

FILED

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JUN 14 2002

Richard M. ...
CLERK

EQUAL EMPLOYMENT OPPORTUNITY)
 COMMISSION,)
)
 Plaintiff,)
)
 v.)
)
 KEY FOUR CORNERS, INC., d/b/a)
 KEY ENERGY SERVICES, INC.,)
 FOUR CORNERS DIVISION)
)
 Defendant.)
)

CIV 02-0354 JP/LFG
CONSENT DECREE

The United States Equal Employment Opportunity Commission (the "Commission" or "EEOC") filed this action against Key Four Corners, Inc., d/b/a Key Energy Services, Inc., Four Corners Division ("Defendant"), to enforce the Equal Pay Act of 1963, Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991. In the Complaint, the Commission alleged that Rickisue Daly, an employee of Defendant, was and is paid lower wages than at least one male employee who performed substantially equal work under similar working conditions. The Commission also alleged that Ms. Daly was discriminated against in her wages, terms, conditions and privileges of employment because of her sex, female, and was subjected to retaliation after she complained about wage and gender discrimination.

Defendant denied the allegations brought by the Commission as alleged in the Complaint filed in this Civil Action, and specifically denies it discriminated against any individual on the basis of gender or that it engaged in retaliation or any other unlawful practice under Title VII or the Equal Pay Act. This Consent Decree does not constitute, and shall not

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be construed as, an admission by Defendant of any violation of any federal, state or local statute, law or regulation.

The parties to this Consent Decree 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.

It is hereby **ORDERED, ADJUDGED AND DECREED:**

1. This decree resolves all claims of the Commission and Rickisue Daly against Defendant, including claims for back pay, liquidated damages, compensatory and punitive damages, interest, injunctive relief, attorneys' fees and costs arising out of the issues in this lawsuit.

INJUNCTION

2. For the duration of this Consent Decree, Defendant's Four Corner's Division, its managers, officers, agents, successors, assigns and all persons in active concert or participation with them, shall not discriminate against any employee because of his or her sex, including paying lower wages to females who perform substantially equal work under similar working conditions as their male counterparts and discriminating in the wages, terms, conditions and privileges of employment because of an individual's sex, unless it is established that such differential is pursuant to a seniority system, a merit system, and/or a system which measures earnings by quantity or quality of production, or some other factor other than sex.

3. For the duration of this Consent Decree, Defendant's Four Corner's Division, its managers, officers, agents, successors, assigns, and all those in active concert or participation with them, or any of them, shall not engage in reprisal or retaliation of any kind against Rickisue Daly, any witness who testified, assisted, or participated in any manner in this case or

any person because such person:

- A. opposed any practice made unlawful under Title VII;
- B. filed a charge of discrimination with the Commission or a state agency or testified or participated in any manner in any investigation, proceeding or hearing under the Title VII;
- C. requested and/or received relief in accordance with this Consent Decree; or
- D. participated in any manner in this action or in the investigation giving rise to this action.

RELIEF TO CHARGING PARTY

4. Within ten (10) days after this Consent Decree is approved by the Court, Key Energy Services, Inc., shall provide Rickisue Daly an increase in her annual salary to a rate of \$80,000.00 per year with all attendant employment benefits, but not to include a monetary car allowance.

5. Within fifteen (15) days after this Consent Decree is approved by the Court, Key Energy Services, Inc., shall make payment in the form of business checks in the amounts listed below:

- A. \$44,000.00 for back pay retroactive to February 2000 to date at an annual rate of \$80,000.00, less only any applicable deductions for the employee's portion of FICA, Medicare and applicable federal and state income tax withholding, in a check made payable to Rickisue Daly. This retroactive raise shall be reflected and recorded within Rickisue Daly's official personnel file. Defendant shall be responsible for reporting the amount paid to the Internal Revenue Service and

shall be responsible for paying the employer's share of FUTA and FICA on any amounts designated as back pay.

- B. \$81,000.00 for attorney's fees, emotional distress, and any other compensatory damages in a check made payable to Rickisue Daly and her attorney, Thomas J. Griego, Bill Gordon & Associates, 2501 Yale SE, Suite 204, Albuquerque, New Mexico 87106,. Defendant will issue a United States Internal Revenue Service Form 1099 for this amount.

6. Within five (5) days of issuance of the checks required by paragraph 5 above, Defendant shall submit a copy of the checks and related correspondence to the Regional Attorney, Equal Employment Opportunity Commission, Albuquerque District Office, 505 Marquette NW, Suite 900, Albuquerque, New Mexico 87102-2189.

7. In response to any employment inquiries or reference checks concerning Rickisue Daly, Defendant shall provide a neutral reference for Ms. Daly providing Ms. Daly's dates of employment, each position held, job duties and salary. Defendant acknowledges that Ms. Daly's performance as Controller since February 2000 has been satisfactory and should such satisfactory performance continue throughout her employment, Defendant will provide a positive reference for Ms. Daly. This provision shall remain in force for so long as Ms. Daly uses the Defendant as a reference and is not limited to the two-year duration of this decree.

DEFENDANT'S POLICIES AND PRACTICES

8. Defendant shall institute and carry out policies and practices that foster work environments free from sex discrimination, including policies and practices related to the payment of equal wages to women and men who perform substantially equal work under similar working conditions, unless it is established that such differential is pursuant to a

seniority system, a merit system, and/or a system which measure earnings by quantity or quality of production, or some other factor other than sex. To assist Defendant in its effort to foster a work environment free of wage and sex discrimination, Defendant shall take the actions provided for in Paragraphs 9 through 11.

9. The Defendant shall review its existing policies on wages, terms, conditions and privileges of employment as well as sex discrimination and make any changes necessary so that its policies comply with the Equal Pay Act and Title VII. Defendant shall ensure its written policies include a statement that employees have a right to complain directly to the U.S. Equal Employment Opportunity Commission or any state equal opportunity agency. After reviewing and making any necessary revisions to its policies, Defendant shall distribute the revised policies to each of its current full and part-time employees in Defendant's Four Corners Division, to each new employee hired in Defendant's Four Corners Division for the duration of this decree, to each corporate manager or official involved in setting Ms. Daly's wage in the year 2000, and to each corporate manager or official with responsibility, during the duration of this Decree, for setting or evaluating wages in the Four Corners Division.

10. Defendants shall post within thirty (30) days of the entry of this Consent Decree, for a period of twenty-four (24) months in a prominent place frequented by its employees in the Four Corners Division, the Notice attached to this Decree as Exhibit A. This Notice shall be the same type, style and size as in Exhibit A.

11. Defendants shall provide training on wage and sex discrimination according to the following terms:

A. Defendant shall provide at least three training sessions during the term of this

Consent Decree. All employees, including managers and supervisors, at all Four Corners Division facilities shall attend the training. Also, all corporate managers or officials involved in setting Ms. Daly's wage in the year 2000 and all corporate managers or officials with responsibility, during the duration of this Decree, for setting or evaluating wages in the Four Corner Division will be required to attend the training sessions held pursuant to this Decree. Duplicative sessions may be held to accommodate staffing needs. Defendant shall be responsible for all costs associated with this training.

- B. The training shall be conducted within four (4) months of the entry of this decree. Additional training shall be conducted at least once in the second year of this Consent Decree.
- C. Defendant shall select a trainer qualified to conduct training on the subjects of the equal pay act and sex discrimination and shall submit the trainer's name, resume, training agenda and the date(s) of the proposed training to the Regional Attorney of the Albuquerque office of the Equal Employment Opportunity Commission within sixty (60) days of the entry of this Consent Decree. The Commission shall have thirty (30) days from the date of the receipt of the information described above to accept or reject the proposed consultant/lecturer and/or the contents of the seminar. In the event the Commission does not approve of the designated consultant/lecturer proposed by Defendant the Commission shall designate the consultant/lecturer at a cost not to exceed \$1,000.00 per seminar-training session, which shall be paid by Defendant.

During the second year of the Consent Decree, the above information concerning the proposed training session shall be submitted to the Regional Attorney at least ninety (90) days prior to the seminar-training session.

- D. The training shall include a minimum of two hours of instruction. All personnel designated in Paragraph A shall both register and attend the training. The registry of attendance shall be retained by Defendant at least for the duration of the Consent Decree.
- E. The training, at a minimum, shall include the subjects of: what constitutes unlawful discrimination and unlawful retaliation under the Equal Pay Act and Title VII, including compensation discrimination based on sex; that wage disparity between women and men who perform substantially equal work under similar working conditions violates the Equal Pay Act; that sex discrimination in compensation, hiring, firing, assignment or other terms, conditions or privileges of employment violates Title VII; how to prevent sex discrimination and violations of the Equal Pay Act; how to provide a work environment free from sex discrimination, including wage discrimination; and to whom and by what means employees may complain if they feel they have been subjected to sex discrimination or wage discrimination.
- F. Immediately following the training sessions, Defendant's highest ranking managerial official(s) for the Four Corners Division shall speak to the employees about: (1) potential discipline that can be taken against supervisors, managers and employees who commit acts of sex or wage discrimination and retaliation or who allow sex or wage discrimination and retaliation to occur in

the workplace; (2) the importance of maintaining an environment free of sex or wage discrimination and retaliation; and (3) the employer's policies regarding wage and sex discrimination and retaliation. This time shall not be counted toward the two-hour minimum training required in Paragraph 11D. In the event of the need for duplicative or make-up training sessions, the Defendant may present the managerial official's remarks by video presentation. All such video presentations shall be copied and supplied to the Commission in accord with Paragraph 13 of this Consent Decree.

- G. For the duration of this decree, at or around the time of hire, employees hired after the annual training is presented shall view a video tape of the training and/or a professional training tape which covers the topics set forth in Paragraph 11E, and shall be given any written material disseminated at the training.

12. In accordance with this Consent Decree, the Commission, at its discretion, may designate Commission representatives to attend and participate in the training sessions held pursuant to Paragraph 11 of this Decree.

REPORTING OF COMPLIANCE AND ACCESS BY EEOC

13. Defendant shall report in writing and in affidavit form c/o the Regional Attorney of the Equal Employment Opportunity Commission's Albuquerque District Office at 505 Marquette NW, Suite 900, Albuquerque, New Mexico 87102-2189, beginning six months after the date of the Entry of this Consent Decree, and thereafter every six months for the duration of the Consent Decree the following information:

- A. Any substantive changes, modifications, revocations, or revisions to its sex

discrimination and equal pay policies and procedures pursuant to Paragraph 9.

- B. The registries of persons attending each of the seminar-training sessions required in Paragraph 11 and a list of current employees for all Four Corners Division facilities and corporate managers or officials involved in wage setting on the day of the seminar-training session(s).
- C. An affidavit from Defendant's highest ranking official(s) in the Four Corners Division stating: (1) the Notice required in Paragraph 10 was posted and the locations where it was posted and (2) it has complied with Paragraphs 2-11 of this Consent Decree.

14. The Commission shall have the right, after written notice is served on Defendant giving 5 days notice, to enter and inspect the facilities of Defendant in the Four Corners Division to ensure compliance with this decree and federal anti-discrimination laws.

COSTS AND DURATION

15. Each party shall bear its costs and attorneys' fees incurred as a result of this action through the entry of this Consent Decree.


16. The duration of this Consent Decree shall be two (2) years from the date of its entry. This Court shall retain jurisdiction of this action for the duration of the Consent Decree, during which the Commission may petition this Court for compliance with this Consent Decree. Should the Court determine that Defendant has not complied with this Consent Decree, appropriate relief, including extension of this Consent Decree for such period as may be necessary to remedy its noncompliance, may be ordered.

17. Without further action by the parties, this Consent Decree shall expire by its

own terms at the end of two (2) years after the date of entry.

18. The parties agree to entry of this Consent Decree subject to final approval by the Court.

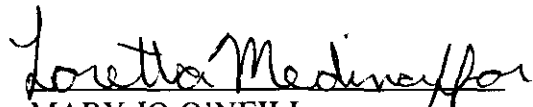
ENTERED AND ORDERED this ____ day of _____, 2002.



THE HONORABLE JAMES A. PARKER
UNITED STATES DISTRICT JUDGE

APPROVED AND CONSENTED TO:

GWENDOLYN YOUNG REAMS
Associate General Counsel
Litigation Management Services

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Attorneys for Plaintiff


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Telephone: (505) 265-1000

Attorney for Rickisue Daly

**NOTICE TO ALL EMPLOYEES OF
KEY ENERGY SERVICES, INC., FOUR CORNERS DIVISION**

This Notice is posted pursuant to a Consent Decree between Key Energy Services, Inc., Four Corners Division and the Equal Employment Opportunity Commission (EEOC).

It is unlawful under the federal law (the Equal Pay Act of 1963 and Title VII of the Civil Rights Act of 1964) and state law to discriminate against an employee on the bases of pay and or sex in compensation, hiring, firing, promotion practices or other terms, and conditions or privileges of employment.

Key Energy Services, Inc. prohibits all forms of discrimination, including sex discrimination in wages, terms, conditions and privileges of employment. Key Energy Services, Inc. does not discriminate on the basis of sex. Key Energy Services, Inc. does not retaliate against any employee who opposes a practice made unlawful under federal law, files, assists or participates in the filing of a charge of discrimination or participates in any investigation under Title VII, or who files a grievance alleging discrimination.

If you believe you are being discriminated against or retaliated against you should report this to the designated investigative officer at your workplace who may be contacted at _____.

If you believe you have been discriminated against by your Employer you have the right to seek assistance from:

1) Equal Employment Opportunity Commission (EEOC), 505 Marquette, Suite 900, Albuquerque, New Mexico 87102, (505) 248-5201 or 1-800-669-4000.

or

(2) The New Mexico Department of Labor, Human Rights Division, 1596 Pacheco St., Suite 103, Santa Fe, New Mexico 87505, (505) 827-6838.

You have the right to file a charge with the EEOC or the Department of Labor if you believe you are being discriminated against.

EXHIBIT A