

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO

UNITED STATES EQUAL EMPLOYMENT	)	
OPPORTUNITY COMMISSION,	)	
	)	CIVIL ACTION NO. 1:23-cv-1802
Plaintiff,	)	
	)	JUDGE SOLOMON OLIVER, JR.
v.	)	
	)	
TA DEDICATED, INC. d/b/a TRANSPORT	)	
AMERICA and TFORCE TL HOLDINGS USA,	)	
INC. d/b/a TRANSPORTATION ENTERPRISE	)	
SERVICES,	)	
	)	
Defendants.	)	
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**CONSENT DECREE**

Plaintiff, the U.S. Equal Employment Opportunity Commission (the “Commission” or “EEOC”), commenced this action on September 15, 2023, in the United States District Court for the Northern District of Ohio against Defendants TA Dedicated, Inc. d/b/a Transport America and TForce TL Holdings USA, Inc. d/b/a Transportation Enterprise Services. The Commission asserted claims arising under Title VII of the Civil Rights Act of 1964 (“Title VII”), alleging that Defendants engaged in sex discrimination by subjecting Charging Party Kristopher Neville and Gary Pugh to an unlawful hostile work environment and discharge or constructive discharge because of sex orientation and unlawfully retaliated against them for engaging in protected activity. Defendants deny the EEOC’s allegations, and there has been no adjudication of the Title VII liability issues in this action.

EEOC and Defendants enter into this Consent Decree to resolve this action and all claims asserted in the Complaint and to promote and effectuate the purposes of Title VII.

All terms agreed to as a condition of resolving the above-captioned action and the claims

that EEOC filed against Defendants in this action are set forth in this Decree, and there shall be no other instrument or agreement setting forth any terms that must be satisfied as a condition of resolving such claims.

The Court finds that it has jurisdiction over the subject matter of this action and the parties for the purpose of the action, entry of this Consent Decree, and all proceedings related to the Consent Decree.

The Court, having examined the terms and provisions of the Consent Decree, further finds that it is reasonable and just in accordance with the Federal Rules of Civil Procedure and Title VII. The entry of this Consent Decree will further the objectives of Title VII and will be in the best interests of the parties, those for whom the EEOC seeks relief, and the public.

**NOW, THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED THAT:**

DEFINITIONS

A. “Defendants” refers, both individually and collectively, to TA Dedicated, Inc. d/b/a Transport America and TForce TL Holdings USA, Inc. d/b/a Transportation Enterprise Services.

B. “Commission” or “EEOC” is the U.S. Equal Employment Opportunity Commission, an agency of the United States Government.

C. “Charging Party” means Kristopher Neville.

D. “Day” or “days” means calendar days.

E. “Effective Date” means the date this Decree is signed by the Court.

F. “Expiration Date” means the date three (3) years from the Effective Date of this Decree.

G. “Subject Facilities” means all of the Defendants’ owned and leased locations where non-driving employees are situated as of the Effective Date (specifically, Eagan, MN, Atlanta, GA, and Mechanicsburg, PA), less any such locations that are exited prior to the Expiration Date

and plus any such locations that are added after the date hereof before the Expiration Date. Subject Facilities exclude locations owned or operated by customers, vendors, and other third parties where Defendants' employees may perform services or be present from time to time.

GENERAL PROVISIONS AND COURT ENFORCEMENT POWERS

1. This Decree constitutes full discharge and satisfaction of all claims that were alleged in the Complaint filed in this action by EEOC.

2. EEOC and Defendants shall bear their own attorney's fees and costs incurred in connection with this action.

3. Nothing in this Decree shall be construed to preclude EEOC from bringing suit to enforce this Decree in accordance with the enforcement provisions of the Decree.

4. Nothing in this Decree shall be construed to waive or release any rights or claims that any individual may have arising under any law, ordinance, regulation, or other provision that grants any individual access to administrative process, or rights or remedies of any kind, including such individual rights or claims of Charging Party Kristopher Neville.

ORGANIZATIONAL SCOPE AND DURATION OF DECREE

5. Except where specified below, this Decree shall apply to the Subject Facilities.

6. The duration of this Decree shall be three (3) years from the date the Court signs the Decree.

7. This Consent Decree shall become effective on the date it is signed by the Court.

INJUNCTION

8. Defendants, their officers, directors, employees, and agents, acting in such capacities on behalf of Defendants, and their successors, including any successor by merger or acquisition, are enjoined and restrained from engaging in any employment practice that discriminates against employees, at Subject Facilities or elsewhere, on the basis of sex, including

sex orientation and gender identity.

9. Defendants, their officers, directors, employees, and agents, acting in such capacities on behalf of Defendants, and their successors, including any successor by merger or acquisition are enjoined and restrained from any form of retaliation against any person, at Subject Facilities or elsewhere, because such person has opposed any practice made unlawful under Title VII, filed a Charge of Discrimination under Title VII, testified or participated in any manner in any investigation, proceeding, or hearing under Title VII, or asserted any rights under this Decree.

MONETARY RELIEF

10. Within ten (10) days of the latter of 1) the Effective Date or 2) receiving the necessary tax forms, Defendants shall pay to Charging Party Kristopher Neville a total sum of \$320,000 in monetary relief, which represents \$200,000 in compensatory and other statutory damages and \$120,000 in back pay. A condition precedent to issuing any lost wages payment is Defendants' receipt of a valid W-4 form completed by Mr. Neville. A condition precedent to issuing any compensatory and other statutory damages payment is Defendants' receipt of a valid W-9 form completed by Mr. Neville. Defendants shall administer proper withholdings from the check for back pay for taxes and required employee contributions to FICA and Medicare. No withholdings shall be made from the check for compensatory and other statutory damages. Within five (5) days of the execution of this Decree, EEOC shall provide Defendants with Mr. Neville's current address. The checks shall be sent by certified mail, return receipt requested, directly to Mr. Neville at the address provided by EEOC. For the 2024 tax year, Defendants shall timely issue to Mr. Neville an IRS Form W-2 for the 2024 tax year to document the back-pay amount and an IRS Form 1099 for the 2024 tax year to document the compensatory and other statutory damages amount.

11. Within ten (10) days of the latter of 1) the Effective Date or 2) receiving the necessary tax form, Defendants shall pay to Gary Pugh a total sum of \$140,000 in monetary relief, which represents compensatory and other statutory damages. A condition precedent to issuing any compensatory damages and other statutory damages payment is Defendants' receipt of a valid W-9 form completed by Mr. Pugh. No withholdings shall be made from the check. Within five (5) days of the execution of this Decree, EEOC shall provide Defendants with Mr. Pugh's current address. The checks shall be sent by certified mail, return receipt requested, directly to Mr. Pugh at the address provided by EEOC. For the 2024 tax year, Defendants shall timely issue to Mr. Pugh an IRS Form 1099 for the 2024 tax year to document the compensatory and other statutory damages amount.

12. Defendants shall send a photocopy of all checks and related correspondence to Trial Attorney Jessi Isenhardt at EEOC's Cleveland Field Office within seven (7) days of their issuance.

13. Defendants shall also provide the following information for the purpose of compliance with Section 162(f) of the Internal Revenue Code (26 U.S.C. § 162(f)), if applicable, to EEOC within ten (10) days of issuing payment to Mr. Neville and Mr. Pugh:

- a. The name of the individual who should receive the copy of IRS Form 1098-F if the EEOC is required to issue one;
- b. The physical address of the individual who should receive the copy of IRS Form 1098-F if the EEOC is required to issue one.

14. The EEOC has made no representations regarding whether the amount paid pursuant to this settlement qualifies for the deduction under the Internal Revenue Code, nor does this Decree address such qualification.

15. The provision of the Form 1098-F by the EEOC does not mean that the

requirements to claim a deduction under the Internal Revenue Code have been met.

16. Any decision about a deduction pursuant to the Internal Revenue Code will be made solely by the IRS with no input from the EEOC.

17. The parties are not acting in reliance on any representations made by the EEOC regarding whether the amounts paid pursuant to this agreement qualify for a deduction under the Internal Revenue Code.

18. Defendants will not condition the resolution of this matter on any agreement to keep confidential the terms of this Decree, including monetary relief paid to Charging Party Kristopher Neville and Gary Pugh; the facts of this case; or any other fact or issue related to this matter. Defendants will not otherwise condition the resolution of this matter on any terms that are not set forth in this Decree.

WORKPLACE DISCRIMINATION/HARASSMENT HOTLINE

19. Within seventy-five (75) days of the Effective Date, Defendants shall, at their own expense, create and maintain a third-party toll-free workplace telephonic complaint hotline where suspected workplace sex discrimination and/or retaliation complaints and reports can be made. The hotline shall include an option for the submitting employee to complain or report anonymously. Concerns raised through the hotline shall be forwarded directly to human resources personnel with responsibility for Defendants' operations and shall be promptly investigated. Defendants shall specifically inform all employees, including but not limited to drivers, other customer-based employees, and employees who work remotely, of the existence, purpose, and phone number of the hotline, as well as the option to make complaints or reports anonymously via the hotline, in their policies, during all trainings provided for under this Decree, and in the Notice required by Paragraph 35 of this Decree.

EEOC POLICIES AND PROCEDURES

20. Defendants shall create and implement a policy or policies that apply to all of Defendants' employees, including but not limited to drivers, other customer-based employees, and employees who work remotely, and that explain, define, and prohibit discrimination on the basis of sex, including sex orientation and gender identity, and retaliation, and which contain related complaint procedures. These policies and procedures shall be drafted in plain and simple language. Defendants shall ensure that their policy or policies against such discrimination and retaliation meet the following minimum criteria:

- a. state that Defendants: (i) prohibit discrimination against employees on the basis of sex, including sex orientation and gender identity; (ii) prohibit retaliation against employees for opposing employment practices they reasonably believe are discriminatory or for participating in any investigation, whether internal or external, of a charge or claim of discrimination under Title VII; (iii) prohibit any act, policy, or practice that has the effect of harassing or intimidating any employee on the basis of sex, including sex orientation or gender identity, in violation of Title VII; and (vi) prohibit any act, policy, or practice that has the effect of creating, facilitating, or permitting the existence of a work environment that is hostile to employees through acts such as, but not limited to, physical or verbal abuse or derogatory comments based on sex orientation or gender identity in violation of Title VII;
- b. include a complaint procedure designed to encourage employees to come forward with complaints regarding violations of the policy against such discrimination or retaliation, which shall meet the following minimum criteria: (i) provides effective mechanism(s) for reporting incidents of discrimination or

retaliation; (ii) provides that complaints of discrimination or retaliation can be made either in writing or orally; (iii) provides a definition of harassment that clearly prohibits harassment because of sex orientation and gender identity; (vi) identifies employees to whom an employee can make a complaint, including permitting employees to report discrimination or retaliation to the employee's supervisor or manager or to persons identified by position title who provide Title VII-related human resources oversight for Defendants (v) provides the up-to-date direct-dial phone number for the main Human Resources phone line and at least one up-to-date Human Resources email address for employees to report harassment, discrimination, or retaliation; (vi) provides the hotline number described in Paragraph 19, above; (vii) provides that making complaints to the person who is allegedly perpetrating the harassment, discrimination, or retaliation is not required under any circumstances; (viii) provides that it is not required, under any circumstances, that the employee personally advise the offender that the behavior underlying any complaint of discrimination or retaliation is unwelcome; (ix) encourages prompt reporting by employees; (x) provides assurances that the complaining party shall not be subjected to retaliation, which includes omitting any language about making false or malicious complaints of harassment, discrimination, or retaliation; and (xi) provides that complaints will be kept confidential to the extent practicable under the circumstances.

- c. provide for prompt investigation of complaints of discrimination or retaliation;
- d. provide for prompt communication to the complaining party about the



results of the investigation and any remedial actions taken or proposed unless the complaint was anonymous or the complainant requested not to be updated;

e. provide for discipline up to and including discharge of an employee, supervisor, or manager who violates Defendants' policy or policies against discrimination and retaliation, and for increasingly severe discipline of repeat offenders unless immediate discharge is warranted after a first complaint based upon the nature of the conduct reported;

f. provide that supervisors and managers, of whatever rank, have a duty to document and report any and all observations or complaints of potential or alleged discrimination or retaliation directly to Defendants' Human Resources Department, and that failure to carry out this duty is grounds for disciplinary action, up to and including immediate discharge.

21. Defendants shall distribute copies, electronically or otherwise, of the policy/ies and procedures against discrimination and retaliation within thirty (30) days after the Effective Date to all of their employees, including but not limited to drivers, other customer-based employees, and employees who work remotely, and the recipients shall be permitted to download and/or keep and take the policy/ies and procedures home with them. Defendants shall distribute a copy, electronically or otherwise, of their policy/ies and procedures against discrimination and retaliation to each subsequently hired employee at the start of their employment and shall permit each such recipient to download and/or keep and take home the distributed copies.

22. During the course of conducting any investigation of any potential or alleged sex discrimination (including but not limited to sex orientation or gender identity discrimination or harassment) or retaliation, Defendants shall make reasonably thorough efforts to determine

whether any past complaints of such discrimination or retaliation were made involving, or past investigations of sex discrimination or retaliation were conducted involving, the same individual(s) alleged or reported to have participated in the pending complaint or investigation. Defendants shall train all of their personnel conducting investigations of any potential or alleged sex discrimination or retaliation or who are otherwise involved in decision-making regarding those investigations, that such information of past complaints or investigations must be considered when considering or assessing any potential or alleged complaint of sex discrimination or retaliation regardless of when the past complaint was made and regardless of the disposition of the past investigation.

#### EEO TRAINING

23. Defendants shall provide to all supervisors and managers at the Subject Facilities, based at a customer, or working remotely, and all persons (regardless of whether located at the Subject Facilities) with direct and material responsibility for providing Title VII-related human resources services to, for, or on behalf of Defendants—including all such persons employed by either of Defendants, employed by TForce TL Holdings USA, Inc.'s sister company TForce Holdings USA, Inc., employed by any other sister company, parent company, or affiliate of Defendants, or otherwise providing services to, for, or on behalf of Defendants under any contract or any shared services arrangement—not less than two (2) hours of mandatory training regarding harassment, discrimination, and retaliation made unlawful by Title VII. This training shall place a particular emphasis on defining harassment and retaliation, legal and company prohibitions on such conduct, including prohibitions against harassment because of sex orientation or gender identity, the penalties for engaging in such conduct, the duty to monitor the work environment to ensure such conduct is not occurring, the duty to report complaints or observations of such conduct

to designated human resources personnel, the penalties for not reporting such conduct, the content and requirements of this Decree, and other germane topics. This training shall include substantial coverage of harassment and discrimination because of sex orientation and gender identity, including examples of such, and unlawful retaliation, including training that the Title VII protections against retaliation apply to applicants, employees, and former employees. The training shall be conducted live (including live video-stream) and shall include an interactive component and opportunities for questions and answers. This training shall be provided within one hundred and twenty (120) days of the Effective Date and annually thereafter for the duration of this Decree. A video-recorded version of the initial training shall be shown to any individual within seven (7) days of the start of their employment or other retention in any position or function for which training is required under this paragraph.

24. Defendants shall provide all non-supervisory employees (excluding drivers, discussed below, but including, without limitation, other customer-based employees and employees who work remotely) with not less than two (2) hours of training regarding harassment, discrimination, and retaliation made unlawful by Title VII. This training shall place a particular emphasis on defining harassment and retaliation; legal and company prohibitions on such conduct, including prohibitions against harassment because of sex orientation or gender identity; the penalties for engaging in such conduct; maintaining a harassment-free workplace; the content and requirements of this Decree; and related reporting or complaint procedures, including a discussion of the hotline described above. The training shall be conducted live (including live video-stream) and shall include an interactive component and opportunities for questions and answers. This training shall be provided within one hundred and twenty (120) days of the Effective Date and annually thereafter for the duration of this Decree. Defendants shall require individuals unable to

attend the live training session due to leave or other extenuating circumstances to view a video-recorded version of the training within seven (7) days of their return to work. Likewise, all newly hired employees shall be required to view the video recorded version of the most recent live presentation within seven (7) days of the start of their employment. For driver employees, within one hundred and fifty (150) days of the Effective Date, all current drivers shall be required to view the video-recorded version of the two-hour training session. For all new driver employees hired after one hundred and twenty (120) days after the Effective Date, the video-recorded version of the two-hour training session shall be provided to each driver, and those new driver employees shall be required to view the training within one hundred and twenty (120) days of the completion of their new hire orientation. New and existing driver employees shall be encouraged to discuss any questions or concerns arising from the video training with Defendants' human resources personnel.

25. All training described in Paragraphs 23 and 24 shall be provided by a third-party trainer approved in advance by EEOC, whom Defendants shall retain at Defendants' own expense.

26. Within thirty (30) days after the non-driver training sessions required by Paragraphs 23 and 24, Defendants shall submit to EEOC counsel of record a notification of the date(s) and length of each training session; a written list of the full names, job titles, employers, and work locations of each attendee of each training session; and copies of any and all written materials shown or provided to attendees.

#### EEO INVESTIGATIONS AND CORRECTIVE ACTION TRAINING

27. Defendants shall provide to all persons with any responsibility for providing direct and material Title-VII related human resources services to, for, or on behalf of either of Defendants; receiving complaints of harassment, discrimination, or retaliation for or on behalf of

either of Defendants; conducting harassment, discrimination, or retaliation investigations for or on behalf of either of Defendants; or making decisions for or on behalf of either of Defendants regarding action to prevent or correct harassment, discrimination, or retaliation—including all such persons employed by either of Defendants, employed by TForce TL Holding USA, Inc.’s sister company Tforce Holdings USA, Inc., or employed by any other sister company, parent company, or affiliate of either of Defendants—not less than two (2) hours of training regarding exercising reasonable care when (i) receiving complaints of harassment, discrimination, or retaliation made unlawful by Title VII, (ii) conducting investigations of harassment, discrimination, and retaliation, and (iii) formulating prompt and effective preventive and corrective action in response to harassment, discrimination, and retaliation. The training shall be conducted live and shall include an interactive component and opportunities for questions and answers. This training shall be in addition to the training otherwise required by this Decree and shall be provided within one hundred and twenty (120) days of the Effective Date and annually thereafter for the duration of this Decree. Defendants shall require individuals unable to attend the live training session contemplated by this Paragraph due to leave or other extenuating circumstances to view a video-recorded version of the training within seven (7) days of their return to work. For any individual later assuming a role requiring training under this paragraph, that individual shall watch a video-recorded version of the training within seven (7) days of the start of those responsibilities. This training shall be provided by a third-party trainer approved in advance by EEOC, whom Defendants shall retain at their own expense.

28. The training conducted pursuant to Paragraph 27 shall accurately convey Title VII requirements and proficient, lawful methods and techniques for conducting investigations and responding to employee complaints of harassment, discrimination, and retaliation. At a minimum,

the training shall include a discussion of the following matters:

- a. legal obligations concerning harassment, discrimination, and retaliation investigations;
- b. investigative techniques, including identification of potential witnesses or others who may have been subjected to similar alleged treatment, interviewing techniques, and other sources of evidence in harassment, discrimination, and retaliation investigations;
- c. types of preventive and corrective actions and applicable legal obligations;
- d. that information regarding past complaints, allegations, or investigations of harassment, discrimination, or retaliation of a similar nature and involving the same individual alleged to have committed harassment, discrimination, or retaliation must be considered highly relevant evidence in the pending inquiry;
- e. that persons conducting investigations for or on behalf of Defendants are required to research whether such past complaints or investigations exist by reviewing complaint and disciplinary records regarding the existence and details of any relevant prior complaints or investigations;
- f. that former employees may be sources of highly relevant evidence and should be contacted when appropriate;
- g. the significance of corroborative testimonial or documentary evidence in investigations, the need to investigate whether such evidence exists, but that corroborative evidence is not required to make a finding that allegations of harassment, discrimination, or retaliation are substantiated or well-founded;
- h. techniques for witness credibility assessment, particularly but not

exclusively for situations in which there is conflicting testimony and an absence of corroboration;

i. the need to ensure that, in response to employee complaints of harassment, discrimination, or retaliation, Defendants undertake corrective action reasonably calculated to end any harassing, discriminatory, or retaliatory conduct and to prevent its reoccurrence;

j. investigative confidentiality;

k. post-investigation procedures for monitoring the work environment, including but not limited to follow-up interviewing of employees and explicitly asking such persons whether any harassment, discrimination, or retaliation of a similar type to that investigated is ongoing or has taken place since the original complaint;

l. procedures for monitoring and auditing any post-complaint or investigation personnel actions regarding complainants and witnesses to ensure absence of retaliation;

m. the need to document complaint investigations, including taking and retaining notes of interviews conducted and fully documenting questions and answers; and

n. Defendants' record retention obligations under this Decree relating to any harassment, discrimination, or retaliation complaints or investigations.

29. Within thirty (30) days of the training required by Paragraph 27, Defendants shall submit to EEOC counsel of record a notification of the date(s) and length of each training session; a written list of the full names, job titles, employing Defendant, and work locations of each

attendee of each training session; and copies of any and all written materials shown or provided to attendees.

#### RECORDKEEPING AND RETENTION

30. Regarding each formal or informal charge, complaint, report, or investigation of potential or alleged harassment or discrimination because of sex, including sex orientation and gender identity, or potential or alleged retaliation, made by, on behalf of, or regarding any employee or employees of either of Defendants (including but not limited to any driver, customer-based employee, or employee who works remotely) during the terms of this Decree, including any such complaint or report received through the hotline described in Paragraph 19 above, Defendants shall compile a file which shall contain the following (to the extent known to Defendants): (a) the full name, home address, home telephone number, cell phone number, department, job title, and social security number of each complainant, alleged victim, and witness; (b) the date of the allegation, charge, complaint, or report; (c) the date/s on which the incident/s allegedly occurred; (d) the location/s where the incident/s took place; (e) the specific allegations that were made; (f) the statement or a summary of the material facts alleged by each complainant, potential victim, witness, and other person allegedly involved; (g) a detailed description of all material actions taken in response to the allegation, charge, complaint, or report; (h) a detailed description of Defendant's conclusions regarding the allegation, charge, complaint, or report, and any resolution reached or corrective action taken in response. Defendants shall also retain with the file any other documents created or obtained in relation to a charge, complaint, report, or investigation, including but not limited to affidavits, witness statements, interview notes, summaries, and electronic communications. Defendants shall retain all such records for the duration of this Decree.

31. For the duration of this Decree, Defendants shall retain all materials described in



29 CFR § 1602.14—including those materials ordinarily required to be kept when a charge of discrimination has been filed, or an action brought by the Commission or Attorney General, against an employer under Title VII—related to any person who submitted an allegation, charge, complaint, or report described in Paragraph 30.

32. For the duration of this Decree, Defendants shall retain all materials described in 29 CFR § 1602.14—including those materials ordinarily required to be kept when a charge of discrimination has been filed, or an action brought by the Commission or Attorney General, against an employer under Title VII—related to any person who is or was involved in the investigation of an allegation, charge, complaint, or report described in Paragraph 30, including but not limited to any person identified as a potential perpetrator and any person interviewed or identified as a witness or potential witness.

33. Sex Harassment/Retaliation Complaint/Investigations Tracking: Defendants shall adopt and maintain a centralized Excel spreadsheet, which is searchable by name of individual(s) and by location/s of alleged misconduct, which shall contain, for each charge, complaint, report, or investigation of sex discrimination, sex harassment, or retaliation (including sex discrimination/harassment and/or retaliation complaints received through the hotline described in Paragraph 19) made by, on behalf of, or regarding any employee or employees of either of Defendants (including but not limited to drivers, customer-based employees, and employees who work remotely), at least the following information (to the extent known to Defendants): (a) the full name, home address, home telephone number, and cell phone number of each complainant and potential victim; (b) the full name, home address, home telephone number, and cell phone number of any person allegedly involved in the alleged incidents of discrimination or retaliation, including but not limited to any person identified as a potential perpetrator and any person interviewed or

identified as a witness or potential witness; (c) the date the allegation, charge, complaint, or report was made; (d) the date each investigation began and was completed; (e) the type of discrimination, harassment, or retaliation complained of, reported, or investigated (including protected characteristics or traits involved, such as sex orientation or gender identity, etc.); (f) the type of adverse employment action involved (such as “harassment,” “termination,” etc.); (g) the location/s where each alleged incident of discrimination or retaliation took place; (h) the name and title of person/s who conducted each investigation; (i) a description of action taken in response to the allegation, charge, complaint, report, or investigation; (j) the resolution, or decision made, regarding each allegation, charge, complaint, or report made and each investigation conducted, including whether Defendants determined that the allegation, charge, complaint, or report was, or was not, substantiated; and (k) status of each allegation, charge, complaint, report, or investigation reflected in the database (such as “open,” “pending,” “awaiting further review,” or “closed,” etc.). Defendants shall make the information in this spreadsheet accessible to all persons who may be assigned to conduct investigations of harassment, discrimination, or retaliation for or on behalf of Defendants. Defendants shall maintain the spreadsheet throughout the duration of this Decree and shall produce it to EEOC upon EEOC’s request and as further set forth below.

#### REPORTING AND MONITORING REQUIREMENTS

34. Every ninety (90) days for the duration of this Decree, Defendants shall submit the spreadsheet described in Paragraph 33 to Trial Attorney Jessi Isenhardt. At the same time, Defendants shall also provide a written list of the full names and job titles of each driver who received training pursuant to Paragraph 24 above, including the date they completed the training. Within ten (10) days of the EEOC’s request, Defendants shall provide requested copies of all non-privileged records Defendant is required to create and maintain pursuant to Paragraphs 30 through

33.

NOTICE AND POSTINGS

35. Within seventy-five (75) days of the Effective Date, Defendants shall post copies of the Notice attached hereto as Exhibit A in a conspicuous location in each Subject Facility and at all places where employee notices are posted. The Notice shall remain posted for the duration of the Decree. Each Notice shall be typed legibly using font size 12 Times New Roman. If multiple pages are used for the Notice, they shall not be displayed one page behind another but must be posted so that all pages are in order and simultaneously visible (i.e., in horizontal row or vertical column configuration). In addition, Defendants shall post notice of all applicable federal equal employment opportunity laws and all other notices required by law. If any notice is defaced, marred, or otherwise made unreadable, Defendants shall immediately post a readable copy thereof. Defendants shall certify to the EEOC in writing within seventy-five (75) days after the Effective Date that the notices required by this Paragraph have been properly posted and shall send EEOC a copy of the signed Notice and a description of where the notices are posted.

NEUTRAL REFERENCE

36. Within ten (10) days of the Effective Date, Defendants shall provide a neutral reference for Charging Party Kristopher Neville on Defendants' letterhead. In the neutral reference, Defendants shall confirm Mr. Neville's dates of employment and last job title and shall state that Mr. Neville is eligible for rehire with Defendants and that Defendants recommend Mr. Neville for any position related to the positions he held with Defendants and/or positions involving a similar skill set.

SUBMISSION OF REPORTS AND NOTICES

37. All records, reports, certifications, and notifications that must be submitted to

EEOC under this Decree shall be sent by electronic mail to Jessi Isenhardt, Trial Attorney, U.S. Equal Employment Opportunity Commission, [jessi.isenhardt@eeoc.gov](mailto:jessi.isenhardt@eeoc.gov).

38. When this Decree requires a certification by Defendants of any fact/s, such certification shall be made under oath or penalty of perjury by one or more officers or management employees of each of Defendants.

#### DISPUTE RESOLUTION AND COMPLIANCE REVIEW

39. This Court shall retain jurisdiction to enforce the terms of this Decree and will have all available powers to enforce this Decree, including, but not limited to, monetary sanctions and injunctive relief.

40. If the EEOC has reason to believe that Defendants are not complying with this Decree, the Commission shall notify Defendants, in writing, of the alleged non-compliance. Upon receipt of written notice, Defendants shall have thirty (30) days either to correct the alleged non-compliance, and so inform the Commission, or deny the alleged non-compliance, in writing.

41. If the parties cannot resolve their dispute, upon motion of the Commission, this Court may schedule a hearing for the purpose of reviewing compliance with this Decree.

42. Each party shall bear its own costs, expenses, and attorney's fees incurred in connection with such action.

43. Jurisdiction to resolve any dispute arising under this Decree resides in the United States District Court for the Northern District of Ohio.

44. The Commission, its agents and employees shall in their discretion have the legal authority to enter Defendant's premises and conduct an on-site inspection to ensure compliance with Title VII and any of the terms of this Decree, with reasonable prior notice to Defendants and their counsel that includes the basis for the inspection and, to the extent known to the Commission,

the specific areas to be viewed. At Defendant's option, for safety reasons, inspections may be supervised by a Defendant management employee. Such inspections may, at the discretion of the Commission, include access to any and all documents for the purposes of inspection and duplication; interviews or depositions of any persons; inspection of areas within the facility; and any other investigatory technique or procedure permitted by Title VII or the Commission's regulations. The Commission shall also have the legal authority to require appearance and testimony of Defendants' personnel (at reasonable times and locations and with reasonable prior notice) at interviews or depositions and the production of relevant documents to ensure compliance with Title VII and any of the terms of this Decree. Interviews of current management employees may be attended by Defendant's counsel, except where the management employee to be interviewed has been identified as an alleged victim of discrimination, harassment, or retaliation. If there is a disagreement regarding any inspection, interview or deposition, or document production under this Paragraph, it shall be addressed through the dispute resolution provisions above. Neither the Commission's authority under this Paragraph nor any other provisions of this Decree shall be construed to limit or impair in any manner any other Commission authority to conduct investigations of Defendants that is provided by law, including but not limited to, investigating charges of discrimination filed under Title VII of the Civil Rights Act of 1964, the Equal Pay Act ("EPA"), the Pregnant Workers' Fairness Act, the Age Discrimination in Employment Act ("ADEA"), Titles I or V of the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act of 2008, and any statute over which the Commission is given jurisdiction in the future, and conducting directed investigations under the EPA, ADEA, and any future statute which authorizes directed investigations.

MISCELLANEOUS

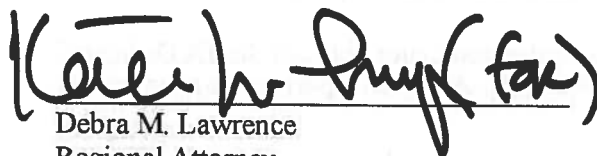
45. The terms of this Decree shall be binding upon Defendants and their successors, including any successor by merger or acquisition. Defendants, and any successor/s of Defendants shall provide a copy of this Decree to any organization or person who proposes to acquire or merge with Defendants, or any successor of Defendants, prior to the effectiveness of any such acquisition, merger, or transaction. This Paragraph shall not be deemed to limit any remedies available in the event of any finding by the Court regarding a violation of this Decree.

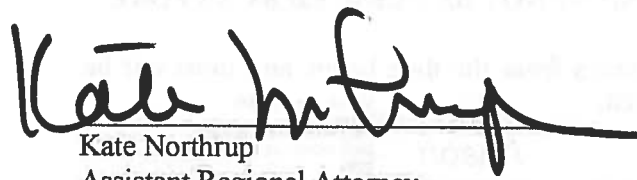
46. This Decree constitutes the entire agreement and commitments of the parties. Any modifications to this agreement must be mutually agreed upon and memorialized in a separate writing signed by Defendants and EEOC and approved by the Court.

47. If any provision/s of this Decree are found to be unlawful, only such provision/s shall be severed, and the remainder of the Decree shall remain in full force and effect.

IT IS AGREED:

**U.S. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION:**

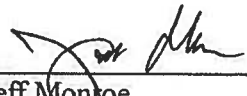
  
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**TA DEDICATED, INC.:**

Eric Anson  
Digitally signed by Eric Anson  
DN: cn=Eric Anson, ou=TAD  
Date: 2024.04.23 15:30:52 -05'00'  
Eric Anson  
President of TA Dedicated, Inc.

**TFORCE TL HOLDINGS USA, INC.:**

  
Jeff Monroe  
General Counsel – US Corporate

**SEYFARTH SHAW LLP**

/s/ Jessi Isenhart

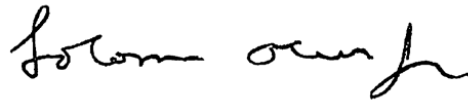
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/s/ Christopher J. DeGross

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312-460-5000 (telephone)  
312-460-7000 (facsimile)  
*Attorneys for Defendants*

**IT IS SO ORDERED.**

**DATED:** April 26, 2024



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**SOLOMON OLIVER, JR.**  
**UNITED STATES DISTRICT JUDGE**

**EXHIBIT A**

**NOTICE TO ALL EMPLOYEES**

This Notice is posted pursuant to the Consent Decree entered by the Court in the matter of *EEOC v. TA Dedicated, Inc. d/b/a Transport America and TForce TL Holdings USA, Inc. d/b/a Transportation Enterprise Services*, 1:23-cv-01802 in the U.S. District Court for the Northern District of Ohio. In that lawsuit, the U.S. Equal Employment Opportunity Commission (EEOC) alleged that TA Dedicated, Inc. and TForce TL Holdings USA, Inc. (referred to together below as “TA Dedicated”) discriminated against two male employees in violation of Title VII of the Civil Rights Act of 1964 by subjecting them to harassment because of sex orientation and retaliating against them after they complained. TA Dedicated denied these allegations.

An agreed-upon federal court order was entered to resolve the case. It provides, among other things, that TA Dedicated will provide monetary relief to the two male employees and that TA Dedicated is prohibited by federal court order and federal law from discriminating against employees because of sex, including but not limited to because of sex orientation or gender identity, in violation of Title VII.

EEOC enforces the federal laws against discrimination in employment because of sex (including but not limited to sex orientation and gender identity) and other protected characteristics. If you believe you have been discriminated against, or retaliated against for opposing or reporting discrimination, you have the right under federal law to contact EEOC and report that discrimination or retaliation.

You may reach the EEOC Trial Attorney who handled this matter at [Jessi.Isenhardt@eeoc.gov](mailto:Jessi.Isenhardt@eeoc.gov), or you may reach EEOC at (800) 669-4000, TTY for the hearing impaired at (800) 669-6820, or [info@eeoc.gov](mailto:info@eeoc.gov). The EEOC is a federal law enforcement agency and charges no fees to receive, investigate, or litigate discrimination complaints.

You may also report any potential sex harassment or retaliation through the TA Dedicated workplace discrimination/harassment hotline at [add number]. Any such report can be anonymous, if you choose.

**THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE**

**This Notice must remain posted for three (3) years from the date below and must not be altered, defaced, or covered by any other material.**

Eric  
Anson

Digitally signed by Eric  
Anson  
DN: cn=Eric Anson, ou=TAD  
Date: 2024.04.23 15:31:25 -  
05'00'

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**Eric Anson**  
**TA DEDICATED, INC.**

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**Jeff Monroe**  
**General Counsel – US Corporate**