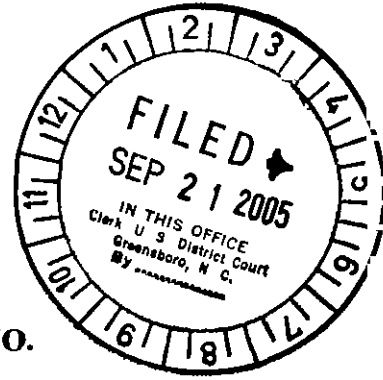


**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**



EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,)
)
) **Plaintiff,**)
)
) **v.**)
)
CENTEX-ROONEY CONSTRUCTION COMPANY, INC.,)
)
) **Defendant.**)
)

**CIVIL ACTION NO.
1:04-CV-853**

CONSENT DECREE

The Equal Employment Opportunity Commission (the "Commission") instituted this action pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U S C Section 2000e-5(f)(1) and (3) ("Title VII"), and Section 102 of the Civil Rights Act of 1991, 42 U S C § 1981a

The Commission and Defendant Centex Rooney Construction Company, Inc (now Division I of Centex Construction, LLC, which Division is herein referred to as the "Company") hereby stipulate to jurisdiction of the Court over the parties and agree that the subject matter of this action is properly before the Court

The Company does not admit that it has engaged in any improper conduct. The Company has specifically denied in its Answer that it has engaged in those improper employment practices alleged in the Complaint. All parties agree that entry of this Consent Decree does not constitute any finding as to or admission of liability for any improper conduct, and that this Decree shall not, under any circumstances, be construed or deemed to be evidence of any wrongdoing, fault or liability on the part of the Company.

The parties have advised this Court that they desire to resolve the allegations in the Complaint without the burden, expense, and delay of further litigation

It is therefore the finding of this Court, made on the pleadings and the record as a whole, that (1) the Court has jurisdiction over the parties and the subject matter of this action, (2) the purpose and provisions of Title VII will be promoted and effectuated by the entry of the Consent Decree, and (3) this Decree fully and finally resolves all matters in controversy between the Company, its predecessor (Centex Rooney Construction Company, Inc) and Centex Construction LLC, on the one hand, and the Commission, on the other hand, as provided in paragraphs 1 through 13 below and subject to the Court's retention of jurisdiction as stated herein

It is therefore ORDERED, ADJUDGED AND DECREED as follows

1 The Company shall not discriminate against any person on the basis of religion within the meaning of Title VII of the Civil Rights Act of 1964

2 The Company shall not discriminate or retaliate against any person because of opposition to any practice made unlawful under Title VII of the Civil Rights Act of 1964 or because of the filing of a charge, the giving of testimony or assistance, or the participation in any investigation, proceeding or hearing under that statute

3 The Company shall cause a check or bank draft to be issued to Ernestine Pierce for the sum of fifteen thousand dollars (\$15,000 00) in full and complete settlement of all claims raised in this action, subject to the issuance of a form 1099 This payment shall be mailed to Ernestine Pierce by Certified Mail within fifteen (15) days after the Court approves this Decree, at an address to be provided by the Commission, with a copy and proof of payment to Lynette A Barnes, Acting Regional Attorney, Equal Employment Opportunity Commission, 129 W Trade

Street, Suite 400, Charlotte N C , 28202 A separate release agreement between the Company and Ernestine Pierce is attached as Exhibit A

4 The Company confirms it does not have any personnel records relating to Ernestine Pierce

5 Within forty (40) days of the entry of this Decree by the Court, the Company shall include in its written anti-discrimination policies an explanation of the requirements of the federal equal employment opportunity laws, including Title VII and its prohibition against religious discrimination, and a procedure for employees to make requests for reasonable accommodation of their sincerely held religious beliefs as necessary to eliminate a conflict with any of the Company's work requirements Within sixty (60) days of the entry of this decree, the Company shall distribute the above policies to its existing employees and post the policies on the appropriate bulletin board at all Company facilities and worksites Within seventy-five (75) days of the entry of this Decree, the Company shall confirm that it has done so with the Commission If the posted policies become defaced or unreadable, the Company will replace them by posting another copy During the term of this Decree, the Company shall distribute the above anti-discrimination policies to all newly hired employees and provide for review of these policies with said new hires at the time of hire

6 During the term of this Decree, the Company shall include in its existing training programs for all of its managers, supervisors and employees an explanation of the requirements of Title VII of the Civil Rights Act of 1964 as it pertains to religious discrimination and accommodation in the workplace, and an explanation of the Company's policies referenced in paragraph 5 above and the rights and responsibilities of employees and managers under the policies as it pertains to religious discrimination and accommodation in the workplace The first training program shall be completed within one hundred and twenty (120) days after the entry of

the Decree by the Court. Subsequent training programs during the term of this Decree shall be conducted at approximately one (1) year intervals. Within thirty (30) days of each training program, the Company shall confirm to the Commission the specific training which was undertaken and shall provide the Commission with an agenda for the training and a roster of all employees in attendance.

7. Beginning within thirty (30) days after the entry of this Decree by the Court, and continuing for a period of eighteen (18) months, the Company shall conspicuously post the attached Employee Notice, marked Exhibit B, hereby made a part of this Decree, in a place where it is visible to employees at its facilities and worksites. Within forty (40) days of entry of this Decree by the Court, the Company shall notify the Commission that the Notice has been posted. If the Notice becomes defaced or unreadable, the Company shall replace it by posting another copy of the Notice.

8. During the term of this Consent Decree, the Company shall provide the Commission with reports at six (6) month intervals, with the first being due four (4) months after approval by the Court of this Decree. The reports will include the following information:

- A. the identities of all applicants for a position with the Company and employees of the Company, both temporary and permanent, who have made a request to the Company for a religious accommodation under Title VII of the Civil Rights Act of 1964, including by way of identification each person's name, position held or sought, and last known address or telephone number, if reasonably available,
- B. for each individual identified in 8 A. above, a statement concerning the nature of the accommodation request and whether the request was granted,
- C. for all requests for religious accommodation that were denied, a detailed explanation why the request was denied, and
- D. the identity of each person involved in any decision to deny a request for a religious accommodation, including by way of identification, the person's name, address, telephone number and position with the Company.

In the event there is not activity to report pursuant to this paragraph, the Company shall send the Commission a “negative” report indicating no activity

9 If anytime during the term of this Decree, the Commission believes that the Company is in violation of the Decree, the Commission can, upon 24 hours notice to the Company (a) inspect the Company's facilities and worksites, (b) examine and review documents in the possession or under the control of the Company, and (c) obtain names, addresses and phone numbers of all employees of the Company identified by the Commission as potentially having knowledge relevant to the alleged violation. The Commission agrees that it will not contact managerial employees of the Company without 48 hours advance notice to the Company which will allow an opportunity for a Company representative to be present during such contact. If thereafter, the Commission continues to believe that the Company is in violation of the Decree, the Commission shall give notice of the alleged violation to the Company through the Company's General Counsel. The Company shall have fifteen (15) days in which to investigate and respond to the allegations. The parties shall then have a period of fifteen (15) days or such additional period as may be agreed upon by them, in which to engage in negotiation and conciliation regarding such allegations before the Commission exercises any remedy provided by law.

10 The term of this Decree shall be for three (3) years from its entry by the Court.

11 All reports or other documents sent to the Commission by the Company pursuant to this Decree shall be sent to Lynette A. Barnes, Acting Regional Attorney, at the Equal Employment Opportunity Commission, 129 W. Trade Street, Suite 400, Charlotte N.C., 28202.

12 Each party shall bear its own costs and attorneys' fees.

13 This Court shall retain jurisdiction of this cause for purposes of monitoring compliance with this Decree and entry of such further orders as may be necessary or appropriate.

September 21, 2005
Date

James L. Orke
Judge, U S District Court
Middle District of North Carolina

The parties jointly request that the Court approve and enter the Consent Decree

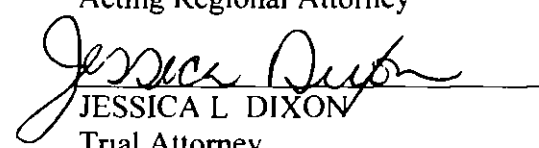
**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION, Plaintiff**

ERIC S DREIBAND
General Counsel

JAMES L LEE
Deputy General Counsel

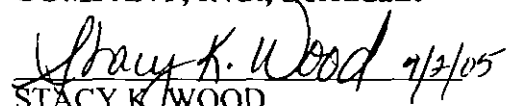
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Senior Trial Attorney
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**CENTEX ROONEY CONSTRUCTION
COMPANY, INC., Defendant**


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