

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

JUL 08 1998

JAMES W. McORMACK, CLERK
By: [Signature]
DEP CLERK
PLAINTIFF

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION**

V. NO. LR-C-97-0804

VIRCO MFG. CORPORATION

DEFENDANT

LAMAR MARRUJO

INTERVENOR

ORDER

Pursuant to the Stipulation for Dismissal and the attached Settlement Agreement which is incorporated herein by reference thereto and for good cause shown to the court, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that all allegations of the Complaint of the Equal Employment Opportunity Commission be and are hereby dismissed with prejudice, subject to the terms of the Settlement Agreement, with each party to pay for its own costs and attorneys' fees.

[Signature]
United States District Judge

July 7, 1998
Date

THIS DOCUMENT ENTERED ON
DOCKET SHEET IN COMPLIANCE
WITH RULE 53 AND LOCAL RULE 70-5 ERCP
ON 7/8/98 BY [Signature]

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

JUL 08 1998

JAMES W. McDORMACK, CLERK
By: [Signature]
DEP. CLERK

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
and)
)
LAMAR MARRUJO,)
)
Intervenor,)
)
v.)
)
VIRCO MFG. CORPORATION,)
)
Defendant.)

CIVIL ACTION NO.

LR-C-97-804

Judge Roy/
Magistrate Judge Cavaneau

SETTLEMENT AGREEMENT

This action was instituted by the Equal Employment Opportunity Commission (hereinafter the "Commission") pursuant to §706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e, et seq., and Title I of the Civil Rights Act of 1991, 42 U.S.C. 1981a, and joined by Lamar Marrujo ("Marrujo") as Plaintiff Intervenor against Defendant Virco Mfg. Corporation (hereinafter the "Defendant"), to remedy unlawful practices alleged in the Complaints filed in this action.

The Complaints together claimed that Defendant violated Section 703(a) of Title VII, as amended, 42 U.S.C. §2000e, due to alleged harassment of Lamar Marrujo because of his national origin (Mexican) and his later discharge. The Parties, being desirous of settling this action, stipulate to the jurisdiction of this Court for approval and enforcement of this Settlement Agreement.

This Settlement Agreement does not and shall not constitute an adjudication or finding upon the merits of the case and shall in no way be construed as an admission by Defendant of any violation of Title VII or any other law, rule, or regulation dealing with or in connection with equal employment opportunities. Defendant denies the allegations in both Complaints. The parties have consented to the entry of this Settlement Agreement to avoid the burdens of further litigation.

The Court has reviewed the terms of this Settlement Agreement in light of the applicable laws and regulations, the statements and representations of counsel for all parties.

NOW, THEREFORE, the Court being fully advised in the premises, it is hereby **APPROVED AND RESOLVED:**

I. SCOPE AND DURATION OF SETTLEMENT AGREEMENT

A. This Settlement Agreement resolves all issues and claims of public interest arising out of the Commission's Complaint and EEOC Charge No. 251-96-0125 filed by Lamar Marrujo, alleging unlawful employment discrimination by Defendant at its Conway, Arkansas facility. Concurrently, all issues and claims arising from Plaintiff/Intervenor Marrujo's claims for individual relief have been satisfactorily resolved in a separate agreement. Notwithstanding any provisions contained in this Agreement, this Settlement Agreement shall not be considered in any manner dispositive of charges, if any exist, filed with any office of the Commission other than Charge No. 251-96-0125.

B. The provisions of this Settlement Agreement will be effective from the date the Settlement Agreement is entered by the Court and shall continue to be effective and binding upon the parties to this action for a period of one year from the date of the entry of this decree.

II. TERMS OF AGREEMENT

A. Defendant, its officers, agents, employees, and all persons acting in concert with the Defendant agree not to engage in any employment practice which has the purpose or effect of discriminating against any employee on the basis of national origin pursuant to Title VII of the Civil Rights Act of 1964, as amended.

B. Defendant, its officers, agents, employees, and all persons acting in concert with Defendant agree not to engage in any employment practice which has the purpose or effect of retaliating against any employee for opposing discriminatory employment practices made unlawful under Title VII of the Civil Rights Act of 1964, as amended or for participating in any proceeding under Title VII initiated by charge no. 251-96-0125 filed by Lamar Marrujo.

C. Defendant shall post at the job site, in a location conspicuous and accessible to all applicants and employees, the notice attached to this Agreement as Exhibit A. Exhibit A shall remain posted for the duration of the Agreement.

D. At all times Defendant shall continue its practice to post and maintain at the job site, in a location conspicuous and

accessible to all applicants and employees the poster summarizing pertinent provisions of Title VII required by Section 711 of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-10(a).

E. At all times Defendant shall keep posted and maintained at the job site, in a location conspicuous and accessible to all applicants and employees, a copy of its Anti-Harassment and Anti-Discrimination Policy and procedures for reporting, investigating and eliminating harassment in the workplace as well as sanctions for violations of company policy. (Exhibit B)

F. As of March 1998 Defendant has provided training entitled "The EEO/Sexual Harassment Workshop" to supervisors and managers at its Conway, Arkansas facility. Topics covered in this training were federal and Arkansas anti-discrimination laws and recognizing, preventing and reporting sexual and non-sexual harassment in the workplace. Defendant shall, no later than 150 days of entry of this Agreement, expand training at its Conway, Arkansas facility to educate all employees on recognizing, preventing and reporting harassment, including ethnic or national origin harassment specifically.

G. Defendant shall require each employee to attend the harassment training session and to acknowledge receipt of a copy of Defendant's harassment policy and procedures for reporting complaints. A copy of the signed acknowledgment shall be maintained in the employee's personnel file.

H. Defendant shall instruct each supervisor or foreman, site superintendent or site manager in proper company procedure for

handling complaints of harassment brought by employees.

III. REPORTING REQUIREMENTS

A. Defendant shall provide to the Commission the written syllabus for the ethnic or national origin harassment training session required in Part II showing the date(s) presented by Defendant.

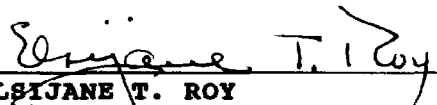
B. Defendant shall provide to the Commission a list of all employees who attended a training session.

C. Defendant shall provide to the Commission a copy of its harassment policy effective as of the date of execution of this Settlement Agreement and a description of where this policy is posted.

IV. COSTS

Each of the parties shall bear its own costs and attorneys' fees in this action.

SO APPROVED THIS 7th DAY OF July, 1998.

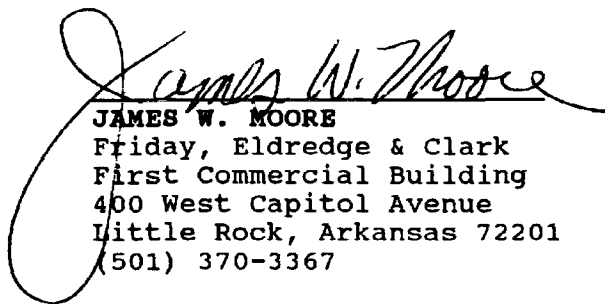


ELSIJANE T. ROY
UNITED STATES DISTRICT JUDGE

THIS DOCUMENT ENTERED ON
DOCKET SHEET IN COMPLIANCE
WITH RULE 58 AND/OR 79 FRCP
ON 7/8/98 BY [Signature]

BY AGREEMENT:

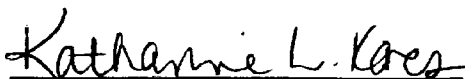
FOR DEFENDANT:

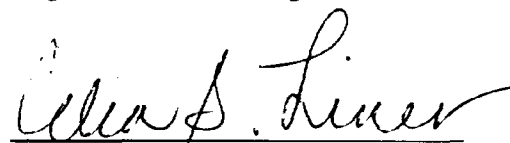

JAMES W. MOORE
Friday, Eldredge & Clark
First Commercial Building
400 West Capitol Avenue
Little Rock, Arkansas 72201
(501) 370-3367

VIRCO MFG. CORPORATION

FOR PLAINTIFF EEOC:

C. GREGORY STEWART
General Counsel


KATHARINE W. KORES
Regional Attorney


CELIA S. LINER
Senior Trial Attorney

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
1407 Union Avenue, Suite 621
Memphis, Tennessee 38104
(901) 544-0075



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Memphis District Office**

1407 Union Ave., Suite 621
Memphis, TN 38104
PH: (901) 544-0115
TDD: (901) 544-0112
FAX: (901) 544-0111

NOTICE

This Notice is being posted as part of a settlement of a national origin discrimination lawsuit filed by the United States Equal Employment Opportunity Commission (EEOC) against this company, styled EEOC v. Virco Mfg. Corporation, Civil Action No. LR-C-97-804 (United States District Court for the Eastern District of Arkansas, Western Division). In settling this lawsuit, Virco Mfg. Corporation denies that it violated any law.

Federal law requires that there be no discrimination against any employee or applicant for employment because of race, color, religion, sex, national origin, age (40 or older), or disability with respect to hiring, firing, compensation, or other terms, conditions, or privileges of employment. Virco Mfg. Corporation supports and will comply with these federal laws in all respects and will take no action against employees or applicants for employment because they have exercised their rights under the law.

Virco Mfg. Corporation does not and will not at any time tolerate or condone discrimination in hiring, firing, compensation or other terms, conditions, or privileges of employment based on the national origin of any employee or applicant for employment.

By: _____

Title: _____
Virco Mfg. Corporation



VIRCO MFG. CORPORATION**ANTI-HARASSMENT and ANTI-DISCRIMINATION POLICY****A. OUR COMPANY'S PHILOSOPHY**

Virco commits itself to the ideal of a collegial and comfortable work environment in which all individuals are treated with respect and dignity. We strive to have our employees work in an atmosphere that promotes equal opportunity and prohibits discriminatory practices, including sexual or other harassment. At Virco, harassment, discrimination and retaliation, whether verbal, physical or environmental, are unacceptable and will not be tolerated.

B. INDIVIDUALS COVERED BY THIS POLICY

This policy applies to all Virco employees and job applicants and reaffirms Virco's longstanding commitment to maintaining a workplace free of harassment, discrimination and retaliation. Virco will not tolerate sexual or other harassment, discrimination, or retaliation against any employee or job applicant. Also, to the extent we can influence or control such behavior, we will not tolerate sexual or other harassment of our employees by outside persons or entities who do business with Virco. We strongly encourage you to report all incidents of perceived harassment, discrimination, or retaliation regardless of the alleged offender's identity, title, or position. Internal procedures for reporting alleged harassment, discrimination, or retaliation are described below.

Discrimination prohibited by this policy and to which the internal procedures described below apply, is broadly defined as any employment action taken against an employee or applicant in hiring, discharge, or term or condition of employment because of the person's race, color, religion, gender, sexual orientation, ethnic or national origin, age, physical or mental disability, medical condition, pregnancy or related condition, or any other factor prohibited by law.

C. DEFINITION OF SEXUAL HARASSMENT

Sexual harassment is unlawful and, for purposes of this policy, is defined as unwelcome or unwanted advances, requests for sexual favors and any other verbal, visual or physical conduct of a sexual nature when:

1. Submission to or rejection of this conduct is used as a factor in decisions affecting hiring, evaluation, promotion, retention or any other term of employment.



2. This conduct reasonably could be expected to and does interfere with an individual's employment or creates an intimidating or hostile work environment.

Depending on the facts and circumstances, conduct that may be deemed sexual harassment includes: unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; threats and demands to submit to sexual requests in order to obtain or retain any employment benefit; derogatory comments, slurs or insults of a sexual nature; unwelcome sexual invitations, sexual jokes, propositions or invitations; unwanted verbal commentary about an individual's body, sexual prowess or sexual deficiencies; unwanted touching, pinching, massaging, rubbing, coerced sexual acts or blocking of normal movements; unwanted flirtations, advances, leering or whistling; unwanted requests for touching, pinching, massaging or rubbing; visual exhibition of sexual posters, photographs, cartoons, drawings or gestures or other displays in the workplace of sexually suggestive objects or pictures; and unwanted conduct or comments directed at an individual's sexual orientation.

D. DISCRIMINATORY HARASSMENT

Harassment because of an employee's race, color, religion, gender, sexual orientation, ethnic or national origin, age, physical or mental disability, medical condition, or any other factor prohibited by law will not be tolerated. Discriminatory harassment occurs when conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating or hostile work environment because of one or more such factors. Depending on the facts and circumstances, conduct which may be deemed discriminatory harassment includes: derogatory or insulting comments, slurs, epithets, jokes, etc., related to a person's race, color, religion, gender, sexual orientation, ethnic or national origin, age, physical or mental disability, medical condition, or any other factor prohibited by law.

E. HARASSMENT-RELATED RETALIATION

Virco will not tolerate or condone retaliation against any employee who reports perceived harassment or who participates in any investigation or disciplinary proceeding involving claims of perceived harassment. Employees should report any such perceived retaliation immediately using the internal reporting guidelines outlined below. Virco will treat actual incidents of retaliation in the same manner as actual incidents of harassment.

F. REPORTING PERCEIVED HARASSMENT AND HARASSMENT-RELATED RETALIATION

Virco encourages individuals who perceive they are being harassed or retaliated against to firmly and promptly notify the perceived offender that his or her behavior is unwelcome, unless such direct communication would be inadvisable or impracticable under the circumstances. Whether or not you directly confront the perceived offender, you should take the following two steps:

1. Promptly contact the Human Resources Manager at your local division. Failure to promptly contact the Human Resources Manager can compromise the ability to conduct a thorough and effective investigation. If your complaint involves harassment, discrimination, or retaliation by a member of the Human Resources Department, you may contact your division's General Manager instead.

2. To ensure that Virco has an accurate record of your grievance, which is necessary for resolving a formal complaint, you should sign and submit a written account of the objectionable behavior to the Human Resources Manager. If you wish, you may ask the Human Resources Manager to write down your complaint as you describe the situation to them. If you choose to let the Human Resources Manager record your complaint, you should review the written statement for accuracy and ensure that any necessary corrections have been made before signing the complaint.

G. INVESTIGATING THE COMPLAINT

Virco's local division Human Resources Department and/or other Company designees will conduct an investigation commensurate with the circumstances and attempt to resolve all complaints. When practicable, Virco will endeavor to have two or more persons conduct the investigation. Virco will try to maintain confidentiality of a complaint or investigation to the extent reasonably feasible. Please be advised that Virco likely will not be able to keep a complaint or investigation confidential if someone sues or solicits outside action against the Company or its employees.

In conducting an investigation, the investigators should consider the following guidelines in determining the appropriate investigation to conduct under the circumstances:

1. Confirm in a writing signed by the complainant the nature of the complaint, as well as the names and positions of those involved in the perceived misconduct, including witnesses. The written complaint should describe in detail the relevant facts, including the frequency, type, location and dates of the alleged misconduct underlying the complaint.

2. Ask how the complainant responded to the perceived misconduct.

3. Ascertain from the complainant any additional details not set forth in the written complaint.

4. Ask the complainant what action he/she would like the Company to take if the complaint proves to have merit.

5. Develop an understanding of the workplace relationship of the complainant and the perceived offender.

6. Interview the alleged offender and witnesses concerning the perceived misconduct by asking questions in a nonjudgmental fashion to the extent it is practicable to do so. Ascertain from the alleged offender if he or she is aware of any witnesses that should be interviewed.

7. Remind those involved, including witnesses, that Virco will not tolerate or condone retaliation against anyone who reports perceived misconduct or who participates in an investigation of such a report.

H. RESOLVING THE COMPLAINT

In order to minimize discomfort to the complainant and the alleged offender, the person(s) who conducted the investigation will communicate their findings and intended action as expeditiously as possible.

If the person(s) conducting the investigation conclude that the alleged offender violated this policy, then, depending on the circumstances, the alleged offender will be subject to instructive and/or disciplinary action by the Company. The complainant and the alleged offender will be informed of any such conclusion and the action to be taken. If the person(s) conducting the investigation conclude that this policy was not violated, then the complainant and alleged offender will be informed of that conclusion. If the person(s) conducting the investigation cannot determine whether or not this policy has been violated, for example, due to inconclusive evidence, the complainant and the alleged offender will be informed that the matter is concluded as unresolved.

If the complainant and/or the alleged offender is dissatisfied with the result of the investigation, they may submit a detailed written objection to the General Manager of the local division or that person's designee within five calendar days after receiving the determination of the person(s) who conducted the investigation. The person who receives the detailed written objection will meet with those who conducted the investigation and, if necessary, other persons involved in the investigation in reviewing the written objection. The person who reviews the written objection will communicate his or her determination to both the complainant and the alleged offender as soon as practicable.

I. FALSE COMPLAINTS

It is a violation of this policy for a person to bring an internal complaint which is deliberately false, made with reckless disregard for the truth, or made for some other inappropriate reason or motive. It is also a violation of this policy for any person participating in an investigation to provide knowingly false information, or to provide information with reckless disregard for the truth.

J. SANCTIONS

Virco will sanction an individual found to have violated this policy in a manner that the Company deems is appropriate under the circumstances. At a minimum, the sanction will be a documented reprimand. Additional action may include, but is not limited to, one or more of the following: a written notice to desist, education or training, withholding of a promotion or pay raise, reassignment, demotion, suspension without pay or termination.

Our ability to discipline a non-employee harasser may be limited by the degree of control, if any, that we have over the alleged harasser and our legal obligations. However, any employee who perceives he or she has been subjected to harassment by a non-employee doing business with Virco is strongly encouraged to file a complaint in accordance with our internal complaint guidelines set forth above.

K. LEGAL PROCEEDINGS

The guidelines described above apply to internal complaints of harassment and harassment-related retaliation and we strongly encourage employees to use them. Should an employee desire to consult with a governmental agency with responsibility for enforcing anti-harassment and retaliation laws, the employee can contact the local division Human Resources Manager. The Human Resources Manager may be able to provide employees with a listing of such agencies and information about the procedures and remedies available through them. The Human Resources Manager will maintain any such listings and information that are required by local, state, and federal law.

If you receive a charge or complaint filed with a governmental agency or a court, please contact the local division Human Resources Manager immediately. Virco strictly prohibits retaliation against any person who files a formal charge or complaint of harassment or retaliation. Any such retaliation will subject you to discipline up to and including discharge.

L. CONCLUSION

Virco has developed this policy to reaffirm its longstanding commitment to maintaining a work environment free of harassment. We welcome your questions, comments and suggestions. Please direct them to your local division Human Resources Manager.

VIRCO MFG. CORPORATION**POLIZA ANTIACOSADORA Y ANTIDISCRIMINATORIA****A. LA FILOSOFIA DE NUESTRA COMPAÑIA**

Virco se compromete al ideal de un ambiente de trabajo colegial y cómodo en el cual se les trata a todos los empleados con respeto y dignidad. Nos esforzamos para lograr que nuestros empleados trabajen en un ambiente que estimule la igualdad de oportunidades y que prohíbe prácticas discriminatorias, incluso los acosos sexuales o de otra clase. En Virco, el acoso, la discriminación y represalias, ya sean verbales, físicas o ambientales, son inaceptables y no serán toleradas.

B. INDIVIDUOS AMPARADOS POR ESTA POLIZA

Esta poliza se aplica a todos los empleados de Virco y a los aspirantes de empleo, y reafirma el compromiso de Virco de largos años de mantener un lugar de trabajo libre de acoso, discriminación y represalias. Virco no tolerará acosos sexuales o de otra clase, discriminación o represalias en contra de cualquier empleado o aspirante de empleo. Además, al extremo en que podamos influenciar o controlar tal comportamiento, no toleraremos que nuestros empleados sufran acosos sexuales o de otra clase a manos de extraños o de entidades que tienen negocios con Virco. Firmemente les animamos reportar todos los incidentes de acosos, discriminación y represalias que perciban, sin tener en cuenta la identidad, el título o la posición del supuesto ofensor. Los procedimientos internos para reportar supuestos acosos, discriminación o represalias se describen más adelante.

La discriminación prohibida por esta poliza y a la que se refieren los procedimientos que se describen más adelante, se define en términos generales como cualquier acción de empleo que se tome en contra de un empleado o aspirante de empleo en la contratación, el despido, o los términos o condiciones de empleo a raíz de su raza, color, religión, sexo, orientación sexual, origen étnico o nacional, edad, incapacidad física o mental, condición médica, embarazo o condiciones afines o cualquier otro factor prohibido por ley.

C. DEFINICION DE ACOSO SEXUAL

El acoso sexual es ilegal y, para los propósitos de esta poliza, se define como requerimientos amorosos

inoportunos o no deseados, demandas de favores sexuales y cualquier otra clase de comportamiento verbal, visual o físico de naturaleza sexual cuando:

1. Se usa la sumisión o el rechazo a tal comportamiento como un factor en decisiones que afectan la contratación, evaluación, promoción o cualquier otra condición de empleo.

2. Razonablemente se podría anticipar que tal comportamiento obstaculizaría o obstaculiza el empleo de un individuo o crea un ambiente laboral de intimidación o hostil.

Dependiendo de los hechos y de las circunstancias, el comportamiento que podría entenderse como acoso sexual incluye: requerimientos amorosos no deseados; demandas de favores sexuales a cambio de trato favorable o continuación de empleo; amenazas y demandas de sumisión a requerimientos sexuales para obtener o retener cualquier beneficio de empleo; comentarios despectivos, calumnias o insultos de naturaleza sexual; invitaciones sexuales, chistes sexuales, proposiciones o invitaciones inoportunas; comentarios verbales no deseados acerca del cuerpo, proeza o deficiencia sexual de un individuo; el tocar, pellizcar, dar masajes, friccionar, o actos sexuales forzados no deseados o el bloqueo de movimientos normales; flirteos, requerimientos sexuales, miradas impúdicas o silbidos no deseados; demandas no deseadas de tocar, pellizcar, dar masajes, o friccionar; exposición visual de carteles, fotografías, caricaturas, dibujos o gestos de naturaleza provocativa o otras exposiciones de objetos o ilustraciones sexualmente sugestivas en el lugar de trabajo; y conducta no deseada o comentarios dirigidos a la orientación sexual de un individuo.

D. ACOSO DISCRIMINATORIO

No se tolerará el acoso a raíz de raza, color, religión, sexo, orientación sexual, origen étnico o nacional, edad, incapacidad física o mental, condición médica o cualquier otro factor prohibido por ley. El acoso discriminatorio ocurre cuando el comportamiento de un individuo tiene por objeto o efecto el obstaculizar irrazonablemente el desempeño del trabajo de otro o el crear un ambiente de trabajo de intimidación o hostil a raíz de uno o más de estos factores. Dependiendo de los hechos y de las circunstancias, comportamiento que podría entenderse como acoso discriminatorio incluye: comentarios despectivos o insultantes, calumnias, epítetos, chistes, etc., afines a: raza, color, religión, sexo, orientación sexual, origen étnico o nacional, edad, incapacidad física o mental, condición médica o cualquier otro factor prohibido por ley.

E. REPRESALIAS AFINES AL ACOSO

Virco no tolerará o permitirá que continúen represalias contra cualquier empleado que reporta algún acoso percibido o que participa en cualquier investigación o procedimiento disciplinario por quejas de acoso percibido. Los empleados deberán reportar inmediatamente cualquier represalia que noten mediante los principios de reportaje interno que se describen más adelante. Virco tratará los incidentes reales de represalias del mismo modo que trata los incidentes reales de acoso.

F. REPORTAJE DE ACOSOS PERCIBIDOS Y ACOSOS DE REPRESALIA AFINES

Virco les anima a los individuos que perciben ser objetos de acosos o represalias que de inmediato y firmemente notifiquen al ofensor percibido que su comportamiento es inoportuno, a menos que bajo las circunstancias, tal comunicación directa sea desaconsejable o impracticable. Si Ud. confronta a su ofensor percibido directamente o no, debe tomar los dos pasos siguientes:

1. Comunicarse inmediatamente con el Director de Recursos Humanos en su división local. Falta de comunicarse inmediatamente con el Director de Recursos Humanos podrá comprometer la habilidad de conducir una investigación minuciosa y efectiva. Si su queja se trata de acoso, discriminación o represalia que cometió un miembro del Departamento de Recursos Humanos, Ud. puede, por otra parte, dirigirse al Director General de su división.

2. Para asegurarse que Virco tenga un acta fiel de su agravio, lo que es necesario para resolver una queja formal, Ud. deberá firmar y presentar un informe escrito del comportamiento censurable ante el Director de Recursos Humanos. Si desea, puede pedirle al Director de Recursos Humanos que escriba su queja tal como Ud. le comenta lo que pasó. Si le pide al Director de Recursos Humanos que le ponga su queja en escrito, antes de firmarla, Ud. deberá examinar la declaración escrita para verificar su exactitud y asegurarse que se hayan hecho todas las correcciones necesarias.

G. INVESTIGACION DE LA QUEJA

La división local del Departamento de Recursos Humanos de Virco y/o otros individuos nombrados por la Compañía conducirán una investigación conforme a las circunstancias y tratarán de resolver todas las quejas. Si es plausible, Virco tratará de ver que dos o más personas conduzcan la investigación. Virco tratará de mantener la

confidencialidad de una queja o investigación al extremo que sea razonablemente factible. Deseamos hacerle presente que probablemente Virco no podrá mantener una queja o investigación confidencial si alguien presenta una acción judicial o solicita acción externa en contra de la Compañía o de sus empleados.

Al conducir una investigación, los investigadores deberán considerar los principios siguientes para determinar la investigación adecuada que debe conducirse bajo las circunstancias:

1. Confirmar en un escrito firmado por el demandante la naturaleza de la demanda, así como los nombres y los puestos de aquellos involucrados en el mal comportamiento percibido, incluyendo los testigos. La demanda escrita deberá describir en detalle los hechos pertinentes, incluyendo la frecuencia, el tipo, el sitio y las fechas del supuesto mal comportamiento que dió lugar a la demanda.
2. Preguntar como el demandante respondió al mal comportamiento percibido.
3. Averiguar del demandante si tiene detalles adicionales que no se encuentran en la demanda escrita.
4. Preguntarle al demandante qué acción desearía que tome la Compañía si la demanda resulta tener mérito.
5. Desarrollar un entendimiento de las relaciones entre el demandante y el ofensor percibido en el lugar de trabajo.
6. Entrevistar al supuesto ofensor y a los testigos con respecto al mal comportamiento percibido haciendo preguntas en tal modo que no refleje su opinión al extremo que esto sea posible. Averiguar del supuesto ofensor si él o ella sepa de algún testigo que se deba entrevistar.
7. Recordarles a los que están incluidos en esto, también a los testigos, que Virco no tolerará o permitirá represalias contra cualquiera que reporta mal comportamiento percibido o que participa en una investigación de tal informe.

H. SOLUCIONAMIENTO DE LA DEMANDA

Para minimizar las preocupaciones que tenga el demandante y el supuesto ofensor, la(s) persona(s) que condujeron la investigación comunicarán sus resultados y la acción proyectada lo más pronto posible.

Si la(s) persona(s) que condujeron la investigación determinan que el supuesto ofensor infringió esta poliza,

entonces, dependiendo de las circunstancias, el supuesto ofensor será sometido a una acción instructiva y/o disciplinaria por la Compañía. El demandante y el supuesto ofensor serán informados de cualquier conclusión y la acción que se tomará. Si la(s) persona(s) que condujeron la investigación concluyen que no se infringió esta poliza, el demandante y el supuesto ofensor serán informados de esa conclusión. Si la(s) persona(s) que condujeron la investigación no pueden determinar si esta poliza fue infringida o no, por ejemplo, debido a evidencia no decisiva, el demandante y el supuesto ofensor serán informados que el asunto ha sido concluido sin resolución.

Si el demandante y/o el supuesto ofensor no está satisfecho con el resultado de la investigación, puede presentar una objeción detallada por escrito ante el Director General de la división local o la persona nombrada por éste, dentro de cinco días civiles a partir del día en que se recibió la decisión de la(s) persona(s) que condujeron la investigación. La persona que recibe la objeción detallada por escrito deberá reunirse con aquellos que condujeron la investigación y, si es necesario, con otros participantes en la investigación para examinar la objeción escrita. La persona que examina la objeción escrita comunicará su decisión al demandante y al supuesto ofensor tan pronto como le sea posible.

I. DEMANDAS FALSAS

Es una infracción de esta poliza el que una persona presente una demanda interna deliberadamente falsa, hecha con un inconsiderado desprecio a la verdad o hecha por alguna otra razón o motivo inapropiado. También es una infracción de esta poliza el que un participante en la investigación a sabiendas proporcione información falsa, o proporcione información con un inconsiderado desprecio a la verdad.

J. SANCIONES

Virco sancionará al individuo que infringe esta poliza en la manera que la Compañía considere apropiada bajo las circunstancias. Como mínimo, la sanción será una reprimenda documentada. Acción adicional podrá incluir, pero no se limitará a uno o más de lo siguiente: una notificación escrita de desistir, educación o adiestramiento, retención de una promoción o de un aumento de pago, cambio de puesto, degradación, suspensión sin paga o despido.

Nuestra habilidad de disciplinar a un acosador que no es empleado nuestro puede ser limitada por el grado de control, según sea el caso, que tengamos sobre el supuesto

acosador y nuestras obligaciones legales. No obstante, firmemente se anima a todo empleado que percibe que está sometido al acoso de una persona no empleada que tiene negocios con Virco, que presente una demanda de acuerdo con nuestros principios internos para demandas descritos más arriba.

K. ACTUACIONES LEGALES

Los principios descritos más arriba se aplican a demandas internas de acoso y represalias afines al acoso y firmemente animamos a los empleados que los usen. Si un empleado desea consultar con una agencia gubernamental responsable de hacer valer las leyes antiacosadoras y de represalias, puede comunicarse con el Director de Recursos Humanos de la división local. Posiblemente el Director de Recursos Humanos pueda proporcionar a los empleados una lista de tales agencias e información acerca de los procedimientos y remedios disponibles a través de dichas agencias. El Director de Recursos Humanos mantendrá todas aquellas listas e información requeridas por las leyes locales, estatales y federales.

Si Ud. recibe una acusación y demanda presentada ante una agencia gubernamental o ante un tribunal, sirva comunicarse inmediatamente con el Director de Recursos Humanos de la división local. Virco estrictamente prohíbe represalias contra cualquier persona que presenta una acusación o demanda formal de acoso o de represalia. En caso de represalia por parte suya, se le someterá a disciplina que puede incluir hasta el despido.

L. CONCLUSION

Virco ha desarrollado esta poliza para reafirmar su compromiso de largos años de mantener un ambiente de trabajo libre de acoso. Sus preguntas, comentarios y sugerencias serán bien recibidos. Sirvanse dirigirlos al Director de Recursos Humanos de su división local.

F I L E C O P Y

kayp

UNITED STATES DISTRICT COURT
Eastern District of Arkansas
U.S. Post Office & Court House
600 West Capitol, Suite 402
Little Rock, Arkansas 72201-3325

July 8, 1998

* * MAILING CERTIFICATE OF CLERK * *

Re: 4:97-cv-00804.

True and correct copies of the attached were mailed by the clerk to the following:

Richard Quiggle, Esq.
Richard Quiggle, P.A.
904 West Second Street
Post Office Box 2651
Little Rock, AR 72201-2651

James W. Moore, Esq.
Friday, Eldredge & Clark
First Commercial Building
400 West Capitol Avenue
Suite 2000
Little Rock, AR 72201-3493

Celia Miklos Liner, Esq.
Equal Employment Opportunity Commission
1407 Union Avenue
Suite 621
Memphis, TN 38104

Katharine W. Kores, Esq.
Equal Employment Opportunity Commission
1407 Union Avenue
Suite 621
Memphis, TN 38104

Press, Post

James W. McCormack, Clerk

Date:

7/8/98

BY:

