

## **Employer Found to Have Violated Consent Decree; Ordered to Pay EEOC's Attorney Fees**

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The EEOC recently announced that it was awarded nearly half a million dollars in attorney fees after a court found that an employer (the Jewel-Osco grocery store chain) violated a consent decree. *See* <http://www.eeoc.gov/eeoc/newsroom/release/3-6-15.cfm>.

The EEOC is not ordinarily allowed to recover attorney fees, even after successfully litigating a claim against an employer. In this case, the agency was able to recover fees because the court found that the employer was in contempt of the consent decree.

Jewel-Osco had entered into a consent decree that required it to reasonably accommodate employees who were returning from a disability leave. The court found that the employer violated the decree because two employees were fired and one was forced to resign after going on leave, when Jewel-Osco could have offered low-cost accommodations that would have allowed the employees to return to work. The court awarded the employees over \$80,000 in back pay and allowed the agency to recover \$400,000 in fees and costs.

The moral of the story is that, if an employer enters into a consent decree, it must take precautions to ensure compliance with the decree. Consultation with experienced labor and employment counsel can ensure that compliance.