Amochaev v. Citigroup (gender discrimination—financial advisors)

1. Substance
   a. Promotion
      i. All open branch management positions and their respective job requirements must be posted on the firm’s intranet site. (Exhibit 1, pg 17)
      ii. The appointed Industrial Psychologist will review and make recommendations to increase female financial advisors participation in partnerships. (Exhibit 1, pg 25)
   b. Training
      i. Diversity training for all management provided every other year. (Exhibit 1, pg 18)
      ii. The Industrial Psychologist will help develop a mentoring program to promote female participation within the company. (Exhibit 1, pg 27)
      iii. Exit questionnaires will be provided to female advisors who voluntarily leave the company. (Exhibit 1, pg 28)
   c. Compensation
      i. Develop a standard process to determine bonuses and compensation packets. (Exhibit 1, pg 3)
      ii. Management’s efforts to diversify the workplace will be considered when determining partnership compensation. (Exhibit 1, pg 25)

2. Procedure
   a. Length
      i. Effective for four (4) years. (Exhibit 1, pg 37)
   b. Monitor
      i. Both parties will jointly appoint an “Industrial Psychologist” who will develop programs and make recommendations regarding compensation, training, and policies. (Exhibit 1, pg 32)
      ii. The Industrial Psychologist will provide both parties recommendations to advance the purpose of the decree.
         1. Smith Barney will decide in good faith whether to implement these recommendations. (Exhibit 1, pg 33-34)
      iii. Both parties shall jointly appoint a “Diversity Monitor,” who will be external and independent from the groups. (Exhibit 1, pg 29)
      iv. Branch managers must report their individual efforts and results on promoting a diverse workplace. (Exhibit 1, pg 18)
v. Smith Barney, in conjunction with the Industrial Psychologist, will create and implement a system to monitor compliance with each policy within the decree. (Exhibit 1, pg 37)

vi. Smith Barney must collect specified data related to the purpose of the decree. (Exhibit 1, pg 37)

c. Frequency of meetings/reports
   i. Both parties will meet at least once every six months. (Exhibit 1, pg 38)
   ii. The Diversity Monitor will provide class counsel at least semi-annual reports. (Exhibit 1, pg 32, 37)
   iii. The Diversity Monitor will annually review the company’s bonus model, its female participation in certain job positions, and its diversity reports. (Exhibit 1, pg 29)
   iv. The Diversity Monitor will receive quarterly reports from Smith Barney related to complaints by its female financial advisors. (Exhibit 1, pg 29)

d. Attorneys’ fees
   i. Attorneys’ fees must not exceed $6.5 million dollars plus interest.
   ii. Future expenses must not exceed $500,000 plus interest.
   iii. Out-of-pocket expenses must not exceed $900,000 plus interest. (Exhibit 1, pg 46)

_Cogdell v. Wet Seal_ (race discrimination—pay; promotion)

1. Substance
   a. Hiring/Promotion
      i. Posting of all open store management positions/promotional opportunities to an online system accessible to all Wet Seal “store-level” employees and external applicants. (pg 14-15)
      ii. New job posting description requirements. (See pg 15)
      iii. Hire a consulting company to analyze and develop job criteria and candidate selection procedures for each available store position. (pg 14-15)
      iv. Implementation of the above selection criteria for store management hiring decisions. (pg 14)
         1. Train staff involved in hiring decision on how to properly implement the newly adopted selection procedures. (pg 15).
   v. Regional Human Resources Managers will review selected candidates for managerial positions before the candidates are finalized for hire. (pg 16)

b. Compensation
   i. Wet Seal will hire an outside compensation specialist to review its employee compensation structure; the company will provide recommendations relating to that compensation structure.

c. Promoting Diversity
   i. Include African-Americans in marketing material. (pg 10)
   ii. Consult and partner with organizations committed to the advancement of minorities; notify these organizations that job postings are listed on the company’s website. (pg 10)
iii. Provide non-discrimination and diversity training to certain employees and corporate officials. (pg 11)

iv. Maintain a “Diversity and Inclusion Council” for at least one year to advise the company on topics related to diversity and inclusion. (pg 12)

2. Procedure
   a. Length
      i. Effective for three (3) years. (pg 59)
   b. Monitor
      i. Wet Seal designated its Vice President and Corporate Controller to monitor decree compliance. (pg 18)
      ii. Class counsel may monitor Wet Seal’s hiring policies by monitoring the job criteria and analysis collected by the consulting company mentioned above. (pg 14)
      iii. Class counsel must be provided with copies of the diversity training. (pg 11)
      iv. Wet Seal shall maintain an internal complaint procedure to assist employees in filing discrimination complaints. Wet Seal must maintain these records and monitor the progression and outcome of complaints. (pg 13-14)
      v. Wet Seal will conduct an annual review of its management staff’s compensation. (pg 16)
      vi. Wet Seal will conduct an annual evaluation of staff members involved in hiring, firing, and promotions. (pg 17)
      vii. Wet Seal shall maintain and preserve documentation specified in the decree, which is accessible to class counsel via request. (pg 21)
   c. Dispute Resolution Procedures
      i. Parties selected a mediator to resolve disputes related to the decree. (pg 19)
   d. Frequency of meetings/reports
      i. Wet Seal will provide Class Counsel a semi-annual progress report regarding its compliance with the decree. (pg 22)
      ii. The Monitor must file a Certificate of Compliance with the court semi-annually for the first year, and once per year thereafter for the term of the decree. (pg 19)
   e. Attorneys’ fees
      i. Attorney’s fee may not to exceed $1,800,000
      ii. Settlement administrative expenses may not exceed $120,000. (pg 23)

_Velez v. Novartis_ (gender discrimination)

1. Substance
   a. Promotion
      i. Provide employees with written material regarding the Management Development Program, including:
         1. Information about each stage of the program
         2. How employees can move through the program; and
3. Dates for training classes offered. (pg 27-28)

ii. Contact person provided to employees who can answer questions regarding the company’s Development Program.

   1. This contact will also monitor candidates’ progress through the program and provide assistance when necessary. (pg 28-29)

iii. The Development Program training must not occur over the weekend or require more than a “three-night stay away.” (pg 28)

iv. Create and maintain a computer system that enables employees to register for any management position they are interested in. (pg 28)

v. Maintain a list of “ready management” candidates who are eligible for a management position. (pg 28)

b. Compensation

   i. Using an external specialist, Novartis will implement a specifically designed base salary pay range and merit based pay increase grid for specified positions.

   ii. Managers will have limited discretion on pay decisions and pay increases for employees. (pg 25-26)

   iii. Employees’ merit pay increases will be reviewed by the supervisor of the human resources department. (pg 26)

   iv. Following employees yearly merit increases, Novartis will conduct an adverse impact analysis to look for discrepancies in pay rates based on gender.

      1. Must make appropriate adjustments based on these findings. (pg 26)

2. Procedure

   a. Length

      i. Effective for three (3) years unless the court determines Novartis has complied with this decree earlier. (pg 12)

   b. Monitor

      i. Court appointed Compliance Master will monitor Novartis’s compliance with the decree. (pg 31)

      ii. Novartis must create and implement a database that tracks:

         1. Employees’ progress through the Management Development Program

         2. The number and gender of individuals promoted to management positions

         3. Other related information. (pg 29-30)

      iii. Expert specialist will conduct an adverse impact analysis. This specialist will meet with class counsel and present his or her findings. (pg 30)

   c. Frequency of meetings/reports

      i. Novartis will submit an annual report to class counsel regarding its compliance with the decree. (pg 31)

   d. Attorneys’ fees

      i. Attorney’s fees may be awarded up to $38,125,000 which includes past and future expenses. (pg 37)
**Wade v Kroger** (discrimination)

1. Substance
   a. Promotion
      i. The decree lays out certain minimum position requirements for management positions. Kroger should follow these criteria when making promotional decision related to management positions. (pg 16-17)
   b. Compensation
      i. Assign a human resources employee to monitor store management’s decisions regarding starting hourly pay rates for new employees. (pg 13-14)
      ii. Collect date regarding employee and candidates’ race, and starting pay rate. (pg 15)

2. Procedure
   a. Length
      i. Effective for three (3) years unless Kroger materially violates the decree, in which case it will be extended to four (4) years. (pg 7)
   b. Monitor
      i. Kroger’s human resources Hourly Starting Rate Monitor will review compensation of employees. (pg 14)
   c. Frequency of meetings /reports
      i. Kroger will report annually to class counsel regarding its implementation of the decree. (pg 42)
   d. Attorneys’ fees
      i. No specified attorneys’ fees. (pg 33)
   e. Dispute Resolution
      i. The parties appointed a Special Master to resolve any disputes that may arise. (pg 34)