

IN THE UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF TEXAS
 SAN ANTONIO DIVISION

FILED

EQUAL EMPLOYMENT §
 OPPORTUNITY COMMISSION, §
 Plaintiff, §
 and §
 BRANDY S. MCGRAW SALDANA §
 Plaintiff in Intervention, §
 VS. §
 UNITED SERVICES INVESTMENTS, INC., §
 Defendant. §

301 07 1999
 CLERK, U.S. DISTRICT COURT
 WESTERN DISTRICT OF TEXAS
 BY [Signature]
 CLERK

CIVIL ACTION NO.: SA-98-CA-0859-HG

CONSENT DECREE

The parties to this Consent Decree are the Plaintiff, United States Equal Employment Opportunity Commission ("EEOC"), Intervenor Brandy S. McGraw Saldana ("Saldana") and Defendant, United Services Investments, Inc., ("USI"). This Consent Decree resolves the allegations raised by the EEOC and Intervenor in the above-referenced Civil Action No. SA98CA0859-HG. The EEOC initiated this lawsuit under Title VII of the Civil Rights Act of 1964, as amended, Title I of the Civil Rights Act of 1991, and Age Discrimination in Employment Act (ADEA) to correct alleged unlawful employment practices on the basis of race, national origin, and age and to provide appropriate relief to Brandy McGraw Saldana, similarly situated former employees, and the class of potential applicants, who the EEOC maintains was adversely affected by these alleged practices. The Commission alleges that USI used a system of coding voices by perceived race, national origin and age which unlawfully discriminated against potential applicants based on their perceived race, national origin or age. USI denies the allegations brought by the EEOC as alleged in the Complaint filed in this Civil Action.

The EEOC, Saldana and USI wish to settle this action under the terms in this Decree.

33.

Neither USI's consent to the entry of this Decree, nor any of the terms set forth in it, shall constitute or be construed as USI's admission of any Title VII violation.

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 and waive a hearing and entry of findings of fact and conclusions of law.

2. This Decree is entered in full and complete settlement of all claims contained in this lawsuit.

3. Except as expressly provided herein, the duration of this Decree shall be three 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.

4. Defendant USI is enjoined from its practice of coding potential applicants by their race, national origin and age, and is further enjoined from discriminating against applicants on the basis of their race, national origin and age. Defendant USI is not prohibited from continuing to analyze voices to ensure that the actresses are able to believably portray the full range of characters requested by customers.

5. Defendant USI is enjoined from retaliating in any manner whatsoever, against Brandy McGraw Saldana and the two similarly situated former employees, for opposing any employment practice made unlawful by Title VII or ADEA, or for filing a discrimination charge, giving testimony or assistance, or participating in any manner in any investigation, proceeding, hearing or action under Title VII.

6. Within 180 days of the date of entry of this Decree, an attorney from Akin, Gump, Strauss, Hauer and Feld, L.L.P. shall provide EEO training to USI's supervisory/managerial employees. The training may take place in separate programs and each supervisory/managerial employee will participate in the training for a total of 4 hours. The training shall: (a) explain that the use of any system that identifies potential applicants by race, national origin and age which discriminates against those potential applicants is unlawful under Title VII and ADEA; (b) explain the permissible boundaries of a system which uses non-discriminatory criteria for analyzing voices of potential applicants; (c) instruct what conduct may create or contribute to discriminatory practices by employees involved in the hiring of telephone actresses; and (d) explain the damaging effects of discrimination on victims, their families, their co-workers, and the workplace environment. The Commission will receive a copy of the training presentation outline before the training session occurs. Within 20 days after the EEO training has been completed, USI shall provide to the EEOC a written report identifying each individual who attended this training and the date(s).

7. Defendant USI agrees to post at its main office, and distribute to each employee, a notice of its intent to comply with Title VII and the ADEA. This notice is set forth in Exhibit "A," which is attached to this Decree. USI agrees to post a copy of Exhibit "A" in a conspicuous place at USI's facility in San Antonio, Texas within fourteen (14) days after this Decree is filed.

8. Defendant USI agrees not to disclose the filing of this Complaint or the underlying charge filed by Brandy McGraw Saldana or the involvement of the two similarly situated former employees to any prospective employers who may inquire to USI's Director of Personnel or co-owners, Susan Bostrom or Glen Wargo about Brandy McGraw Saldana's work history or the work history of the two similarly situated former employees with Defendant USI, unless Defendant USI

is subpoenaed for the information or otherwise ordered to disclose the information by a Court of competent jurisdiction. This provision shall survive the expiration of the Decree.

9. Defendant USI, in settlement of this dispute, shall pay to Brandy McGraw Saldana, two similarly situated former employees and their attorney, Richard Ihfe of Richard Ihfe and Associates, the sum of \$75,959.26 (SEVENTY-FIVE THOUSAND, NINE HUNDRED AND FIFTY-NINE AND 26/100 DOLLARS) within fourteen(14) days after this Decree is entered with the Court. Defendant USI, in settlement of this dispute, shall pay to three agencies dedicated to the welfare of African-Americans, Hispanics and persons 40 years and older, the amount of \$50,000 (FIFTY THOUSAND AND 00/100 DOLLARS). The \$50,000 is to be paid in equal amounts of \$5,555.55 over a period of three years with the first date of payment on or before December 31, 1999, to the Teatro de la Esperanza; to the Bexar County Opportunities Industrialization Center of America, Inc.; and to Senior Community Services. The second and third payments will be made on the anniversary of the first payment in the years 2000 and 2001, in the same amounts as stated above to the same agencies for a total amount of \$50,000. A copy of each check sent to the individuals named in the class and to the agencies listed above will be sent to the attention of Robert B. Harwin, Regional Attorney, 5410 Fredericksburg Road, Suite 200, San Antonio, Texas 78229.

10. Plaintiff EEOC, Intervenor Saldana and Defendant USI agree to sign and execute this Decree contemporaneously with the settlement agreement between Defendant USI and Plaintiff Intervenor Brandy McGraw Saldana, to which the EEOC is not a party.

11. The terms of this Decree shall be binding upon the EEOC, Brandy McGraw Saldana and Defendant USI and their agents or assigns, as to the issues resolved herein.

12. The parties to this Decree shall bear their own costs and attorney's fees incurred in this

action. 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.

SO ORDERED.

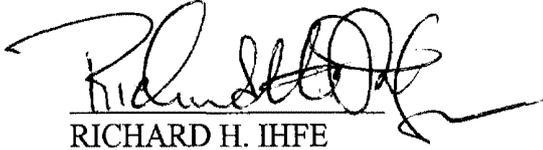
Signed this 6th day of July, 1999.



H. F. GARCIA
United States District Judge

Respectfully Submitted,

C. GREGORY STEWART
General Counsel



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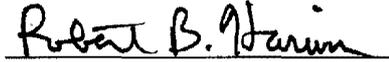


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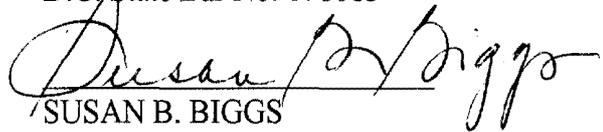
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ATTORNEYS FOR PLAINTIFF

NOTICE TO ALL EMPLOYEES

UNITED SERVICES INVESTMENTS, INC., IS FIRMLY COMMITTED TO TREATING EMPLOYEES AND APPLICANTS FOR EMPLOYMENT ACCORDING TO MERIT WITHOUT REGARD TO THEIR RACE, RELIGION, COLOR, NATIONAL ORIGIN, DISABILITY, SEX, OR AGE, OR THEIR HAVING ENGAGED IN PROTECTED ACTIVITY AS DESCRIBED BY TITLE VII, AS AMENDED. THIS POLICY APPLIES TO ALL EMPLOYMENT DECISIONS, INCLUDING RECRUITMENT, RETENTION, PROMOTION, TRANSFER, LAYOFF AND/OR TERMINATION, AND ALL OTHER TERMS AND CONDITIONS OF EMPLOYMENT. UNITED SERVICES INVESTMENTS, INC., WILL SPECIFICALLY NOT TOLERATE DISCRIMINATION AGAINST POTENTIAL APPLICANTS OR ITS EMPLOYEES BASED ON THEIR RACE, NATIONAL ORIGIN OR AGE.

IF YOU BELIEVE YOU ARE BEING DISCRIMINATED AGAINST IN ANY TERM OR CONDITION OF YOUR EMPLOYMENT BECAUSE OF YOUR RACE, RELIGION, COLOR, DISABILITY, NATIONAL ORIGIN, SEX, OR AGE, AND THAT YOU ARE BEING SUBJECTED TO DISCRIMINATION BECAUSE OF YOUR RACE, RELIGION, COLOR, NATIONAL ORIGIN, SEX OR AGE, OR BECAUSE OF HAVING ENGAGED IN TITLE VII PROTECTED ACTIVITY, YOU ARE ENCOURAGED TO SEEK ASSISTANCE FROM SUPERVISORY PERSONNEL, THE HUMAN RESOURCES DEPARTMENT, OR FROM THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, 5410 FREDERICKSBURG RD, SUITE 200, SAN ANTONIO, TEXAS 78229-3555, (210) 281-7600 OR 1-800-669-4000.

NO RETALIATORY ACTION MAY BE TAKEN AGAINST YOU FOR SEEKING ASSISTANCE, FILING A CHARGE, OR COMMUNICATING WITH THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

EEOC ENFORCES TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, WHICH PROHIBITS EMPLOYMENT DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX OR NATIONAL ORIGIN; THE AGE DISCRIMINATION IN EMPLOYMENT ACT; THE EQUAL PAY ACT; SECTIONS OF THE CIVIL RIGHTS ACT OF 1991, AND TITLE I OF THE AMERICANS WITH DISABILITIES ACT, WHICH PROHIBITS DISCRIMINATION AGAINST PEOPLE WITH DISABILITIES IN THE PRIVATE SECTOR AND STATE AND LOCAL GOVERNMENTS.

EXHIBIT "A"