

JAN 20 2000

Michael N. Milby, Clerk of Court

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

MEDICAL ARTS CLINIC, P.A.,
Defendant.

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Civil Action No. C-99-147

CONSENT DECREE

The parties to this Consent Decree are the Plaintiff, United States Equal Employment Opportunity Commission ("EEOC"), and Defendant, Medical Arts, P.A. ("Medical Arts"). This Consent Decree resolves the allegations raised by the EEOC in the above-referenced Civil Action No. C-99-147. The EEOC initiated this lawsuit under Title VII of the Civil Rights Act of 1964, as amended, and Title I of the Civil Rights Act of 1991, to correct alleged unlawful employment practices on the basis of gender, and to provide appropriate relief to Jessica Escobedo-Garcia, who the EEOC maintains was adversely affected by these alleged practices. The Commission alleges that Medical Arts subjected Jessica Escobedo-Garcia ("Garcia") to disparate treatment based on Garcia's gender, female and her pregnancy or conditions that resulted from her pregnancy, in that Medical Arts terminated Garcia because of her pregnancy or conditions that resulted from her pregnancy. Medical Arts denies the allegations brought by the EEOC as alleged in the Complaint filed in this Civil Action, and maintains that Garcia's treatment and termination were the result of legitimate, business related circumstances and further maintains that by entering into the Consent Decree, it is not admitting to any violation of Garcia's rights or any violation of law.

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.

2. This Decree is entered in full and complete settlement of all claims contained in this lawsuit. EEOC expressly reserves its right to process and litigate any other charges which may now be pending or may in the future be filed against Defendant Medical Arts.

3. The duration of this Decree shall be two 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 Medical Arts is enjoined from engaging in discriminatory treatment of its employees based on their gender or pregnant condition, or any other impermissible reason, including discharging any employee because of her gender or pregnant condition.

5. Defendant Medical Arts is enjoined from retaliating in any manner whatsoever, against Jessica Escobedo-Garcia, for opposing any employment practice made unlawful by Title VII, 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, Medical Arts shall provide EEO training to Medical Arts 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 gender and pregnancy and other Title VII protected-status discrimination is unlawful; (b) instruct what conduct may constitute discriminatory conduct; and (c) explain the damaging effects of discrimination to victims, their families, their co-workers, and the

workplace environment. The training will be conducted by Thomas E. Baker, Jr., who will send a copy of the training presentation outline to the EEOC at least 10 days before the training session occurs. The Commission shall have the right to approve the training. Within 20 days after the EEO training has been completed, Medical Arts shall provide to the EEOC a written report identifying each individual who attended this training and the date(s).

7. Defendant Medical Arts agrees to post a notice, for at least the duration of this Decree, of its intent to comply with Title VII. This notice is set forth in Exhibit "A," which is attached to this Decree. Medical Arts agrees to post a copy of Exhibit "A" in a conspicuous place at Medical Arts facilities in Aransas Pass, Texas, and Portland, Texas, within ten days after this Decree is filed.

8. Defendant Medical Arts agrees to provide a neutral reference for Jessica Escobedo-Garcia to anyone inquiring as to Jessica Escobedo-Garcia's work history with Defendant Medical Arts, including prospective employers who may request such a reference over the phone. This neutral reference will include dates of employment, salary, job title and job description. Defendant Medical Arts also agrees not to disclose the filing of this Complaint or the underlying charge filed by Jessica Escobedo-Garcia to any prospective employers who may inquire to Medical Arts, P.A. about Garcia's work history with Defendant Medical Arts. Medical Arts also agrees to provide a positive reference letter for Jessica Escobedo-Garcia as an attachment to this Decree. This provision shall survive the expiration of the Decree.

9. Defendant Medical Arts, in settlement of this dispute, shall pay to Jessica Escobedo-Garcia, the amount of \$7,000.00 (SEVEN THOUSAND AND 00/100 DOLLARS). Payment shall be made by Medical Arts agent within thirty(30) days of the date this Decree is entered by the Court.

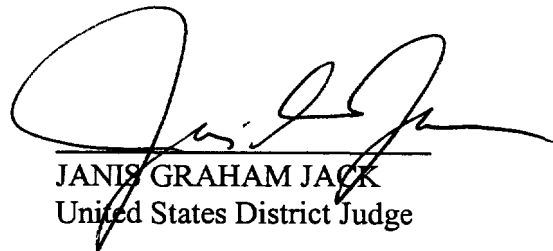
Payment shall be by check made payable to Jessica Escobedo-Garcia at P.O. Box 31, Gregory, Texas 78359. A copy of the settlement check and any accompanying transmittal documents shall be forwarded to the EEOC to the attention of Robert B. Harwin, Regional Attorney, 5410 Fredericksburg Road, Suite 200, San Antonio, Texas 78229.

10. The terms of this Decree shall be binding upon the EEOC and Defendant Medical Arts and its agents or assigns, as to the issues resolved herein.

11. 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 19th day of Jan, 2000.

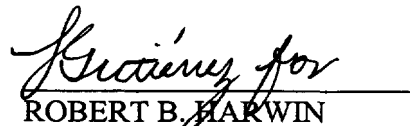


JANIS GRAHAM JACK
United States District Judge

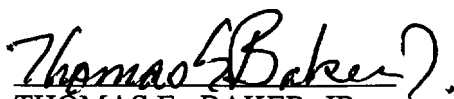
Respectfully Submitted,

C. GREGORY STEWART
General Counsel Designate

GWENDOLYN YOUNG REAMS
Associate General Counsel



ROBERT B. HARWIN
Regional Attorney
D.C. State Bar No. 076083



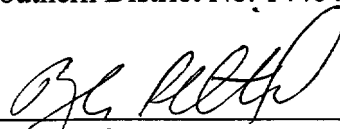
THOMAS E. BAKER, JR.
Texas State Bar No. 01595525
Federal I.D. No. 11428
Attorney-in-Charge

LAW OFFICE OF THOMAS E.
BAKER, JR.
P.O. Box 2832
Corpus Christi, Texas 78403
Telephone: (361) 888-4737
Telecopier: (361) 888-6521

ATTORNEY FOR DEFENDANT



LINDA GUTIERREZ
Supervisory Trial Attorney
Texas State Bar No. 08642750
Southern District No. 14464



R. CHRIS PITTARD
Attorney-in-Charge
Texas State Bar No. 00794465
Southern District No. 23449

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
San Antonio District Office
5410 Fredericksburg Rd., Suite 200
San Antonio, Texas 78229-3555
Telephone: (210) 281-7636
Telecopier: (210) 281-7669

ATTORNEYS FOR PLAINTIFF

NOTICE TO ALL EMPLOYEES

MEDICAL ARTS, P.A. IS FIRMLY COMMITTED TO TREATING EMPLOYEES AND APPLICANTS FOR EMPLOYMENT ACCORDING TO MERIT WITHOUT REGARD TO THEIR RACE, RELIGION, COLOR, NATIONAL ORIGIN, SEX, PREGNANCY, DISABILITY, AGE OR THEIR HAVING ENGAGED IN ACTIVITY PROTECTED BY TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, 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. MEDICAL ARTS, P.A., WILL SPECIFICALLY NOT TOLERATE DISCRIMINATION OF ITS EMPLOYEES BASED ON RACE, COLOR, SEX, PREGNANCY, RELIGION, NATIONAL ORIGIN, AGE OR DISABILITY.

IF YOU BELIEVE YOU ARE BEING DISCRIMINATED AGAINST IN ANY TERM OR CONDITION OF YOUR EMPLOYMENT BECAUSE OF YOUR RACE, RELIGION, COLOR, NATIONAL ORIGIN, SEX, PREGNANT CONDITION, AGE OR DISABILITY; OR THAT YOU ARE BEING SUBJECTED TO HARASSMENT BECAUSE OF YOUR RACE, RELIGION, COLOR, NATIONAL ORIGIN, SEX, PREGNANT CONDITION, AGE OR DISABILITY; OR BECAUSE OF HAVING ENGAGED IN TITLE VII- PROTECTED ACTIVITY, YOU ARE ENCOURAGED TO SEEK ASSISTANCE FROM SUPERVISORY PERSONNEL, OR FROM THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, 5410 FREDERICKSBURG RD, SUITE 200, SAN ANTONIO, TEXAS 78229-3550, (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 UNITED STATES 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; PROHIBITIONS AGAINST DISCRIMINATION AFFECTING INDIVIDUALS WITH DISABILITIES IN THE FEDERAL SECTOR; 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"