

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

DONNA STEPHENS, as TRUSTEE OF THE
AIMEE A. AND DONNA STEPHENS TRUST,

Plaintiff-Intervenor,

v.

R.G. & G.R. HARRIS FUNERAL HOMES,
INC.,

Defendant.

Case No. 14-cv-13710

Hon. Sean F. Cox

CONSENT DECREE

Case No. 2:14-cv-13710 was instituted by the Equal Employment Opportunity Commission (“Commission”) pursuant to Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e to 2000e-17 (“Title VII”).

On September, 23, 2020, this Court entered an order allowing Donna Stephens, as Trustee of the Aimee A. and Donna Stephens Trust, to intervene as a Plaintiff-Intervenor in this case (“Trust”).

The Commission, Trust, and R.G. & G.R. Funeral Homes, Inc.

(“Harris”), hereby stipulate to the jurisdiction of the Court over the parties and the subject matter of this action.

The Commission, the Trust, and Harris have advised this Court that they desire to resolve Case No. 2:14-cv-13710 without the burden and expense of further litigation.

It is, therefore, the finding of this Court, based 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, and (2) this Decree resolves all the matters in controversy between the parties as provided in paragraphs 1 through 20 below.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

INJUNCTION

1. Harris and its officers, agents, employees and successors are enjoined from firing employees on the basis of transgender status.
2. Harris and its officers, agents, employees and successors are enjoined from providing employees unequal clothing allowances on the basis of sex.

MONETARY COMPENSATION

3. Within thirty (30) days of the entry of the Decree, Harris shall pay Donna Stephens, as Trustee of the Aimee A. and Donna Stephens Trust the sum of \$130,000.00. This amount includes backpay with interest of \$63,723.91, minus applicable withholdings, and \$66,276.09 in pecuniary and non-pecuniary compensatory damages. Harris shall not deduct from this first amount the amount of the employer's share of any costs, taxes or social security required by law to be paid by Harris and shall issue a W-2 form for this sum. Harris shall not deduct any amount from the payment of compensatory damages and shall issue a Form 1099 for this sum.

4. Within thirty (30) days of the entry of the Decree, Harris shall pay the ACLU Foundation \$120,000.00 for costs and attorney fees incurred on behalf of the Plaintiff-Intervenor.

5. Within ten (10) days after the checks have been issued to the Trust, Harris shall send copies of the checks and signed certified mail return receipts to Kenneth Bird, Regional Attorney, EEOC, 101 West Ohio Street, Suite 1900, Indianapolis, IN 46204, and to monitoring-eeoc-indo@eeoc.gov.

6. Within thirty (30) days of the entry of the Decree, Harris shall pay each of its customer-facing female employees employed since

September 9, 2012 a monetary stipend equivalent to the average amount Harris spent on clothing for male employees for each year between September 9, 2012 and the date of entry of the Decree.

A. For the time between September 9, 2012 and October 1, 2014, this shall be a lump sum payment of \$320 for each full-time female employee and \$160 for each part-time female employee, for a total of \$3,040.

B. For the time from October 1, 2014 to the date of entry of the Decree, this shall be a lump sum of \$70 for each full-time female employee and \$35 for each part-time female employee, for a total of \$665.

C. Within thirty (30) days of entry of the Decree, Harris shall provide Commission counsel with the names, dates of employment, and positions of all female employees from September 9, 2012, to the date of entry of the Decree.

7. From the date of the entry of the decree, Harris agrees to provide clothing benefits to female employees equivalent to those provided to male employees. The monetary value of said benefits shall be equivalent to the average amount spent on each male employee who receives such benefits.

8. Within 10 days after each stipend check has been issued to each of its customer-facing female employees, Harris shall mail a copy of each check and signed certified mail return receipt to Kenneth Bird, Regional Attorney, Kenneth Bird, Regional Attorney, at EEOC, 101 West Ohio Street, Suite 1900, Indianapolis, IN 46204, and monitoring-eeoc-indo@eeoc.gov.

NOTICE POSTING

9. Harris shall post the Notice of Non-Discrimination Policy attached as Appendix A to this Decree along with a copy of Harris's revised discrimination policies described in ¶ 10 below in a conspicuous place where employee notices are posted, such as a breakroom, kitchenette, by the time clock or a similar location. The Notice shall remain posted throughout the term of this Decree. Should the Notice become defaced, marred or otherwise made unreadable, Harris will post a readable copy in the same manner as soon as practicable.

POLICY REVISION

10. Within ninety (90) days of entry of this Decree, Harris shall develop written policies and procedures concerning sex discrimination to conform with the law. The written policies and procedures must include, at a minimum:

A. A clear statement that Harris shall not discriminate against its applicants or employees on the basis of sex (including on the basis of transgender status), and that it shall at all times adhere to its legal obligation to provide, to both applicants and employees, equal treatment for both men and women in the workplace;

B. A statement encouraging employees to report to a manager if they believe they have been the victim of sex discrimination, along with the names and telephone numbers of managers to whom employees can make such a report, including designation of an alternate person if the alleged discriminator is one of the managers;

C. Assurances that Harris will investigate these reports promptly and fairly, and will take appropriate corrective action to make victims whole and to eradicate sex discrimination, along with a description of the consequences that will be imposed upon violators of the policies;

D. An assurance of non-retaliation for persons who believe they have been discriminated against, and for witnesses to such discrimination who may report alleged discrimination to either

Harris officials or appropriate state or federal agencies;

E. An assurance that both male and female employees will be given equivalent clothing benefits to allow them to conform to the dress code; and

F. A change to the employee handbook's clothing policy which will ensure that the "director on duty" is not referred to as a male.

The policies shall be distributed to each current employee within 90 days of the date of this Decree and to each new employee when hired.

TRAINING

11. Harris shall provide training to all Company employees, including managers, officers, and directors, on sex discrimination, including training on transgender discrimination and sex-based stereotyping, in accordance with the following:

A. The training shall occur within 90 days of the date this Decree is entered. The trainer shall conduct one live training session of no less than one hour, plus adequate time for questions and answers, for, at minimum, managers, officers, and directors. Non-managerial employees shall attend the live training or, if the training is recorded, a showing of the recorded training. All

employees shall register when they attend training, and Harris shall retain the registry for the duration of this Decree and forward a copy of all attendees to Kenneth Bird, Regional Attorney, at EEOC, 101 West Ohio Street, Suite 1900, Indianapolis, IN 46204, and monitoring-eeoc-indo@eeoc.gov.

B. At least 60 days prior to the live training, Harris shall submit to the EEOC the name(s), address(es), telephone number(s), and resume(s) of the proposed trainer(s), the training dates, and an outline of the training contents, to the Commission's Regional Attorney at the address listed above. The Commission may provide reasonable input into the training proposed by Harris no later than 20 days prior to the training.

REPORTING

12. Harris shall submit the following in writing and in affidavit form to the Commission's Regional Attorney at the address provided above, in four reports, the first within ninety (90) days from the date of this Decree, and thereafter annually for the duration of the Decree. The final report shall be submitted at least sixty (60) days before the expiration of the decree:

A. A copy of the required policies and procedures (see ¶ 10

above.)

B. Confirmation that equivalent clothing benefits have been provided to men and women.

C. The name, address, position, and telephone number of every company employee who complained about sex discrimination of any kind under state or federal law during the period preceding the report to the EEOC. Each report shall include, at a minimum, the nature of the complaint, Harris's investigatory efforts and findings, and corrective action taken. The first report shall cover the period beginning six months before the date of the Decree.

C. The registry of persons attending the training required above, and a list of personnel employed by Harris on the days of the training. (See ¶ 11 above.)

D. Confirmation that (i) the Notice required above (see ¶ 9) was posted, and the locations where it was posted; and (ii) the policies and procedures required above (see ¶ 10) were distributed to each current and each new Company employee.

COSTS AND DURATION

13. Each party shall bear its costs and attorney's fees incurred

as a result of this action, except as provided in paragraph 4 above and 15 below.

14. This Decree shall expire by its own terms at the end of three years (3) without further action by the Parties.

15. This Court shall retain jurisdiction over this action for the duration of the Decree. During this time, the EEOC and the Trust may petition this Court to order Harris to comply with the Decree. Should the Court determine that Harris has not complied, the Court may order appropriate relief including award of attorney's fees and costs, and fines for contempt of court.

MISCELLANEOUS

16. If any provision of this Decree is found to be unenforceable by a Court, only the specific provision in question shall be affected and the other enforceable provisions shall remain in full force.

17. Any modification to this Decree can only be made by the Court.

18. The terms of this Consent Decree are and shall be binding upon the present and future owners, officers, directors, employees, creditors, agents, trustees, administrators, successors, representatives, and assigns of Harris.

19. Prior to selling all or substantially all of its assets to another person or entity during the duration of this Decree, Harris shall inform the person or entity of this Decree and provide the person or entity with a copy of this Decree.

20. The Court will retain jurisdiction of this cause for three years for purposes of monitoring compliance with the Decree and entry of such further orders or modifications as may be necessary or appropriate.

November 30, 2020
Date

Sen Carl
United States District Court

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
COMMISSION

R.G. & G.R. HARRIS
FUNERAL HOMES, INC.

Dale Price
Sharon Fast Gustafson
General Counsel

Thomas Rost
By: Thomas Rost, President
President

Dale Price
Trial Attorney

Date: November 20, 2020

Date: November 19, 2020

THE AIMEE A. AND DONNA STEPHENS TRUST

Donna Stephens, Trustee
By: Donna Stephens, Trustee

Date: November 19, 2020

APPENDIX A

EMPLOYEE NOTICE

**Posted Pursuant to a CONSENT DECREE entered in
E.E.O.C. v. R.G. & G.R. HARRIS FUNERAL HOMES,
INC., Case No. 2:14-cv-13710 with the
U.S. EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
Detroit Field Office**

NOTICE OF NON-DISCRIMINATION POLICY

Federal law requires that there be no discrimination against any employee or applicant for employment because of the employee's race, color, religion, sex, national origin, genetic information, age 40 or over 40, or disability. In particular, federal law prohibits employers from discriminating on the basis of sex (including transgender status) in all aspects of employment, including but not limited to, hiring, promotion, discharge, pay, job training, and workplace benefits.

Harris will comply with such federal law in all respects and 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.

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

Questions concerning this notice may be addressed to:

**Equal Employment Opportunity Commission
477 Michigan Avenue, Room 865
Detroit, Michigan 48226
Telephone: (313) 226-4600
EEOC 800 # 1-800-669-4000
TDD (313) 226-7599**