

FILED
2008 OCT 21 AM 8:50
CLERK OF DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____
DEPUTY

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

UNITED STATES OF AMERICA)
)
AND)
)
EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiffs,)
)
v.)
)
HOUSING AUTHORITY OF THE CITY)
OF EL PASO,)
)
Defendant.)
_____)

CIVIL ACTION NO. EP-08-CV-0313-KC

CONSENT DECREE

The parties to this Consent Decree are Plaintiffs, the United States of America and the Equal Employment Opportunity Commission ("EEOC"), and Defendant, Housing Authority of the City of El Paso. This Consent Decree resolves the allegations raised by Plaintiffs in the above-referenced Civil Action No. CP-08-CV-0313-KC. Plaintiffs 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 the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. §621, *et seq.* ("ADEA"), in order to enforce a written settlement agreement entered into between Miriam McNabb, Plaintiff EEOC, and Defendant, following a mediation. The settlement agreement resolved a charge of discrimination filed with the EEOC by Ms. McNabb alleging that her non-

promotion to the position of Human Resources Technician was based on her national origin, in violation of Title VII, and her age, in violation of the ADEA.

The parties wish to settle this action, without the risks, uncertainties and expenses of continued litigation, under the terms in this Decree.

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 filing of this action have been met.
2. This Consent Decree resolves all issues raised in the Complaint. Plaintiffs waive further litigation of all issues raised in the above-referenced complaint. Plaintiff EEOC expressly reserves its right, however, to process any other charges that may now be pending or may in the future be filed against Defendant.

SCOPE OF CONSENT DECREE

3. The duration of this Decree shall be one year 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. Should any disputes under this Decree remain unresolved after this one 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.

INJUNCTIVE PROVISIONS

4. During the term of this Consent Decree, the head of Defendant's Section 8 Department, where Ms. McNabb is employed, will not serve on her interview panels for positions outside the Section 8 Department.
5. For a period of six months from the date of filing of this Decree, Defendant's

Human Resources Director will monitor all of Ms. McNabb's interview panels.

6. Defendant will adhere to all policies regarding interview panels and procedures for promotion as set forth in its most recent employee handbook.

7. Defendant and its agents, officers, employees, servants, successors, and assigns, are enjoined, during the term of this Consent Decree, from retaliating in any manner whatsoever against Ms. McNabb and/or any other past, present, or future employee, who pursues a claim pursuant to Title VII or the ADEA, or who files a discrimination charge, gives testimony, or assistance, or participates in any manner in any investigation, proceeding, hearing, or action under Title VII or the ADEA.

MONETARY RELIEF

8. Defendant will provide Ms. McNabb with an educational reimbursement in the amount of \$2,000. Payment shall be made directly to Ms. McNabb within 30 days from the date of filing of this Decree, and Defendant shall provide a copy of the check by which this payment is made to the attention of Robert Canino, Regional Attorney of the U.S. Equal Employment Opportunity Commission's Dallas District Office, at the following address: 207 S. Houston Street, Third Floor, Dallas, TX 75202.

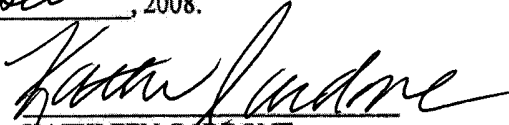
9. Except as provided herein, the parties to this Decree shall bear their own costs and attorney's fees.

10. The terms of this Decree shall be binding upon Plaintiffs and Defendant as to the issues resolved herein.

11. The provisions of this Consent Decree differ from those that might ordinarily be included in such resolution of claims by the EEOC and employers, in that the action brought does not allege discrimination, but rather is a matter involving enforcement of a settlement


agreement. Therefore, this Consent Decree and the terms contained herein are unique to this civil action, and are not to be considered precedent or representative of settlements reached in cases alleging discrimination under Title VII or the ADEA or any other statute enforced by the EEOC.


12. The Clerk shall furnish a copy hereof to each attorney of record.
The Clerk shall close the case.
SO ORDERED this 20th day of October, 2008.


KATHLEEN CARDONE
UNITED STATES DISTRICT JUDGE

Respectfully submitted,

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Civil Rights Division


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By:

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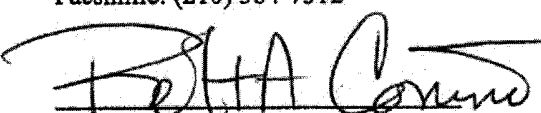
JOHNNY SUTTON
United States Attorney
Western District of Texas

By:

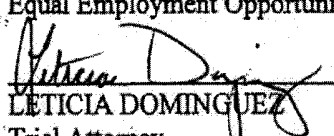


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FOR PLAINTIFFS