

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

UNITED STATES COURTS
SOUTHERN DISTRICT OF TEXAS
ENTERED

DEC 27 2004

Michael N. Milby, Clerk of Court

ELVA GRIFFIN, ANITA HERRIGES,
ANIYERITZA VELAZQUEZ, AND LYNN
STOEBNER,

Plaintiffs,

vs.

FORMOSA PLASTICS

CORPORATION, TEXAS, FORMOSA
PLASTICS CORPORATION, U.S.A.,
U.S. CONTRACTORS, INC., AND
U.S. CONTRACTORS, LTD.,

Defendants,

CONSOLIDATED CASE NO. V-03-77

AND

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

vs.

U.S. CONTRACTORS, LTD.,

Defendant.

CONSENT DECREE

A. The parties to this Consent Decree (“Decree”) are the Plaintiffs, Elva Griffin, Anita HERRIGES, Aniyeritza Velazquez, Lynn Stoebner, Amy Shipp and Avelina (Abby) Garza (“Griffin, HERRIGES, Velazquez, Stoebner, Shipp and Garza”), Plaintiff, United States Equal Employment Opportunity Commission (“EEOC”), and Defendant, U.S. Contractors, Ltd. (“USC”). This Decree resolves the allegations raised by the EEOC and Griffin, HERRIGES, Velazquez, Stoebner, Shipp and Garza in the above-referenced Civil Action No. V-03-77.

B. The EEOC, Griffin, Herriges, Velazquez, Stoebner, Shipp, Garza and USC wish to settle this action, without the risks, uncertainties and expenses of continued litigation, under the terms in the Decree.

C. This Decree resolves all issues raised in the EEOC's Complaint, including those claims brought on behalf of the class members Garza and Shipp, and the Complaints of Griffin, Herriges, Velazquez, and Stoebner. The EEOC, Griffin, Herriges, Velazquez, Stoebner, Shipp and Garza waive further litigation of all issues raised in the above-referenced complaints. The EEOC expressly reserves its right, however, to process and litigate any charges which may now be pending or may in the future be filed against Defendant USC.

D. USC denies it discriminated against or engaged in any unlawful employment practices against Griffin, Herriges, Velazquez, Stoebner, Shipp and Garza and/or a class of similarly situated females, as alleged in the Complaints.

IT IS ORDERED, ADJUDGED AND DECREED as follows:

1. This Court has jurisdiction of the subject matter of this action and the parties, venue is proper, and all administrative prerequisites to the EEOC's filing of this action have been met. The parties stipulate to the Court's jurisdiction.

SCOPE OF CONSENT DECREE

2. The duration of this Decree shall be three (3) years from the date of its filing with the Court. This Court shall retain jurisdiction of this action during the period of this Decree and may enter further orders or modifications as may be appropriate. Should any disputes under this Decree remain unresolved after this three-year period, the term of the Decree shall be automatically

extended, and the Court will retain jurisdiction of this matter to enforce the Decree, until such time as all disputes have been resolved.

INJUNCTION

3. Defendant USC shall provide its employees with a place of employment free of discrimination on the bases of sex and/or retaliation.

4. Defendant USC is enjoined from retaliating in any manner whatsoever against any employee, past, present or future, for opposing any employment practice made unlawful by Title VII, or for complaining of harassment or other unlawful discrimination, filing a discrimination charge, giving testimony or assistance, or participating in any lawful manner in any investigation, proceeding, hearing or action under Title VII.

5. Defendant USC is enjoined from discriminating against any employee, past, present or future, on the basis of sex, female, and from engaging in any other act or practice which has the purpose or effect of unlawfully discriminating against any past, present, or future employee on the basis of sex, including engaging in sexual harassment which can create or foster a hostile work environment.

SEXUAL HARASSMENT POLICY

6. Defendant USC agrees to modify its policy prohibiting sexual harassment to broaden the scope of management personnel to whom complaints of sexual harassment may be submitted and which includes an affirmative statement prohibiting retaliation against those who submit sexual harassment complaints. The adopted policy is attached to this Decree as Exhibit "A."

MONETARY RELIEF

7. Defendant USC, in settlement of this dispute, shall pay to each Class Member the sum of money as set out by their name, for a total of \$530,000.00, in a check, within ten days of the filing date of this Decree. Such payment shall be mailed directly to each Class Member at the following addresses:

- | | | |
|----|--|---------------------|
| a. | Elva Griffin
c/o Mr. William L. Sciba, III
Cole, Cole & Easley, P.C.
Attorney at Law
302 West Forrest
Victoria, Texas 77902 | <u>\$124,000.00</u> |
| b. | Anita Herriges
c/o Mr. William L. Sciba, III
Cole, Cole & Easley, P.C.
Attorney at Law
302 West Forrest
Victoria, Texas 77902 | <u>\$76,000.00</u> |
| c. | Lynn Stuebner
c/o Mr. William L. Sciba, III
Cole, Cole & Easley, P.C.
Attorney at Law
302 West Forrest
Victoria, Texas 77902 | <u>\$76,000.00</u> |
| d. | Aniyeritza Velazquez
c/o Mr. William L. Sciba, III
Cole, Cole & Easley, P.C.
Attorney at Law
302 West Forrest
Victoria, Texas 77902 | <u>\$124,000.00</u> |
| e. | Amy Shipp
811 South Highway 35, Apt. 311
Rockport, Texas 78382 | <u>\$90,000.00</u> |

- f. Avelina (Abby) Garza \$40,000.00
1114 Houston Street
Livingston, Texas 77351-2433

A copy of each check and accompanying transmittal papers shall be contemporaneously forwarded to Robert B. Harwin, Regional Attorney, EEOC, 5410 Fredericksburg Road, Suite 200, San Antonio, Texas 78229.

TRAINING

8. Within 90 days of the entry of this Decree, USC shall provide to the EEOC evidence that all of its employees at the Formosa Plastics Olefins II facility have reviewed materials explaining that it is unlawful to do any of the following: (a) to have a hostile work environment on the basis of sex; (b) to demote or terminate an employee because of their sex; and (c) to retaliate against an employee because he or she complains of harassment or discrimination. These materials will identify what activities and conduct is protected under Title VII, and will explain the damaging effects which sex discrimination and retaliation have on its victims, their families, their co-workers, and the workplace environment. The EEOC shall approve the materials to be used, prior to this review.

9. Within ninety (90) days from the entry of this Decree, USC will provide two (2) hours of training to all officers, managers, and supervisory personnel of USC at the Formosa Plastics Olefins II facility. This training will be administered by the Law Offices of BAKER & HOSTETLER, L.L.P. and it shall explain the law relating to employment provisions of Title VII, including sex-based discrimination, hostile work environment, sexual harassment and retaliation.

10. Within ten (10) days after the completion of the training or review session, USC shall certify to EEOC, in writing, that the required training or review session has taken place and that required personnel attended. Such certification shall include:

- a. The date, location and duration of the training or review session;
- b. A copy of the registry of attendance which shall include the name and position or title of each person in attendance; and
- c. Training materials.

POSTING REQUIREMENT

11. Within ten (10) business days after entry of this Decree, USC shall post copies of the Notice attached as Exhibit "B" to this Decree at its Port Lavaca, Texas employment office in a conspicuous location easily accessible to and commonly frequented by employees. The Notice shall remain posted for the duration of this Decree. USC shall ensure that the posting is not altered, defaced or covered by any other material.

MISCELLANEOUS PROVISIONS

12. USC shall bear the costs associated with administering and implementing the provisions of this Decree.

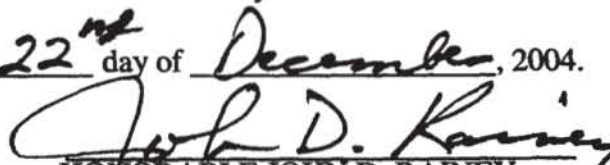
13. Except as provided in paragraph 12 of this Decree, the parties to this Decree shall bear their own costs and attorney's fees. Furthermore, the parties agree that pursuant to Section 706(k) of Title VII, 42 U.S.C. § 2000e-5(k), there is no "prevailing party" in this action or proceeding.

14. The terms of this Decree shall be binding upon the EEOC, Griffin, Herriges, Velazquez, Stoebner, Shipp, Garza, USC and their agents, officers, employees, servants, successors, and assigns, as to the issues resolved herein.

15. When this Decree requires the submission by USC of documents or other materials to EEOC, such documents or other materials shall be mailed to Robert B. Harwin, Regional Attorney, 5410 Fredericksburg Road, Suite 200, San Antonio, Texas 78229.

The Clerk shall furnish a copy hereof to each attorney of record.

SO ORDERED AND ENTERED this 22nd day of December, 2004.


HONORABLE JOHN D. RAINEY
UNITED STATES DISTRICT JUDGE

Respectfully Submitted,

ERIC S. DREIBAND
General Counsel

JAMES L. LEE
Deputy General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel

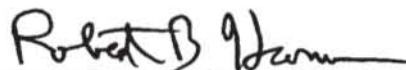


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