

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)

Plaintiff,)

v.)

RHEEM MANUFACTURING COMPANY)

Defendant.)

CIVIL ACTION NO.
07-2107

CONSENT DECREE

This action was instituted by the Equal Employment Opportunity Commission (hereinafter the "Commission") against Defendant, Rheem Manufacturing Company (hereinafter "Defendant"), pursuant to Section 107(a) of the Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C. §12117(a), which incorporates by reference Sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. §§2000e-5(f)(1) and (3), and pursuant to Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a, to remedy unlawful practices alleged in the Complaint filed in this action.

This Consent Decree does not constitute an admission by the Defendant of the allegations of the Complaint. All parties to this action desire to avoid the additional expense and delay in the litigation of this case.

In the event this proposed Consent Decree is not approved or does not become final, then it shall not be admissible in evidence in any subsequent proceeding in this action. This Decree shall not constitute evidence of any violation by the Defendant of the Americans with Disabilities Act, as

amended, and shall not be admissible in any other civil actions other than actions arising out of the rights and obligations of the parties under this Decree.

The Court has reviewed the terms of the proposed Consent Decree in light of the applicable laws and regulations and the statements of counsel for all parties and hereby approves the Consent Decree.

NOW, THEREFORE, the Court being fully advised in the premises, it is hereby **ORDERED, ADJUDGED AND DECREED:**

JURISDICTION

1. The United States District Court for the Western District of Arkansas, Fort Smith Division, has jurisdiction over the parties and subject matter of this litigation.

SCOPE AND DURATION OF DECREE

2. This Consent Decree resolves all issues and claims arising out of the Commission's Complaint in this cause alleging unlawful employment policies and practices maintained by the Defendant and arising out of Charge No. 493-2006-01293 filed by Charging Party Leonard Lyons with the Commission.
3. Notwithstanding any provisions contained in this Decree, this Agreement shall not be considered in any manner to be dispositive of any charge now pending before any office of the Commission other than Charge No. 493-2006-01293.
4. The provisions of this Consent Decree shall continue to be effective and binding upon the parties to this action for a period of three months from the date of the entry of this Decree, with the exception of Section VI E (neutral reference) which shall be in effect permanently.

NON-DISCRIMINATION PROVISION

5. The Defendant, its Fort Smith, Arkansas manufacturing employees, officers, agents, and all persons acting in concert with the Defendant are enjoined from failing to provide reasonable accommodations to any employee with a disability as required by the Americans with Disabilities Act, as amended.
6. The Defendant, its Fort Smith, Arkansas manufacturing employees, officers, agents, and all persons acting in concert with the Defendant are enjoined from engaging in any employment practices which has the purpose or effect of discriminating against any individual on the basis of a disability under the Americans with Disabilities Act.
7. Defendant, its Fort Smith, Arkansas manufacturing employees, officers, agents, and all persons acting in concert with the Defendant are enjoined from retaliating against any employee.

TRAINING

8. Defendant agrees to conduct a training session on the requirements of the Americans with Disabilities Act, as amended, for all management officials at its Fort Smith facility. This training session will be conducted within 90 days of the effective period of this Decree. A list of the employees that attend the training session, a copy of the syllabus, and a copy of the training materials will be provided to Plaintiff within ten (10) days following the training session.
9. Defendant agrees that all reports of disability discrimination at its Fort Smith facility will be conveyed to the plant manager.

NOTICE

10. Defendant has and shall conspicuously post in its Fort Smith facility the notice (poster) required to be posted pursuant to the Americans with Disabilities Act, as amended.
11. Furthermore, Defendant shall conspicuously post the notice at Appendix A of this Decree for three months commencing within ten (10) days after entry of this Decree by the Court.

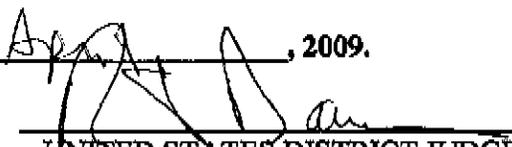
INDIVIDUAL RELIEF

12. Defendant shall expunge from Leonard Lyons' personnel records any unfavorable or adverse personnel comments regarding any aspect of his employment with Defendant. Defendant shall expunge from Leonard Lyons' personnel records any reference to EEOC Charge No. 493-2006-01293 and Mr. Lyons' participation in this litigation.
13. Defendant shall deliver to Leonard Lyons a check made payable to "Leonard Lyons" in the gross amount of Ninety Thousand Dollars and No/100 (\$90,000). Thirty Thousand Dollars (\$30,000.00) shall constitute backpay, less applicable withholding taxes. Sixty Thousand Dollars (\$60,000.00) shall constitute compensatory damages. The check(s) should be mailed to Leonard Lyons in accordance with the terms of a Separate Release signed by Lyons
14. Defendant shall forward a copy of the check(s) to Pamela B. Dixon, Esq., at the EEOC office in Little Rock, Arkansas.

COSTS

15. Plaintiff and Defendant shall bear their own costs, including attorneys' fees.

SO ORDERED THIS 1ST DAY OF April, 2009.


UNITED STATES DISTRICT JUDGE

U. S. DISTRICT COURT
WESTERN DISTRICT ARKANSAS
FILED

APR 01 2009

CHRIS R. JOHNSON, CLERK

BY

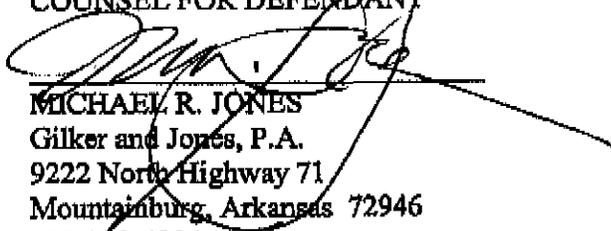
DEPUTY CLERK

COUNSEL FOR PLAINTIFF

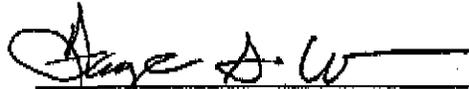
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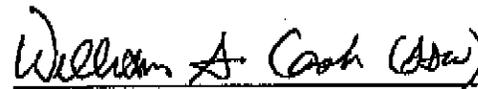


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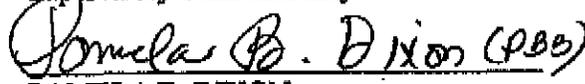


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