

RECEIVED

MAR - 1 2000

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY [Signature]  
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

FILED

MAR 02 2000

CLERK, U.S. DISTRICT OF TEXAS  
BY [Signature]  
DEPUTY CLERK

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v.

LOOMIS FARGO, CO. d/b/a/  
LOOMIS ARMORED, INC.,  
Defendant.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

Civil Action No.  
SA 99 CV 1089 FB

**CONSENT DECREE**

The parties to this Consent Decree are the Plaintiff, United States Equal Employment Opportunity Commission ("EEOC"), and Defendant, Loomis Fargo, Co., d/b/a Loomis Armored, Inc. ("Loomis"). This Consent Decree resolves the allegations raised by the EEOC in the above referenced Civil Action No. SA 99 CV 1089. The EEOC initiated this lawsuit under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et seq. ("Title VII"), and Title I of the Civil Rights Act of 1991, 42 U.S.C. § 1981a. The Complaint was filed to correct alleged unlawful employment practices on the basis of sex, female, and to provide appropriate relief to Alice A. Jordan and other similarly situated females who the EEOC maintains were adversely affected by these alleged practices. EEOC alleges that these women were subjected to a sexually hostile work environment and disparate treatment while employed by Loomis at its San Antonio, Texas facility. Further, EEOC claims that the sexual harassment made the conditions of employment so intolerable for these women that some were forced to resign their positions. Loomis denies the allegations brought by the EEOC as alleged in the Complaint or any amended Complaint filed in this Civil Action. Loomis also denies that it engaged any wrongdoing under

Title VII or any other federal or state statute or in violation of any common law right or action.

The EEOC and Loomis wish to settle this action, without the risks, uncertainties and expenses of continued litigation, under the terms in this Decree. Neither Loomis' consent to the entry of this Decree, nor any of the terms set forth in it, should constitute or be construed as Loomis' admission of any Title VII violation or any wrongdoing under any federal or state statute or common law.

IT IS ORDERED, ADJUDGED AND DECREED as follows:

1. This Court has jurisdiction over the subject matter of this action and the parties, venue is proper and all administrative prerequisites to the filing of this action have been met. The parties stipulate to the Court's jurisdiction and waive a hearing and entry of findings of fact and conclusions of law.

2. This Decree is entered in full and complete settlement of all claims and issues raised in EEOC's complaint in this case. EEOC waives further litigation of all issues raised in the above-referenced Complaint. 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 Loomis, other than the discrimination charge filed by Alice A. Jordan. EEOC and Loomis stipulate that this settlement resolves all legal and factual issues that EEOC or the individual claimants raised in the above-referenced Complaint.

3. The duration of this Decree shall be three (3) 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. Loomis, in settlement of the above-referenced Complaint, shall pay to each Class

member the sum of money as set out by her name, for a total of **\$58,000.00**, in certified funds or by cashier's check, within fourteen (14) days of when the Decree is entered by the Court. This monetary award constitutes compensatory damages. These payments shall be mailed directly to each Class Member at the following addresses:

Alice A. Jordan 206 Koeller San Antonio, Texas 78775	\$ 15,000.00
--	--------------

Aurora Aguilar 519 Nock San Antonio, Texas 78221	\$ 10,000.00
--	--------------

Cynthia Lopez (formerly Cynthia McClaren) 3500 Goliad Lot No. 99 San Antonio, Texas 78223	\$ 33,000.00
--	--------------

Loomis shall contemporaneously mail a copy of the checks and accompanying transmittal papers to the EEOC to the attention of Robert B. Harwin, Regional Attorney, U.S. Equal Employment Opportunity Commission, Mockingbird Plaza II, 5410 Fredericksburg Road, Suite 200, San Antonio, Texas 78229.

5. Defendant Loomis shall not during the term of this Decree, discriminate against any employee at the San Antonio facility on the basis of sex. Defendant Loomis shall not engage in any other act or practice which has the purpose or effect of unlawfully discriminating against any past, present, or future employee on the basis of sex, including creating or contributing to a hostile environment of sexual harassment, making submission to sexual advances, or tolerance of sexual harassment a term or condition of employment for any employee, or permitting sexual harassment by other employees of which Defendant is or should be aware. During the term of

this Decree, Defendant Loomis further agrees to maintain and strictly enforce its written policy of non-harassment and furtherance of equal employment opportunity as set forth in Exhibit B.

6. Defendant Loomis will not be deemed to have violated paragraph 5, unless this Court finds a violation.

7. Defendant Loomis shall post a notice regarding its practices, policies, and intent not to discriminate against any employee in violation of Title VII. Such notice shall be as set forth in Exhibit A, which is attached to this Decree. A copy of Exhibit A shall be posted at Defendant's San Antonio, Texas facility on all employee bulletin boards and other areas where employees are likely to congregate. The notices shall be posted within ten (10) days after the Decree is filed and shall remain posted for the duration of the Decree.

8. To further the ends of this Consent Decree, within ninety (90) days of the date this Court enters the Decree, all of Loomis' supervisory and managerial employees at its San Antonio facility shall participate in EEO training, which includes anti-sexual harassment training, of not less than four hours. This training shall explain the law relating to sexual discrimination, including sexual harassment. Within thirty (30) days prior to the date scheduled for this training, Loomis shall give the EEOC a written report describing the sexual discrimination training to be attended by the managerial/ supervisory employees referred to in this paragraph, identifying the instructor(s) and describing his/her/their qualifications to conduct the training, and the EEOC shall have the right to approve the training and/or the instructor(s).

9. Consistent with its enforcement powers under Title VII, during the duration of this Decree, the EEOC shall have the right to ensure compliance with the terms of this Decree. In order to ensure such compliance, Defendant Loomis shall allow the EEOC to visit its San

Antonio facility with three (3) days notice to either Dean J. Schaner or Arthur Nathan, both of HAYNES & BOONE, LLP. EEOC shall also have the right to interview employees, and examine and copy relevant documents. Defendant shall have the right to have the presence of counsel during EEOC interviews of Defendant Loomis' managerial and supervisory employees.

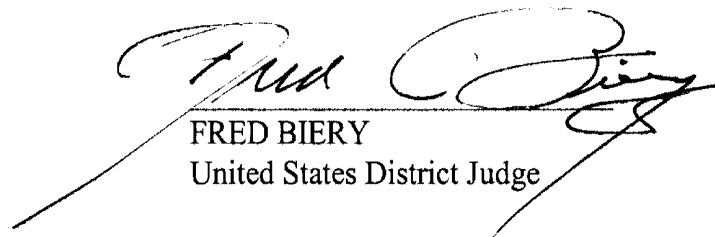
10. The terms of this Decree shall be binding upon the EEOC and Defendant Loomis, and its agents, officers, employees, servants, successors, and assigns, as to the issues resolved in this Decree.

11. Each party shall bear its own costs, including attorneys' fees incurred in this action.

12. The parties agree that there is no prevailing party in this action or proceeding.

SO ORDERED.

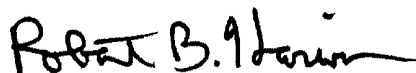
Signed on this 2<sup>nd</sup> day of March, 2000.

  
FRED BIERY  
United States District Judge

Respectfully submitted,

C. GREGORY STEWART  
General Counsel Designate

GWENDOLYN YOUNG REAMS  
Associate General Counsel



---

ROBERT B. HARWIN  
Regional Attorney  
State Bar No. 076083  
(District of Columbia)



---

LINDA GUTIERREZ  
Supervisory Trial Attorney  
Texas State Bar No. 08642750



---

CONNIE LIEM  
Trial Attorney  
Texas State Bar No. 00791113

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

San Antonio District Office  
5410 Fredericksburg Rd., Ste. 200  
San Antonio, TX 78229-3555  
(210) 281-7629  
(210) 281-7669 FAX

ATTORNEYS FOR PLAINTIFF



Dean J. Schaner  
Texas Bar No. 17726500  
Felicity Fowler  
Texas Bar No. 00784076  
Laura Spatz  
Texas Bar No. 00797477

HAYNES & BOONE, LLP  
1000 Louisiana St., Suite 4300  
Houston, TX. 77002-5012  
Telephone: (713) 547-2000  
Facsimile: (713) 547-2600

ATTORNEYS FOR DEFENDANT

## **NOTICE TO ALL EMPLOYEES**

LOOMIS FARGO CO., IS FIRMLY COMMITTED TO TREATING EMPLOYEES AND APPLICANTS FOR EMPLOYMENT ACCORDING TO MERIT WITHOUT REGARD TO THEIR RACE, RELIGION, COLOR, NATIONAL ORIGIN, SEX, 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. LOOMIS FARGO CO. WILL SPECIFICALLY NOT TOLERATE SEXUAL HARASSMENT OF ITS EMPLOYEES, NOR HARASSMENT BASED ON RACE, RELIGION, COLOR, AND NATIONAL ORIGIN.

IF YOU BELIEVE YOU ARE BEING DISCRIMINATED AGAINST IN ANY TERM OR CONDITION OF YOUR EMPLOYMENT BECAUSE OF YOUR RACE, RELIGION, COLOR, SEX AND NATIONAL ORIGIN, BEING SUBJECTED TO SEXUAL HARASSMENT, OR HAVING ENGAGED IN TITLE VII-PROTECTED ACTIVITY, YOU ARE ENCOURAGED TO SEEK ASSISTANCE FROM SUPERVISORY PERSONNEL, HUMAN RESOURCES, 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 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.

**EXHIBIT A**



EXHIBIT B



## Policy Against Harassment

Policy

HR 1.02

Loomis, Fargo & Co. is committed to providing a workplace that is free from conduct of a harassing nature. Harassment is against company policy and will not be tolerated.

Conduct, whether verbal or physical, will be considered harassment if it demeans or shows hostility toward an individual because of that individual's race, sex, color, religion, national origin, age, disability, veteran status, pregnancy, marital status, or sexual orientation, and if it:

- Has the purpose or effect of creating an intimidating, hostile, or offensive work environment; or
- Has the purpose or effect of interfering with an individual's work performance; or
- Otherwise adversely affects an individual's employment opportunities.

If you feel that you are a victim of harassment, or if you have witnessed harassment, the company strongly encourages you to immediately report the matter to either: (i) your supervisor; (ii) the company's local Human Resources Department; or (iii) any member of the local management. If you are uncomfortable with these reporting options, you may report the matter directly to the Human Resources Department in Houston by calling (713) 435-6715 or (713) 435-6716.

All complaints will be promptly investigated. Confidentiality will be maintained to the extent feasible. All supervisors, managers, and human resources representatives must report all harassment complaints to the Vice President of Corporate Employee Relations at (713) 435-6716. At the conclusion of the investigation, the company will inform the complainant of the result of the investigation. If a complaining employee is dissatisfied with the outcome of the investigation, he or she may appeal to the Executive Vice President of Human Resources in Houston.

Employees will not suffer adverse employment consequences for making a good faith complaint or taking part in the investigation of a complaint. Any employee who retaliates against an individual for lodging a discrimination or harassment complaint or participating in the investigation process will be subject to disciplinary action up to and including termination of employment.

The company expects all employees to comply with this policy and all discrimination and harassment laws. Any employee who violates this policy or any discrimination or harassment law will be subject to disciplinary action up to and including termination of employment.



## Equal Employment Opportunity

### Policy

HR 1.01

---

It is Loomis, Fargo & Co.'s policy to treat applicants and employees with equality in all terms and conditions of employment without regard to race, color, religion, gender, age, national origin, disability or veteran status.

The Company's policy on Equal Employment Opportunity is included in policy manuals and related management training, and in all union contracts.

The Corporate Human Resources Department routinely reviews and updates policies, job descriptions, and training materials to ensure that they conform to the organization's policy of Equal Employment Opportunity. This Department is also available to all employees to address and resolve employment-related issues.

### Resources

---

Additional information about this Policy topic can be found by contacting the Corporate Human Resources Department.