**IN THE UNITED STATES DISTRICT COURT**
**FOR THE DISTRICT OF MARYLAND**
**BALTIMORE DIVISION**

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| SABRINA BOND, | : | |
| Plaintiff, | : | |
| | : | Civil Action No. 04-CV-0269 |
| UNITED STATES OF AMERICA, | : | |
| Plaintiff-Intervenor, | : | |
| | : | |
| v. | : | |
| | : | |
| CITY OF BALTIMORE, DEPARTMENT | : | |
| OF PUBLIC WORKS; | : | |
| CITY OF BALTIMORE, et al., | : | |
| Defendants. | : | |
| | : | |

CONSENT DECREE

This action was brought by Sabrina Bond ("Ms. Bond" or "Plaintiff") against the City of Baltimore, Department of Public Works ("Department of Public Works" or "DPW"), Robert Moore-El, Larry Slattery, Tom Sewell, Richard Banks, and Roy Brown alleging, inter alia, violations of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e, et seq, as amended ("Title VII"). In her Complaint, the Plaintiff also alleges violations of the Equal Protection Clause of the Fourteenth Amendment, 42 U.S.C. § 1983, Article 24 of the Maryland Declaration of Rights of the Maryland Constitution, and tort claims including negligent supervision and

retention, and intentional infliction of emotional distress. On February 24, 2004, the United States of America ("Plaintiff-Intervenor" or "United States") filed a motion to intervene. In its Complaint in Intervention, the United States alleges violations of Title VII by the City of Baltimore ("City") and its Department of Public Works. On March 8, 2004, the Court granted the United States' motion to intervene and directed that its Complaint in Intervention be filed. Both the Plaintiff and the United States allege that Ms. Bond, a female formerly employed as a carpenter in the City's Department of Public Works, was discriminated against because of her sex by being subjected to a sexually hostile work environment in violation of Title VII.

The parties, desiring to appropriately settle this action, agree to the jurisdiction of this Court over them and the subject matter of this action, and hereby waive the entry of findings of fact and conclusions of law. The parties accept this Consent Decree ("Decree") as final on the issues resolved in this Decree. This Decree, being entered with the consent of the parties, shall not constitute an admission, adjudication or finding on the merits of this action, and the City, the Department of Public Works, and all other defendants deny that any unlawful discrimination has occurred.

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

## I. DEFINITIONS AND PARTIES

1. The parties to this Decree are Ms. Bond, the United States, the City, and the Department of Public Works.

2. The terms "supervisor" and "administrator" include all employees of the City who

manage, supervise, or have authority to affect the hiring, firing, discipline, assignments, or pay rates of employees in the Department of Public Works, and all persons who establish policies or procedures for the Department of Public Works.

3. The Equal Employment Opportunity Commission is referred to hereinafter as "EEOC."

4. Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e, et seq., is referred to hereinafter as "Title VII."

5. "Sexual harassment" is any act that would be prohibited under Title VII's prohibitions against gender discrimination such as unwelcome sexual advances, requests for sexual favors, verbal, physical or other conduct of a sexual nature, or acts of animosity or hostility based on sex (whether or not sexual in nature), any of which creates or tends to create a hostile work environment based on sex for an employee in the Department of Public Works.

6. The term "Revised Sexual Harassment Policy" refers to the anti-harassment policy proposed by the City and its Department of Public Works and approved by the United States, or approved by the Court pursuant to paragraph 14, infra, if these parties are unable to agree upon revisions to the Sexual Harassment Policy and submit the dispute to the Court.

7. The term "Final Revised Sexual Harassment Policy" refers to the Revised Sexual Harassment Policy that either:

(a) has been approved by the City, its Department of Public Works, and the United States, or approved by the Court if these parties are unable to agree upon revisions pursuant to

paragraph 14, infra, and the labor unions that represent employees covered by the anti-harassment policy ("relevant labor unions") have not submitted an objection to it during the appropriate time period for submitting an objection to the Court pursuant to paragraph 15, infra; or

(b) results after any objection(s) submitted pursuant to paragraph 15, infra, has been ruled on by the Court.

8. "Day" or "days" refers to calendar and not business days.

9. "Date of entry of this Decree" refers to the date that the Court orders entry of the Decree.

## II. PURPOSES OF THIS DECREE

10. The purposes of this Decree are to ensure that:

a. employees in the Department of Public Works are not subjected to sexual harassment in violation of Title VII;

b. all complaints of sexual harassment made by Department of Public Works employees are investigated fairly and promptly, and that the City takes appropriate remedial action when the City, through its responsible deciding official(s), determines that the complaints are well-founded;

c. the City adopts and maintains a clear, meaningful and well-publicized policy prohibiting sexual harassment in the Department of Public Works;

d. the City maintains an Equal Employment Opportunity Officer ("EEO Officer") for

the Department of Public Works who shall oversee the receipt and investigation of complaints of sexual harassment, and who has no dual role as legal counsel for the City regarding claims of employment discrimination;

e. the City provides adequate training to Department of Public Works employees who work in the maintenance department at the DPW's Patapsco Plant, and to all Department of Public Works' supervisors, administrators or officials responsible for making determinations regarding complaints of sexual harassment, with regard to workplace sexual harassment prohibited by Title VII, as provided for in Section VII, paragraphs 20-22 of this Decree; and

f. the City offers Ms. Bond appropriate individual relief.

## III. SCOPE OF DECREE

11. This Decree resolves all legal and equitable claims arising out of the Complaint and the Complaint in Intervention filed in the above-captioned civil action and EEOC Charge No. 120-2003-02529.

## IV. SPECIFIC RELIEF

12. The City and the Department of Public Works shall do the following:

a. offer Ms. Bond a monetary award. The matter of monetary relief is resolved in a separate agreement between Ms. Bond and the City.

b. if Ms. Bond applies for another position with the City, she shall be given fair and objective consideration. The City shall not subject Ms. Bond to discrimination

because of her sex, or retaliate against her.

c. the City and the Department of Public Works shall not provide negative employment references for Ms. Bond to any future prospective employer that inquires about her past employment in the Department of Public Works, nor shall it refer in any way to Ms. Bond's filing of complaints or charges of sexual harassment or this lawsuit when communicating with prospective employers seeking a reference for Ms. Bond. In order to ensure that Ms. Bond does not receive negative employment references, the City and the Department of Public Works shall:

i. remove from Ms. Bond's personnel files any and all documents that refer to any internal complaints of sexual harassment made by Ms. Bond during her employment with the City in the Department of Public Works, the charge of discrimination filed by Ms. Bond with the EEOC (Charge No. 120-2003-02529), the United States' investigation of Ms. Bond's charge of discrimination, and this lawsuit; and

ii. instruct all of Ms. Bond's former supervisors who are incumbent City employees, including all those in the Department of Public Works, that they may not give out employment references for Ms. Bond, but shall direct the inquiring entity(s) or person(s) to the City's Department of Human Resources. If a reference is requested by a prospective employer, the City shall confirm the length of Ms. Bond's employment, the positions

she held during her employment in the Department of Public Works, and her past salary history.

## V. GENERAL INJUNCTIVE RELIEF

13. The City, the Department of Public Works, and all employees, supervisors, agents, and individuals in active concert or participation with them are enjoined from:

a. subjecting any employee in the Department of Public Works to sexual harassment;

b. creating, facilitating, or tolerating sexual harassment or a hostile work environment based on sex in the Department of Public Works.

## VI. REVISION AND ADOPTION OF SEXUAL HARASSMENT POLICIES AND PROCEDURES FOR THE DEPARTMENT OF PUBLIC WORKS

14. Within forty-five (45) days after the date of the entry of this Decree, the City and its Department of Public Works shall, by overnight mail or facsimile transmission, send to the United States, in care of its counsel, a proposal for a revised Sexual Harassment Policy that applies to employees in the Department of Public Works in order to bring the Sexual Harassment Policy into compliance with current law. Counsel for the United States shall review and submit comments on the Sexual Harassment Policy to the City and its Department of Public Works, in care of their counsel, within fifteen (15) days of receipt of the Sexual Harassment Policy. If the City, the Department of Public Works, and the United States are unable to agree upon mutually acceptable and appropriate revisions to the Sexual Harassment Policy within sixty (60) days from the date of entry of this Decree, the dispute shall be submitted to the Court for resolution

consistent with the provisions of paragraph 33, infra. The Sexual Harassment Policy approved by the City, the Department of Public Works, and the United States, or the Sexual Harassment Policy approved by the Court if these parties are unable to agree upon revisions to the Sexual Harassment Policy and submit the dispute to the Court, shall be referred to hereinafter as the "Revised Sexual Harassment Policy."

15. Within seven (7) days after the United States has approved the Revised Sexual Harassment Policy, or any dispute between the City, its Department of Public Works, and the United States regarding revisions to the Sexual Harassment Policy is resolved by the Court, the City, through its Labor Commissioner, shall send, by certified mail, return receipt requested, a copy of the Revised Sexual Harassment Policy to each of the relevant labor unions along with a cover letter informing each relevant labor union that, if it has any objection(s) to the Revised Sexual Harassment Policy, it may present its objection(s) to the Court pursuant to this paragraph of the Decree. The cover letter shall be approved by the United States. The City shall, at the same time it sends the Revised Sexual Harassment Policy to each of the relevant labor unions, and as part of the same mailing, notify each labor union in writing that if such union has any objection(s) to the Revised Sexual Harassment Policy, that objection(s) must be submitted to the Court within (20) business days after that union's receipt of the Revised Sexual Harassment Policy from the City. The City shall inform each relevant labor union that any objection(s) that it has must be submitted to the Court in a document that sets forth with specificity the basis for the objection. The City shall include in its notice to each of the relevant labor unions the address of the Clerk of Court to whom any objection(s) to the Revised Sexual Harassment Policy shall be

mailed, as well as instructions that the document with the objection(s) must reference the case name and docket number of the above-captioned matter. The Clerk of Court shall send copies of any objection(s) it receives to each of the parties, or make the objection(s) electronically accessible to each of the parties, upon receipt of the objection(s).

a. If a written objection(s) is submitted to the Clerk of Court by a relevant labor union(s), the parties shall have five (5) days after receipt of the objection(s) from the Clerk of Court to file responses with the Court. If a written objection(s) is submitted to the Court, the Court shall hold a fairness hearing on that objection(s) within thirty (30) days after the date on which all responses to the unions' objection(s) must be submitted to the Court. All parties to this action shall have the right to participate in this fairness hearing. The policy which results from this hearing shall be considered the Final Revised Sexual Harassment Policy.

b. If none of the relevant labor unions timely submits an objection(s) to the Revised Sexual Harassment Policy that has been sent to them by the City, the Revised Sexual Harassment Policy shall be considered the Final Revised Sexual Harassment Policy.

16. Within fifteen (15) days after the date the Final Revised Sexual Harassment Policy comes into existence by operation of the preceding paragraph, the City shall take all necessary actions to adopt the Final Revised Sexual Harassment Policy.

17. Within fifteen (15) days after adoption of the Final Revised Sexual Harassment Policy, the City and the Department of Public Works shall issue and distribute the Final Revised

Sexual Harassment Policy to all current Department of Public Works employees.

18. For all future employees in the Department of Public Works, the City and the Department of Public Works shall issue and distribute the Final Revised Sexual Harassment Policy to employees within fifteen (15) days of an employee's hire.

19. The City and the Department of Public Works shall post the Final Revised Sexual Harassment Policy in prominent, conspicuous, centrally-located places commonly used for posting notices (e.g., bulletin boards) in all Department of Public Works buildings and administrative offices. The Department of Public Works shall designate one supervisory employee at each facility of the Department who is responsible for taking reasonable action to ensure that these documents remain posted, that they are not defaced or altered in any fashion, and if they are defaced or altered in any fashion, that they are immediately replaced.

## VII. TRAINING

20. Within ninety (90) days after adoption of the Final Revised Sexual Harassment Policy, the City and the Department of Public Works shall provide mandatory training regarding sexual harassment for all employees who work in the maintenance department at the DPW's Patapsco Plant. Within one hundred eighty (180) days after adoption of the Final Revised Sexual Harassment Policy, the City and the Department of Public Works shall provide mandatory training regarding sexual harassment to all Department of Public Works' supervisors, administrators or officials responsible for making determinations regarding complaints of sexual harassment made by Department of Public Works employees. This training shall be conducted by a person or entity of the City and the Department of Public Works' choosing, subject to the

approval of the United States, not to be unreasonably withheld. The City shall identify this person or entity to the United States no less than forty-five (45) days before the date of the mandatory training. The City and the Department of Public Works shall take all reasonable actions to ensure attendance by these employees at the training sessions. The United States reserves the right to require the City and the Department of Public Works to provide additional training to employees in the Department of Public Works should it determine that such training is warranted, or that the training provided fails to comply with the provisions of this Decree.

21. The City and the Department of Public Works shall include a unit on sexual harassment as part of its regular, ongoing in-service training of all Department of Public Works employees.

22. All employees in the Department of Public Works shall be asked to sign and date an acknowledgment of attendance for any and all training instituted pursuant to this Decree.

## VIII. EVALUATION OF EMPLOYEES

23. Within thirty (30) days after the adoption of the Final Revised Sexual Harassment Policy, the Department of Public Works shall adopt, as a criterion for evaluating the performance of all employees who have supervisory or managerial authority over other employees in the Department of Public Works, a factor that takes into account those individuals' awareness of and compliance with EEO requirements and procedures, as well as the City and the Department of Public Works' sexual harassment policy.

## IX. PROCEDURES FOR ACCEPTANCE AND INVESTIGATION OF COMPLAINTS OF SEXUAL HARASSMENT

24. Within thirty (30) days after the date of entry of this Decree, the City and the Department of Public Works shall inform employees in the Department of Public Works in writing of the name and contact information of the current designated Department of Public Works EEO Officer, as well as the name and contact of an alternative City employee ("Alternative EEO Officer") not employed in the same division or bureau as the designated Department of Public Works EEO Officer, who is authorized to receive and investigate complaints of sexual harassment by employees in the Department of Public Works (collectively, the "EEO Officers"). Within ten (10) days of the date upon which the City or the Department of Public Works designates a Department of Public Works EEO Officer and Alternative EEO Officer, the City and the Department of Public Works shall provide the United States with written notice of the names, titles and qualifications of those individuals, and of any other person to whom the Department of Public Works EEO Officer (or Alternate EEO Officer) anticipates delegating responsibility for the receipt or investigation of complaints of sexual harassment under circumstances that would make such a delegation necessary and appropriate. With respect to any person to whom the Department of Public Works EEO Officer (or Alternate EEO Officer) delegates authority to receive and investigate a complaint, the City and the Department of Public Works also shall provide to the United States a summary of the designee's relevant background and training to receive and investigate complaints of sexual harassment prior to any receipt or investigation of a complaint by that designee.

25. The Department of Public Works EEO Officer and Alternative EEO Officer shall be designated as individuals capable of receiving complaints of sexual harassment from employees in the Department of Public Works, as set forth in the Final Revised Sexual Harassment Policy. These EEO Officers shall investigate all complaints of sexual harassment received by them directly from employees, or referred to them by supervisors or officials, as set forth in the Final Revised Sexual Harassment Policy, and shall recommend appropriate action pursuant to those policies. The EEO Officers shall maintain neutral roles and must remain free of conflicts of interest.

26. The City and the Department of Public Works shall issue quarterly reports to the United States regarding any complaint of sexual harassment made by an employee in the Department of Public Works during the effective period of this Decree. In the report, the City and the Department of Public Works shall provide copies of the complaint, advise of the date of receipt and nature of the complaint, and the findings and outcome of the investigation and any actions taken as a result of such findings. Absent extenuating circumstances, which must be explained in the report, all investigations of complaints of sexual harassment made by an employee in the Department of Public Works must be completed within fifteen (15) business days after the receipt of the complaint.

27. At least one of the EEO Officers shall be present at each training session required pursuant to paragraph 20, supra. At least one of the EEO Officers also shall be present at the presentation of the unit on sexual harassment during the in-service training required pursuant to paragraph 21, supra. The names and phone numbers of both EEO Officers shall be distributed in

writing to employees in the Department of Public Works during each of those training sessions.

## XI. TERMS CONCERNING PORNOGRAPHY IN DEPARTMENT OF PUBLIC WORKS FACILITIES

28. The City and the Department of Public Works shall use all reasonable and lawful means to ensure that there will be no displays or presentation of pornographic material, including but not limited to pictures, videos, magazines, television, and computer-generated displays, in any Department of Public Works facility.

## XII. PUBLICITY

29. Within fifteen (15) days after the adoption of the Final Revised Sexual Harassment Policy, the City and the Department of Public Works shall modify the Internet website of the Department of Public Works to include information and links regarding the Final Revised Sexual Harassment Policy. The Department of Public Works' home page shall include an item titled "Employment Discrimination Claims," and shall be linked to the web sites of state, local and federal agencies authorized to receive complaints of sexual harassment under Title VII.

## XIII. COMPLIANCE MONITORING

30. For a period of eighteen (18) months from the effective date of this Decree, the United States may request from the City and the Department of Public Works, at its discretion, reports containing a description of any sexual harassment complaints received from employees within the Department of Public Works, and copies of attendance sheets and any course materials used in connection with training required pursuant to this Decree.

31. During the term of this Decree, the City and the Department of Public Works shall retain all documents, in paper or electronic form (including electronic mail), that come into their possession relating to complaints of sexual harassment from an employee or former employee in the Department of Public Works, and all documents relating to the training required pursuant to this Decree.

32. The United States may review compliance with this Decree at any time. The City and the Department of Public Works shall provide copies of documents relevant to the City and the Department of Public Works' compliance with this Decree upon the request of the United States, including but not limited to the documents described in paragraph 31, supra, and the United States shall pay the reasonable costs of making such copies. If the United States believes that this Decree or any portion of it has been violated, it shall raise its concerns with the City and the Department of Public Works pursuant to the dispute resolution procedure set forth in paragraph 33, infra.

## XIV. DISPUTE RESOLUTION

33. The parties shall attempt to resolve informally any dispute that arises under this Decree. The City shall be given at least twenty-one (21) days to cure any alleged breach of this Decree before the United States moves the Court for a resolution of the issue. If the breach has not been cured within this time, any party can request relief from the Court in furtherance of this Consent Decree.

## XV. MODIFICATION OF THE DECREE

34. With respect to the various time frames for completion of activities set forth in this

Decree, those time frames may be modified upon mutual written consent of the parties. The parties may jointly agree to other modifications of this Decree with the approval and entry of these modifications by the Court.

## XVI. JURISDICTION OF THE COURT

35. The Court shall maintain jurisdiction over this case throughout the duration of this Decree for purposes of resolving disputes between the parties with respect to the terms or implementation of the Decree.

## XVII. TERMINATION DATE

36. Without any further Order of this Court, this Decree shall terminate and this action shall be dismissed at the end of eighteen (18) months from the effective date of the Decree.

## XVIII. GENERAL PROVISIONS

37. The parties shall bear their own costs, expenses, and attorney's fees in this action including the costs of compliance or monitoring, 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.

38. All documents required to be delivered under this Decree to the United States shall be sent to the following address:

Chief, Employment Litigation Section
United States Department of Justice
Civil Rights Division, PHB Room 4040
950 Pennsylvania Avenue, NW
Washington, DC 20530

**For the City of Baltimore and City of Baltimore Department of Public Works:**

Dated: 11/4/04

**Sabrina Bond**

Dated: 11/4/04

**Attorney for Sabrina Bond**

**Lolita James Martin**

Dated: Nov. 4, 2004

**For the United States Department of Justice:**

R. ALEXANDER ACOSTA
Assistant Attorney General
Civil Rights Division

By:

DAVID J. PALMER

Chief

CLARE GELLER
LESLIE GARDNER
SARA NILES
Attorneys
Employment Litigation Section

Civil Rights Division
U.S. Department of Justice
Dated: 11/08/04

**IT IS SO ORDERED**

_____ Dated: _____

United States District Judge