

IT IS ORDERED, ADJUDGED AND DECREED as follows:

1. This Court has jurisdiction of the subject matter of the claims and causes of action asserted by the EEOC against Builders Gypsum, venue is proper, and all administrative prerequisites to the EEOC's filing its Complaint have been met.

2. This Consent Decree resolves all issues raised in the EEOC's Complaint. The EEOC waives further litigation of all issues raised in the EEOC's Complaint. The EEOC expressly reserves its right, however, to process and litigate any other charges which may now be pending or may in the future be filed against Defendant Builders Gypsum.

3. The duration of this Decree shall be four (4) years from the date of its filing with the Court. This Court shall retain jurisdiction to enforce any term or condition as set forth in this Consent Decree during the period of this Decree and may enter further orders or modifications as may be appropriate. Should any disputes under this Decree remain unresolved after this four-year period, the term of the Decree shall be automatically extended, and the Court will retain jurisdiction of this matter to enforce the Consent Decree, until such time as all disputes have been resolved.

4. Builders Gypsum is hereby enjoined from:

- (a) Discriminating against any employee on the basis of sex, female;
- (b) Creating, facilitating or permitting the existence of a work environment that is hostile to female employees through acts such as physical/verbal abuse and derogatory comments, on the basis of sex; and
- (c) From retaliating against any employee for opposing any employment practice made unlawful by Title VII, or for complaining of harassment or other unlawful discrimination, filing a discrimination charge, giving testimony or assistance, or participating in any lawful manner in any investigation, proceeding, hearing or action under Title VII.

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; 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.

5. Within ninety (90) days from the entry of this Decree, Builders Gypsum will adopt a sexual harassment policy that meets the following criteria:

- (a) States that Builders Gypsum: (i) prohibits discrimination against any employee on the basis of sex, female, in violation of Title VII; (ii) prohibits any act, policy or practice that has the effect of harassing or intimidating any employee on the basis of sex, female, in violation of Title VII; and, (iii) prohibits any act, policy or practice that has the effect of creating, facilitating or permitting the existence of a work environment that is hostile to any employee through acts such as physical/verbal abuse and derogatory comments based on sex, female, in violation of Title VII;
- (b) Defines and provides examples of sexual harassment;
- (c) Provides for prompt investigation of sexual harassment complaints and for prompt action, which is appropriate and effective, to remedy the discrimination;
- (d) Provides that upon the conclusion of Builders Gypsum's investigation, the results of the investigation and the remedial actions taken or proposed will be promptly communicated in writing to the complaining party;
- (e) Provides for substantial and progressive discipline for violating Builders Gypsum's sexual harassment policy up to and including discharge; and
- (f) Requires that all employees report incidents of sexual harassment to the person(s) identified by Builders Gypsum as the person(s) charged with the responsibility for investigating discrimination complaints.

6. Within fourteen (14) days of the entry of this Consent Decree, Builders Gypsum, in settlement of this dispute, shall pay to Alicia Mansel the sum of \$200,000.00 (TWO-HUNDRED THOUSAND DOLLARS), minus any lawful withholding. Payment shall be mailed directly to Ms. Mansel's attorney, Hope H. Camp, Jr., 14100 San Pedro Ave., Ste. 611, San Antonio, Texas 78232-43631.

7. A copy of the settlement check, and any accompanying transmittal documents shall be forwarded to Robert Harwin, Associate Regional Attorney, San Antonio Field Office, United States Equal Employment Opportunity Commission, 5410 Fredericksburg Road, Suite 200, San Antonio, Texas 78229.

8. Within 180 days of the date of entry of this Decree, Builders Gypsum shall provide not less than eight (8) hours of EEO training to Builders Gypsum's employees, officials, managers and supervisors. Any training shall:

- (a) Explain that gender and sexual harassment 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 caused to victims, their families, their co-workers, and the workplace environment.

Any training will be conducted by the Law Offices of OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C., or any other licensed attorney board certified in employment law who will send a copy of the training presentation outline to the EEOC at least 10 days before any training session occurs. The Commission shall have the right to approve any training.

9. Within ten (10) business days after entry of this Decree, Defendant shall post copies of the Notice attached as Exhibit "A" to this Decree at its San Antonio facility in a conspicuous location easily accessible to and commonly frequented by employees. The Notice shall remain posted for the duration of this Decree. Builders Gypsum shall ensure that the posting is not altered, defaced or covered by any other material. Builders Gypsum shall certify to the EEOC in writing within ten (10) business days after entry of the Decree that the Notice has been properly posted. Builders Gypsum shall permit a representative of EEOC to enter Builders Gypsum's premises for purposes of verifying compliance with this Paragraph at any time.

10. During the duration of this Decree, the EEOC shall have the right to ensure compliance with the terms of this Decree. In furtherance, the parties agree to the following:

- (a) Builders Gypsum shall maintain and make available for inspection and copying all documents relevant to its compliance with this Decree; and

(b) Builders Gypsum shall permit representatives of the EEOC to review relevant documents, and meet and interview all persons within its employ for purposes of verifying compliance with this Decree.

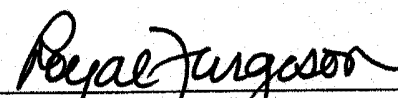
11. Builders Gypsum shall bear the costs associated with administering and implementing the provisions of this Decree.

12. Except as provided herein, the EEOC and Builders Gypsum shall bear their own costs and attorney's fees. Furthermore, the EEOC and Builders Gypsum agree that pursuant to Section 706(k) of Title VII, 42 U.S.C. § 2000e-5(k), there is no "prevailing party" with regard to any claim or cause of action asserted by the EEOC and Builders Gypsum.

13. The terms of this Decree shall be binding upon the Plaintiff EEOC and Defendant Builders Gypsum its agents, officers, employees, servants, successors, and assigns, as to the issues resolved herein.

14. When this Consent Decree requires the submission by Builders Gypsum of documents or other materials to EEOC, such documents or other materials shall be mailed to Robert B. Harwin, Associate Regional Attorney, 5410 Fredericksburg Road, Suite 200, San Antonio, Texas 78229. The Clerk shall furnish a copy hereof to each attorney of record.

SO ORDERED AND ENTERED this 12th day of May, 2006.


HONORABLE ROYAL FURGESON
UNITED STATES DISTRICT JUDGE

Respectfully submitted,

JAMES L. LEE
Deputy General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel

with permission
Robert A. Canino by Robert B. Harwin

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106 Fannin Avenue East

Round Rock, Texas 78664
Telephone: (512) 244-9314
Facsimile: (512) 244-3766

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been delivered, as designated below, on this the 10th day of May 2006.

Hope H. Camp, Jr.
Attorney at Law
14100 San Pedro Ave., Ste. 611
San Antonio, Texas 78232-4363

- Hand Delivery
- Facsimile Transmission at (210)495-0997
- Certified Mail, Return Receipt Requested
- U.S. First Class Mail, Postage Prepaid

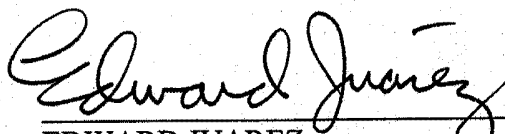

EDWARD JUAREZ

EXHIBIT A

NOTICE TO ALL EMPLOYEES

BUILDERS GYPSUM SUPPLY, L.L.P. SUPPORTS FEDERAL LAW REQUIRING THERE BE NO DISCRIMINATION AGAINST ANY APPLICANT OR EMPLOYEE BECAUSE OF HIS OR HER RACE, COLOR, SEX, NATIONAL ORIGIN, RELIGION, AGE OR DISABILITY AND AFFIRMS ITS COMMITMENT NOT TO DISCRIMINATE AGAINST ANY APPLICANT OR EMPLOYEE ON ANY TERM OR CONDITION OF EMPLOYMENT, NOR TO ALLOW HARASSMENT OF ANY EMPLOYEE BECAUSE OF HIS OR HER SEX.

BUILDERS GYPSUM SUPPLY, L.L.P. WILL NOT DISCRIMINATE AGAINST ANY EMPLOYEE FOR OPPOSING EMPLOYMENT DISCRIMINATION OR FOR FILING OR PARTICIPATING IN A CHARGE OF EMPLOYMENT DISCRIMINATION.

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, AGE, OR DISABILITY, OR THAT YOU ARE BEING SUBJECTED TO HARASSMENT BECAUSE OF YOUR SEX OR HAVING ENGAGED IN TITLE VII-PROTECTED ACTIVITY, YOU ARE ENCOURAGED TO SEEK ASSISTANCE FROM SUPERVISORY PERSONNEL, THE PERSONNEL DEPARTMENT, OR FROM THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, 5410 FREDERICKSBURG ROAD, 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