

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

**FILED**  
UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

DEC - 5 2002

EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION, )

Plaintiff, )

v. )

BRINK'S, INCORPORATED, )

Defendant. )

*Robert M. Muck*  
CLERK

CIV 01-0473 MCA/LFG

**CONSENT DECREE**

The United States Equal Employment Opportunity Commission (the "Commission" or "EEOC") filed this action against Brink's Incorporated ("Defendant"), to enforce Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991. In the Complaint, the Commission alleged that Elizabeth Montoya, an employee of Defendant's Albuquerque Branch, was not promoted to the position of Assistant Branch Manager because of her sex, female.

The parties to this Consent Decree do not object to the jurisdiction of the Court over this action and waive their rights to a hearing and the entry of findings of fact and conclusions of law.

It is hereby **ORDERED, ADJUDGED AND DECREED:**

1. This decree resolves all claims of the Commission and Elizabeth Montoya arising out of the issues in this lawsuit against Defendant, including claims for back pay, compensatory and punitive damages, interest, injunctive relief, attorneys' fees and costs.

**INJUNCTION**

2. For the duration of this Consent Decree, Defendant, its managers, officers, agents, employees, successors, assigns and all persons in active concert or participation with them, shall

not discriminate against any employee because of his or her sex, including discrimination related to promotion decisions.

3. For the duration of this Consent Decree, Defendant, its managers, officers, agents, employees, successors, assigns, and all those in active concert or participation with them, or any of them, shall not engage in reprisal or retaliation of any kind against Elizabeth Montoya, any witness who testified, assisted, or participated in any manner in this case or any person because such person:

- A. opposed any practice made unlawful under Title VII;
- B. filed a charge of discrimination with the Commission or a state agency or testified or participated in any manner in any investigation, proceeding or hearing under the Title VII;
- C. requested and/or received relief in accordance with this Consent Decree; or
- D. participated in any manner in this action or in the investigation giving rise to this action.

#### **RELIEF TO CHARGING PARTY**

4. Within seven (7) calendar days after this Consent Decree is approved by the Court, Brink's shall make payment in the form of a business check made payable to Elizabeth Montoya in the amount of \$58,750.00 for compensatory damages. Brink's will issue a United States Internal Revenue Service Form 1099 to Ms. Montoya for the amounts designated as compensatory damages.

5. Within five (5) days of issuance of the check required by paragraph 4 above, Defendant shall submit a copy of the checks and related correspondence to the Regional Attorney, Equal Employment Opportunity Commission, Albuquerque District Office, 505 Marquette NW, Suite 900, Albuquerque, New Mexico 87102-2189.

6. Defendant shall provide Elizabeth Montoya with a brief letter of recommendation signed by a Brink's official at the District Manager level or above. The letter provided to Ms. Montoya shall be consistent with the language contained in Exhibit B to this Decree.

7. In response to any written employment inquiries or reference checks concerning Elizabeth Montoya, Defendant shall provide only Ms. Montoya's dates of employment, job titles and salary. This provision shall remain in force for so long as Ms. Montoya uses the Defendant as a reference and is not limited to the two-year duration of this decree.

8. Within ten (10) days of entry of this decree, Defendant shall distribute Brink's Policies and Procedures Manual section regarding Reference Inquiries and Credit Checks to local management of the Albuquerque Branch and to all Albuquerque Branch employees whose duties involve responding to such inquiries.

#### **DEFENDANT'S POLICIES AND PRACTICES**

9. To assist Defendant in its effort to foster a work environment free of sex discrimination, Defendant shall take the actions provided for in Paragraphs 10 and 11.

10. Defendant shall post within thirty (30) days of the entry of this Consent Decree, for a period of twenty-four (24) months in a prominent place frequented by its employees in New Mexico, the Notice attached to this Decree as Exhibit A. This Notice shall be the same type, style and size as in Exhibit A.

11. Defendant shall provide training on sex discrimination according to the following terms:

A. Defendant shall provide at least two training sessions during the term of this Consent Decree. All employees, including managers and supervisors, at all New



Mexico facilities shall attend the training. Duplicative sessions may be held to accommodate staffing needs. Defendant shall be responsible for all costs associated with this training.

- B. During the first year of the Consent Decree, the training shall be conducted within four (4) months of the entry of this decree. Additional training shall be conducted at least once in the second year of this Consent Decree, which will be conducted no later than twenty months after entry of the Decree.
- C. Defendant shall select a trainer qualified to conduct training on the subject of sex discrimination and shall submit the trainer's name, resume, training agenda and the date(s) of the proposed training to the Regional Attorney of the Albuquerque office of the Equal Employment Opportunity Commission within sixty (60) days of the entry of this Consent Decree. During the second year of the Consent Decree, the above information concerning the proposed training session shall be submitted to the Regional Attorney at least forty-five (45) days prior to the seminar-training session.
- D. The training shall include a minimum of two hours of instruction. All personnel designated in Paragraph A shall both register and attend the training. The registry of attendance shall be retained by Defendant at least for the duration of the Consent Decree.
- E. The training, at a minimum, shall include the subjects of: what constitutes unlawful discrimination based on sex; that sex discrimination in promotion practices, hiring, firing, compensation, assignment or other terms, conditions or privileges of employment violates Title VII; how to prevent sex discrimination; how to provide a work environment free from sex discrimination, and to whom

and by what means employees may complain if they feel they have been subjected to sex discrimination.

- F. Immediately following the training sessions, Defendant's highest ranking managerial official(s) in New Mexico shall speak to the employees about: (1) potential discipline that can be taken against supervisors, managers and employees who commit acts of sex discrimination or who allow sex discrimination to occur in the workplace; (2) the importance of maintaining an environment free of sex discrimination; and (3) the employer's policies regarding sex discrimination. This time shall not be counted toward the two-hour minimum training required in Paragraph 11D. In the event of the need for duplicative or make-up training sessions, the Defendant may present the managerial official's remarks by video presentation. All such video presentations shall be copied and supplied to the Commission in accord with Paragraph 13 of this Consent Decree.
- G. For the duration of this decree, at or around the time of hire, employees hired after the annual training is presented shall view a video tape of the training and/or a professional training tape which covers the topics set forth in Paragraph 11E, and shall be given any written material disseminated at the training.

12. In accordance with this Consent Decree, the Commission, at its discretion, may designate Senior Trial Attorney Loretta Medina, or other appropriate Commission representative, to attend the training sessions held pursuant to Paragraph 11 of this Decree.

### **REPORTING OF COMPLIANCE**

13. Defendant shall report in writing and in affidavit form c/o the Regional Attorney of the Equal Employment Opportunity Commission's Albuquerque District Office at 505 Marquette NW, Suite 900, Albuquerque, New Mexico 87102-2189, beginning six months from the date of the Entry of this Consent Decree, and thereafter every six months for the duration of the Consent Decree the following information:

- A. The registries of persons attending each of the seminar-training sessions required in Paragraph 11 and a list of current employees for all New Mexico facilities on the day of the seminar-training session(s).
- B. An affidavit from Defendant's highest ranking official(s) in New Mexico stating:  
(1) the Notice required in Paragraph 10 was posted and the locations where it was posted and (2) it has complied with Paragraphs 2-11 of this Consent Decree.

### **COSTS AND DURATION**

14. Each party shall bear its costs and attorneys' fees incurred as a result of this action through the entry of this Consent Decree.

15. The duration of this Consent Decree shall be two (2) years from the date of its entry. This Court shall retain jurisdiction of this action for the duration of the Consent Decree, during which the Commission may petition this Court for compliance with this Consent Decree. Should the Court determine that Defendant has not complied with this Consent Decree, appropriate relief, including extension of this Consent Decree for such period as may be necessary to remedy its noncompliance, may be ordered.

16. Without further action by the parties, this Consent Decree shall expire by its own terms at the end of two (2) years after the date of entry.

17. The parties agree to entry of this Consent Decree subject to final approval by the Court.

ENTERED AND ORDERED this 5<sup>th</sup> day of December 2002.



THE HONORABLE M. CHRISTINA ARMIÑO  
UNITED STATES DISTRICT JUDGE

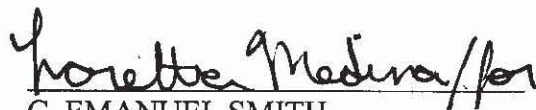
APPROVED AND CONSENTED TO:

GWENDOLYN YOUNG REAMS  
Associate General Counsel  
Litigation Management Services

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
1801 L Street, N.W.  
Washington, D.C. 20507



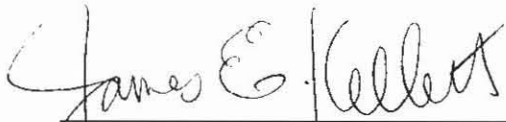
MARY JO O'NEILL  
Regional Attorney



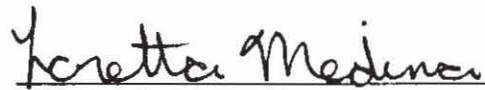
C. EMANUEL SMITH  
Supervisory Trial Attorney

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
3300 N. Central Ave., Suite 690  
Phoenix, Arizona 85012





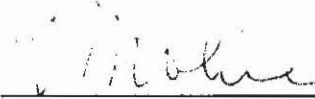
JAMES E. KELLETT, ESQ.



LORETTA MEDINA  
Senior Trial Attorney



KIMBERLY G. BALDWIN, ESQ.



VERONICA A. MOLINA  
Trial Attorney

KING, PAGANO & HARRISON  
425 Park Avenue  
New York, New York 10022  
Telephone: (212) 223-4000

Attorneys for Defendant

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
Albuquerque District Office  
505 Marquette NW, Suite 900  
Albuquerque, New Mexico 87102-2189  
Telephone: (505) 248-5230

Attorneys for Plaintiff



**NOTICE TO ALL EMPLOYEES OF**  
**BRINK'S INCORPORATED**

This Notice is posted pursuant to a Consent Decree between Brink's, Incorporated ("Brink's") and the Equal Employment Opportunity Commission (EEOC).

It is unlawful under the federal law (Title VII of the Civil Rights Act of 1964) and state law to discriminate against an employee on the basis of sex in promotion practices, hiring, firing, compensation or other terms, and conditions or privileges of employment.

Brink's prohibits all forms of sex discrimination, including sex discrimination in promotion practices. Brink's does not discriminate on the basis of sex. Brink's does not retaliate against any employee who opposes a practice made unlawful under federal law, files, assists or participates in the filing of a charge of discrimination or participates in any investigation under Title VII, or who files a grievance alleging discrimination.

If you believe you are being discriminated against or retaliated against you should report this to the designated investigative officer at your workplace who may be contacted at \_\_\_\_\_.

If you believe you have been discriminated against by your Employer you have the right to seek assistance from:

1) Equal Employment Opportunity Commission (EEOC), 505 Marquette, Suite 900, Albuquerque, New Mexico 87102, (505) 248-5201 or 1-800-669-4000.

or

(2) The New Mexico Department of Labor, Human Rights Division, 1596 Pacheco St., Suite 103, Santa Fe, New Mexico 87505, (505) 827-6838.

You have the right to file a charge with the EEOC or the Department of Labor if you believe you are being discriminated against.

**EXHIBIT A**

DATE

To Whom It May Concern:

Elizabeth Montoya has been employed with Brink's, Incorporated in Albuquerque, New Mexico, for eleven years and seven months. She has held the positions of Driver, Messenger, Office Employee and Secretary, and also has worked in the Currency Room, Vault, ATM/Compusafe operations. Ms. Montoya has been a dedicated and hard-working employee. Ms. Montoya is very capable in accounting and office management. She also has strong customer service skills.

Sincerely,

DISTRICT MANAGER OR HIGHER OFFICIAL

**EXHIBIT B**