United States, a qualified individual or group of individuals to conduct the training outlined in this paragraph. The United States' concurrence will not be unreasonably

withheld. All training materials must be provided to the United States for its review and approval at least twenty (20) days before the mandatory training.

10. All persons who undergo the training described in Paragraph 9, above, shall sign an acknowledgment of attendance at the training. Within ten (10) days after such training, the County shall provide the United States with written confirmation that all persons covered by Paragraph 9, above, attended the training. The County will keep on file all signed acknowledgments for the duration of the Decree.

11. The County shall retain during the term of this Decree all documents, in paper or electronic form (including electronic mail), that come into its possession that are: (a) related to complaints (formal or informal) of retaliation, sex discrimination, and/or harassment made by County employees; and/or (b) related to the training provided for under this Decree.

12. If the County is unable to complete the investigation into a complaint of harassment within 30 days, as set forth in Paragraph 3(f), above, then the County shall submit a written explanation to the United States as to the reason(s) a response to the complaint could not be completed within the 30 day time frame. To the extent the Parties disagree as to whether good cause exists for the delay, either party may submit the issue to the Court for resolution as outlined in Paragraph 16 below;

13. The United States may review compliance with this Decree at any time. As part of that review, the County shall provide copies of any documents relevant to the County's compliance with this Decree upon the request of the United States, including but not limited to the documents described in Paragraphs 8, 10, 11, and 12, above.

### **SPECIFIC RELIEF**

14. Without admitting the allegations of the United States, and in settlement of the United States' claim for relief for Ms. Dorrans who, by her signature to the release attached as Appendix A, accepts the relief to be given her pursuant to this Decree, the County shall pay Ms. Dorrans a monetary award of \$17,500.00, which includes \$14,000 in compensatory damages and \$3,500 in unreimbursed medical expenses, within fifteen (15) days of the entry of this Decree. The County shall issue to Ms. Dorrans such appropriate tax forms as may be required by law.

15. In addition, the County shall not provide negative employment references for Ms. Dorrans to any future prospective employer that inquires about her past employment with the County. Within fifteen (15) days of the entry of this Decree, the County shall provide to Ms. Dorrans an employment reference letter which, pursuant to County policy, limits the information which may be provided about an employee to the following: (1) Dorrans' dates of employment; (2) her job title; (3) salary; and (4) office to which she was assigned. Likewise, the County's response to any inquiries by Ms. Dorrans' prospective employers shall, pursuant to County policy, limit the information which may be provided to that which is in the reference letter. Finally, the County shall remove from Ms. Dorrans' personnel files and any other County files any negative references related to her discrimination and retaliation complaints, as well as the retaliatory extension of her probation, issuance of her "final warning," and her lower fourth-quarter performance appraisal ratings.

### **DISPUTE RESOLUTION**

16. The parties to this Decree shall attempt to resolve informally any disputes that may occur under this Decree. If the parties are unable to reach agreement after informally

seeking to resolve a dispute, the issue may be submitted by any party to the Court for resolution upon at least thirty (30) days written notice to the other party.

17. All documents required to be delivered under this Decree to the United States shall be sent to the following address if sent by U.S. mail:

Chief, Employment Litigation Section  
Civil Rights Division  
U.S. Department of Justice  
PHB, Fourth Floor  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Documents sent by overnight delivery service should be sent to the following address:

Chief, Employment Litigation Section  
Civil Rights Division  
U.S. Department of Justice  
601 D Street, NW, Room 4040  
Washington, DC 20004

18. All documents required to be delivered under this Decree to the County shall be sent to the following address:

Mary Craven Adams  
Womble Carlyle Sandridge & Rice, PLLC  
One West Fourth Street  
Winston Salem, NC 27101

#### **JURISDICTION OF THE COURT**

19. The Court shall retain jurisdiction over this Decree for the purpose of resolving any disputes or entering any orders that may be necessary to implement the relief provided in the Decree. At the end of two (2) years from the date of entry of this Decree, this Decree shall be dissolved and this action shall be dismissed without further order of the Court.

**GENERAL PROVISIONS**

20. The parties shall bear their own costs, expenses and attorney's fees in this action, except that the parties shall retain the right to seek costs for any matter which, in the future, may arise from this Decree and require resolution by this Court.

It is so **ORDERED**, this 2 day of October, 2009.



W. EARL BRITT  
SENIOR UNITED STATES DISTRICT JUDGE

**AGREED TO:**

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**APPENDIX A**

**RELEASE**

State of North Carolina  
Franklin County

I, Karen Dorrans, for and in consideration of accepting the relief to be provided to me pursuant to the provisions of the Consent Decree entered in *United States v. Franklin County, North Carolina*, release and discharge Franklin County and its current, former and future officials, employees and agents from the legal and equitable claims that could have been brought based on the facts asserted in the complaint filed in that case and EEOC Charge No. 433-2008-06198, which occurred prior to the date of this Release.

I understand that the relief to be given to me does not constitute an admission by Franklin County of the validity of any claim raised by me, or on my behalf.

This Release constitutes the entire agreement between Franklin County and myself in connection with this case, without exception or exclusion.

I acknowledge that a copy of the Consent Decree in this action was provided to me.

I HAVE READ THIS RELEASE AND UNDERSTAND THE CONTENTS THEREOF AND I EXECUTE THIS RELEASE OF MY OWN FREE ACT AND DEED.

Signed this 29 day of ~~AUGUST~~ <sup>SEPT</sup> 2009. KD

  
Karen Dorrans