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DEC 06 2006 DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

OFFICE OF JUDGE
DAVID SAM P 2: 12

DISTRICT OF UTAH

BY: DS
DEPUTY CLERK

Equal Employment Opportunity
Commission,

Plaintiff,

vs.

Granite Mill & Fixture Company,

Defendant.

Case No. 2:04 CV 00923 DS

Senior Judge David Sam

CONSENT DECREE

The United States Equal Employment Opportunity Commission ("the Commission" or "EEOC") filed this action against Granite Mill & Fixture Company ("Granite Mill" or "Defendant") to enforce Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e et seq. (Title VII) and the Civil Rights Act of 1991, 42 U.S.C. §1981a, as amended. In its Complaint, the Commission alleges that Granite Mill subjected Ralph Ruiz to a hostile work environment due to his national origin ("the Action").

Granite Mill has timely filed answers to the Complaint and at all times denied the allegations in the Complaint.

It is understood that this Consent Decree does not constitute an admission by Granite Mill of any violation under Title VII of the Civil Rights Act of 1964, as amended, and that all allegations of liability are expressly denied by Granite Mill.

To avoid incurring further time and expense, the parties to this Consent Decree have decided to resolve this matter on the following terms.

The parties do not object to the jurisdiction of the Court over this action and waive their rights to a hearing and the entry of findings of fact and conclusions of law and to a jury trial.

It is hereby ORDERED, ADJUDGED AND DECREED:

1. This Decree resolves all claims by the Commission against Granite Mill, including claims for harassment, compensatory damages, punitive damages, and injunctive relief arising out of the issues in this lawsuit and its underlying and related charges.

GENERAL INJUNCTIVE RELIEF

2. Granite Mill and its officers, owners, directors and managers agree for the duration of the Decree that they will not (a) discriminate based on national origin, or (b) retaliate against any employee because he or she (i) opposes discriminatory practices made unlawful by Title VII, (ii) files a charge or assists or participates in the filing of a charge of discrimination, or (iii) assists or participates in an investigation or proceeding brought under Title VII.

CORRECTIVE POLICIES AND PRACTICES

3. Granite Mill will post, for the duration of this Decree, in a prominent place frequented by its employees at its facility located at 2200 S. Main Street in Salt Lake City, Utah, or any other facility to which Granite Mill may move during the duration of the Decree, the Notice attached as Exhibit A. The Notice shall be the same type, style and size as Exhibit A.

4. Granite Mill will institute and carry out policies and practices that help assure a work environment free from national origin discrimination for its employees and that allows employees to raise concerns or complaints without retaliation about matters, whether alleged, perceived, or actual, made unlawful by Title VII.

5. Granite Mill will provide training on national origin and retaliation, according to the following terms:

A. Granite Mill will retain and pay for consultant/lecturer(s) who

will provide consultation and training as set forth below for a period of one year from the date of this Decree.

B. The consultant/lecturer(s) will conduct two live seminar-training sessions, held at four and 10 months after the effective date of the Decree. All employees, including management and supervisors, shall attend these sessions. The session shall be videotaped for those employees who are unable to attend the live sessions. Granite Mill shall keep a written record of all employees who attend the live trainings or watch the videotape of it. The registry of attendance shall be retained by Granite Mill for the duration of the Decree.

C. The seminar-training sessions shall be no less than one and one-half hours, including 30 minutes of questions and answers.

D. The seminars will include the subjects of diversity awareness and what constitutes national origin discrimination, as well as retaliation for engaging in protected activity under Title VII. This training will cover discrimination in the hiring, firing, compensation, assignment or other terms, conditions or privileges of employment; the prevention of discrimination; how to provide a work environment free from discrimination, harassment and retaliation; and to whom and by what means employees may complain if they feel they have been subjected to discrimination, harassment or retaliation in the workplace. The session shall also review and explain the policies set out in Paragraph 6 of this Decree.

E. During the live training seminars, Granite Mill's President will speak about the discipline that can be taken against employees who commit acts of discrimination, harassment or retaliation or allow discrimination, harassment or retaliation to occur in the workplace; the importance of maintaining an environment free of discrimination; and Granite Mill's anti-discrimination policies, in accordance with Paragraph 6 of this Decree.

F. The Commission, at its discretion and with prior notice to Granite Mill, may designate Commission representatives to attend the first seminar-training session. The representatives shall have the right to fully participate in the session.

6. Within thirty days of the entry of this Decree, Granite Mill will review and, if necessary, revise its written policies concerning discrimination and retaliation to conform with the law. This written policy must include at a minimum:

A. A strong and clear commitment to a workplace free of national origin discrimination;

B. A strong and clear message of encouragement to persons who believe they have been discriminated against to come forward;

C. A description of the consequences, up to and including termination, that will be imposed upon violators of the policy;

D. A promise of maximum feasible confidentiality for persons who believe that they have been discriminated against in violation of the policy;

E. An assurance of non-retaliation for persons who believe they have been discriminated against and witnesses;

F. That national origin discrimination or harassment by any person, including management officials, supervisors, vendors, suppliers, third parties and customers is prohibited and will not be tolerated;

G. The identification of specific alternative individuals, with their telephone numbers, to whom employees who have been subjected to discrimination can report the discrimination and who have the authority to investigate allegations of discrimination in a neutral and confidential manner;

H. A written statement that the employee may report the harassment to designated persons outside of his or her chain of management should the complainant believe managers in the chain of command have a

conflict of interest, are implicated in the allegations, or may not adequately investigate the complaint;

I. Assurances that Granite Mill will investigate allegations of national origin discrimination or harassment promptly, fairly, reasonably and effectively by appropriate investigators and take appropriate corrective action to make victims whole and to eradicate the discrimination; and

J. Information regarding the employee's right to file a charge of discrimination with the EEOC or the Utah Anti-Discrimination and Labor Commission.

7. These policies shall be posted in a prominent location at Granite Mill. These policies shall be transmitted to Granite Mill's employees by its President and distributed to each current employee within thirty days of the entry of the Decree. These policies shall be distributed to all new employees when hired.

8. Granite Mill shall institute a procedure which evaluates top management and all supervisory employees on their performance in responding to complaints of discrimination and for their compliance with EEO laws, including Title VII. The failure of such an employee to enforce the policies and the anti-discrimination laws must result in appropriate disciplinary action.

9. Granite Mill shall promptly, reasonably and appropriately investigate all complaints of national origin discrimination, as appropriate. The investigation must include a finding of whether discrimination occurred, a credibility assessment, interviews of all potential victims and witnesses identified, and concurrent notes of the investigation, as appropriate. Granite Mill shall take immediate appropriate corrective action to make discrimination victims whole, to discipline violators and to eradicate the discrimination, as appropriate.

10. Granite Mill shall not retain documents related to any such investigation referred to in Paragraph 9 in any of the complainants' personnel

files. All disciplinary actions taken against employees for violation of any aforementioned policy will be retained in the violators' personnel file. In those cases in which no conclusion may be reached on the allegations, the investigation documents shall be maintained in a separate file.

REPORTING BY GRANITE MILL AND ACCESS BY EEOC

11. Granite Mill shall report in writing to the Regional Attorney of the Commission's Phoenix District Office at 3300 N. Central Ave., Suite 690, Phoenix, Arizona 85012, at five months and eleven months from the entry of the Decree the following information:

A. Any changes, modifications, revocations, or revisions to its policies and procedures which concern or affect the subject of national origin discrimination or retaliation.

B. The registry of persons attending the live seminars and videotaped sessions required in Paragraph 5 of this Decree, as well as a list of personnel employed by Granite Mill on the days of the seminar-training sessions.

C. Confirmation that (i) the Notice required in Paragraph 3 of this Decree was posted and the locations where it was posted; and (ii) the policies required in Paragraph 6 were distributed to each current and new employee and posted.

12. The Commission, upon seven (7) days written notice to Granite Mill's President, shall have the right to enter and inspect Granite Mill's premises to insure compliance with this Decree and Title VII's prohibition of national origin discrimination, as well as retaliation.

MONETARY RELIEF

13. Granite Mill agrees to pay Ralph Ruiz the amount of \$18,000 pursuant to paragraphs 14 and 15.

14. Within fourteen (14) business days of the entry of this Decree, Granite Mill shall pay the amount listed in paragraph 13 by cashier's check or money order. This payment represents settlement of compensatory damages. Granite Mill will issue appropriate federal and state tax forms to Mr. Ruiz within thirty (30) days of making such payment.

15. The check provided for in Paragraph 14 of this Decree shall be mailed directly by Granite Mill to Ralph Ruiz at the address supplied by the Commission. Within three business days of issuance of the check, Granite Mill shall submit a copy of the cashier's check or money order and related correspondence to the Regional Attorney, Equal Employment Opportunity Commission, 3300 North Central Avenue, Suite 690, Phoenix, Arizona, 85012. Issuance and mailing of the check shall constitute compliance with the payment obligation set forth herein.

16. Granite Mill will not condition the receipt of the individual relief on Mr. Ruiz's agreement to maintain as confidential the terms of this Decree or other matters in the public record.

COSTS AND DURATION

17. Each party will bear its costs and attorney's fees incurred as a result of this action through the filing of this Decree.

18. The duration of this Decree will be one year from its entry. This Court will retain jurisdiction over this action for the duration of the Decree, during which the Commission may petition this Court for compliance with this Decree. Should the Court determine that Granite Mill has not complied with this Decree, appropriate relief, including extension of this Decree for such period as may be necessary to remedy its non-compliance, may be ordered. This Decree will expire by its own terms at the end of twelve months from the date of entry, without further action by the parties.

19. The parties agree to entry of this Decree and judgment subject to final approval by the Court.

ENTERED AND ORDERED this 6th day of December, 2006.



David Sam
United States District Court Judge

APPROVED AND CONSENTED TO:

**GRANITE MILL & FIXTURE
COMPANY, by:**



W. GARY SANDBERG
President, Granite Mill



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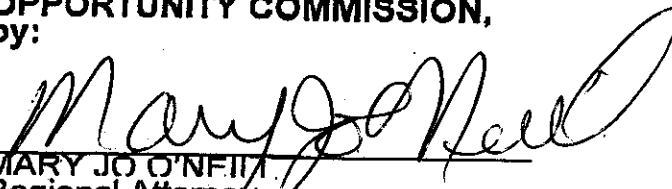
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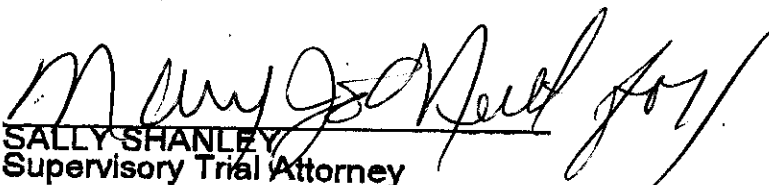

W. GARY SANDBERG
President, Granite Mill


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