

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

-----X
EQUAL EMPLOYMENT OPPORTUNITY :
COMMISSION, :
 :
 Plaintiff, :
 :
 -against- :
 :
 LANDIS PLASTICS, INC., :
 :
 Defendant, :
-----X

Civil Action No.

CONSENT DECREE

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PART I
GENERAL PROVISIONS

Section 101 Introduction

The Plaintiff Equal Employment Opportunity Commission (“Commission”) and Landis Plastics, Inc. (“Landis”), the Defendant have agreed to resolve the above-captioned action by the terms of this Consent Decree (“Decree”) as set forth below.

The Commission filed the complaint commencing this action on July , 2000 alleging that Landis engaged in unlawful employment practices on the basis of sex in violation of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, *et seq.* (“Title VII”). The complaint was based upon charges filed by Beverly Martin and Kathy Saumier, which set forth the foregoing claim. The Commission asserted that Landis since at least December 1994, engaged in unlawful employment practices and discrimination on the basis of sex in violation of Sections 703(a) and 707 of Title VII, 42 U.S.C. Section 2000e-2(a) and 6, by refusing to hire women in higher-paying positions and by otherwise not providing female applicants and employees equal opportunity in employment. The unlawful employment practices include but are not limited to the following:

- a) hiring male but not female applicants for the higher paying entry level position of Material Handler and other higher-paying positions such as Technicians;
- b) segregating female employees into the lower paying entry-level position of Inspector/Packer and males into the higher paying entry-level position of Material Handler;
- c) selecting males over females when promoting employees into higher-paying positions;
- d) providing men with promotional opportunities to higher-paying positions not equally available to women;

e) offering tests to men through which they became eligible for higher-paying positions but not offering the same test to women;

f) creating and perpetuating a disciplinary system that treats women more harshly than men and which adversely affects the terms, conditions and privileges of the employment of female employees to a greater degree than men;

g) not providing or allowing women the opportunity for on-the-job experience or training for higher-paying positions as is provided to men;

The Commission's lawsuit seeks individual and class relief to the harmed individuals who applied for or were denied employment opportunities at the Landis location in Solvay, New York from December 1994 to the date of execution of this Decree. The Commission also seeks injunctive relief to insure that there is equal opportunity for all Landis applicants and employees.

Section 102 Non-Admission of Liability and Commitment to Equal Opportunity

A. Landis denies the allegations set forth in the Complaint.

B. Landis commits to comply with Title VII and will endeavor to provide equal employment opportunities to female applicants and equal promotional opportunities to females, in accordance with the law.

C. Landis agrees that it will not retaliate against any individual because that individual is a beneficiary of this Decree, or has provided information, assistance, or participated in any other manner in the investigation or litigation of this matter.

Section 103 Purpose of the Decree

Compliance with this Decree resolves all issues between the Commission and Landis arising out of the Complaint in this action. The Consent Decree precludes any further assertion by the E.E.O.C. of any and all claims brought or which could have been brought pursuant to the Charges. Except as provided in this Decree, this Decree in no way affects the Commission's right to process pending and future charges against Landis in accordance with Commission procedures, and to commence civil actions under Title VII or any other statute enforced by the Commission. The parties have entered into this Decree to avoid the delay, expense, and uncertainty of further litigation with respect to matters resolved herein, as well as to further the goal of cooperation.

Section 104 Provisions of the Decree

A. This Decree constitutes the complete understanding between the Commission and Landis Plastics, Inc. with respect to the matters referred to herein. No waiver, modification, or amendment of any provision of this Decree shall be effective unless made in writing and approved by all parties to the Decree. If one or more of the provisions of this Decree are rendered unenforceable, the remaining provisions shall remain in full force and effect.

B. The Consent Decree shall bind the parties as well as Landis successors, assigns, subsidiaries, affiliates, and any other corporation or other entity into which the Defendant may merge or with which it may consolidate.

C. The Consent Decree shall remain in effect for four years from the effective date of the Decree. The Decree shall not expire while any enforcement action is pending. The Decree shall take effect upon the Court's execution of the Decree.

Section 105 Consent to Jurisdiction

The Commission and Landis agree that this Court has jurisdiction over the subject matter of this litigation and the parties for the duration of this Decree, that venue is proper, and all administrative prerequisites have been met.

Section 106 Breach of Decree

No party shall contest the jurisdiction of the federal court to enforce this Decree and its terms or the right of any party to bring an enforcement suit upon breach of any of the terms of this Decree by any other party. Breach of any term of this Decree should be deemed to be a substantial breach of this Decree. Nothing in this Decree shall be construed to preclude the EEOC from bringing proceedings to enforce this Decree in the event that Landis fails to perform any of the promises and representations contained herein from the date of entry.

PART II

DEFINITIONS

Section 201 Definitions

A. “Potential Class Member” for purposes of this Decree shall mean females employed by Landis between December 1994 through the signing of this decree who may submit or has submitted a Claim Form with appropriate information in a timely fashion.

B. “Class Member” for purposes of this Decree shall mean females employed by Landis between December 1994 through the signing of this decree who the Commission has deemed eligible for monetary relief under the Decree.

C. "Claims Fund" for purposes of this Decree is the Seven Hundred and Eighty Two Thousand ("\$782,000") and accrued interest from which Class Members will receive damages

D. "On a quarterly basis" for purposes of this Decree shall mean within two weeks of each January 1st, April 1st, July 1st, and October 1st for the duration of the Decree. The final set of reports required under this Decree shall be submitted to the Commission one month prior to the expiration of the Decree.

PART III

SYSTEMIC RELIEF

Section 301 Internal Posting of "Notice of Resolution of E.E.O.C. v. Landis Plastics, Inc.

Within 14 days of the execution of the Decree, Landis shall post the "Notice of Resolution of E.E.O.C. v. Landis Plastics, Inc.", annexed hereto as Exhibit A, at Landis' Solvay, New York plant in a conspicuous place where employee and employment information are posted. The Notice shall remain posted for a period of four years.

Section 302 Training of Landis Plastics, Inc. Hiring Officials

Within 90 days of the execution of this Decree, Landis agrees to provide training regarding lawful interviewing, screening, and hiring procedures to all employees who are or may become responsible for hiring. The training shall be conducted by an outside contractor selected by the Defendant and approved by the Commission. Defendant shall provide the Commission with the Curriculum Vita of the proposed trainer and an outline of the subject matter of the training for prior

approval. Subsequent to the training, Landis shall provide a dated attendance sheet with the signatures of those in attendance. There will be anti-discriminatory hiring training for all employees who are or may become responsible for hiring for the remainder of this Decree. The training shall be conducted, pursuant to this Decree, once in the first year and once in each subsequent year for a total of four sessions. During the four year period covered by the Consent Decree, within two weeks of each anniversary of the effective date of the Decree, Landis shall send to the Commission a Report detailing all training conducted in the prior year.

Section 303 Annual Training of All Landis Employees

Landis agrees to provide training regarding laws prohibiting discrimination in employment to all its employees on an annual basis. During the four year period covered by the Consent Decree, within two weeks of each anniversary of the effective date of this Decree, Landis shall send to the Commission a Report detailing all training conducted in the prior year.

Section 304 Non-Discrimination Policy and Procedure

Within 120 days of the effective date of the Decree, Defendants shall implement and publish to employees an Anti-Discrimination Policy and Procedure. The policy shall set forth Landis' commitment to equal opportunity in all aspects of employment and provide an appropriate mechanism for reporting complaints, investigating allegations, and punishing individuals who violate the policy. The policy will provide specific information that all employees regardless of their gender should be afforded equal opportunity regarding training and promotions and an explanation that it is a violation of the law to discipline an employee more severely because of their gender. If

Landis intends to have a system of discipline it will provide, in writing, a list of violations and the penalties. The policy shall also instruct employees that they cannot be retaliated against for reporting complaints or cooperating in investigations of those complaints. The policy shall identify individuals to whom complaints of discrimination may be reported. Defendant must submit a draft of this policy for review by the Commission within three months of the effective date of the Decree. The final version of the policy shall be submitted to the Commission for its review and approval prior to its implementation.

Section 306 Recruitment of Applicants for Entry Level Positions

Landis shall publicly announce all openings for entry level by posting a sign where all employees and applicants for employment can readily view that indicates the nature of the available position(s); and in addition

A. As needs arise, Landis will place an advertisement in the [name of local paper] Sunday edition stating the position titles which are presently available at Landis. The advertisement shall state that Landis is an equal opportunity employer.

B. Listing each opening with the New York State Department of Labor Community Service Division.

C. Copies of job listings shall be provided to the Commission on a quarterly basis.

Section 307 Maintenance of Applicant Flow Report

A. Landis agrees to institute an applicant flow form, annexed hereto as Exhibit B,

identifying each individual who applies for employment. Each applicant will be shown a Notice, annexed hereto as Exhibit C, setting forth the purpose for the request for information and explaining that the information provided will not play any role in this or any employment decision. The information requested from each applicant will consist of: name, address, date of application, social security number, self-identification of gender, date of application, position(s) applied for, and source of information regarding job opening. Subsequent to the applicant's completion of the form, Landis shall indicate position(s) available, whether the individual was hired, and, if so, for what position.

B. Landis shall provide the Commission with the completed applicant flow forms on a quarterly basis for the duration of the decree.

Section 308 Recruitment of Applicants for Promotional Positions

Landis shall post, where all Landis employees can readily view, all promotional opportunities at the Landis location in Solvay, New York. This posting will include the title of the position, position description and qualifications, the application requirements and deadline for applying.

Section 309 Reporting of Promotions to the Commission

When an employee is hired as a Print Technician, Mold Technician and Forklift Operator, Landis will provide to the Commission, on a quarterly basis, the following information: A list of all employees who apply for the positions, identified by gender, the person who was hired and the reason for the selection or if no one was hired the reason for the decision to not fill the position.

B. Landis shall provide the Commission with this information on a quarterly basis for the

duration of the decree

PART IV

AFFECTED CLASS RELIEF

Section 401 Monetary Relief

A. Landis agrees to pay \$782,000.00 (SEVEN HUNDRED EIGHTY TWO THOUSAND DOLLARS) to a claims fund (“Claim Fund”) to be divided among all class members qualified for monetary relief who are to be identified by the Commission in accordance with the terms of this Decree. Landis will prepare and tender the award checks in accordance with the provisions set forth below.

B. Within seven days of the effective date of this Decree, the Claim Fund shall be placed in an interest bearing account for the benefit of the class members. The Claim Fund shall not be used to fulfill any other obligations that Landis has pursuant to this Decree except that should any earned interest on this interest-bearing account for the Claims Fund not be distributed to claimants, it shall be used by Landis to pay for discrimination training for its employees.

Section 402 Identification of Class Members

A. Notice to Potential Class Members

1. Landis Plastics, Inc. shall prepare multiple reproductions of the Claim Form annexed hereto as Exhibit D. Within seven days of the execution of this decree, Landis shall make the Claim Form available at the Landis Solvay, New York location for any female employees who

request the Claims Form.

2. Within seven (7) days of the signing of this decree Landis will provide the Commission the most recent name and address of all females employed by Landis from December 1994 through date of the signing of the Decree. The Commission will send Claims Form to all individuals listed by Landis.

B. Filing of Claims by Potential Class Members

1. The Claim Form will be returned to the New York District Office of the E.E.O.C. The Claim Form will explicitly advise all potential Class Members of their responsibility to fully respond to each question and to keep the Commission apprized of any change in telephone number and address in order to preserve any rights they may have under the Decree. The deadline for returning the Claim Form will be prominently displayed at the top of the Claim Form. Any person wishing to preserve his or her rights under this Decree must file a timely claim.

2. Individuals who have previously been identified by the Commission as harmed parties will be notified by the Commission and will be issued a Claim Form to be completed by the same deadline.

C. Claims Certification

1. A Class Member is entitled to monetary relief pursuant to the terms of the Decree if the Commission determines that the individual satisfies either or both of the following conditions:

A Potential Class Member must have:

(1) applied and worked in an entry level position at Landis, during the period December 1994 through the effective date of the Decree and/or

(2) applied for, requested or some way made known her interest in the Print

Technician, Mold Technician and Forklift Operator positions once employed at Landis during the period December 1994 through the effective date of the Decree. This condition will also be met if the Potential Class Member provides information to the effect that they were deterred from applying for an position.

Section 403 Computation of Award to Class Members

Based on the information provided in the claim form and/or subsequent interviews, the Commission shall make all determinations as to eligibility for monetary relief which may include back pay, pecuniary and non-pecuniary compensatory damages, and benefits. The Commission shall divide the Claim Fund accordingly. In the event Claim demand exceeds the monetary amount set in the Claim Fund, awards will be computed on a prorata basis. The Commission will retain the Claim Forms and related documentation until the Court approves the distribution.

Section 404 Notice of Status of Class Member

A. Within 90 days of the deadline for filing Claim Forms, the Commission shall send the Claimant Status Letter Exhibit F to each Class Member.

B. Class Members will be notified that they have 30 days to submit letters to the Commission challenging their claimant status, the proposed award, and the reasons for their objection. Copies of any objections submitted to the Commission will be submitted to the Court. This procedure will be the sole means by which claimants may challenge their claimant status, the handling of their claim, and their monetary award.

C. If there are objections by any of the potential claimants, the Commission will notify Landis and the Court and the Fairness Hearing detailed in Exhibit E will go forward.

D. If there are no objections, the Commission will notify Landis and the Court that there is no need for a Fairness Hearing and that the distribution of the awards can proceed.

E. Landis will provide to the Commission upon 48 hour notice the an accounting of amount of interest that the award money has accrued. Landis will issue checks after the Court has received and approved from the Commission the final distribution of the awards to claimants. The Parties agree that no award shall be issued to any claimant under this Decree until Landis receives a duly executed release of claims that were subject to this action in the form attached as Exhibit H.

Section 405 Distribution of Award

A. Within two weeks of being notified of the Court's approval of the final distribution, the Commission shall send each Class Member eligible for monetary relief E.E.O.C.'s Notice of Award, annexed hereto as Exhibit G, and a Release, annexed hereto as Exhibit H. Class Members will be advised that they have 30 days to return an executed Release. The Commission will then send to Landis the compelled releases along with a list of the name, address, social security number and amount of award.

B. Within three weeks of the receipt of the executed Release, Landis shall send an award check to each Class Member in the approved amount. Landis shall make applicable withholdings for federal, state and local income taxes and for employee social security taxes pursuant to the Federal Insurance Contribution Act ("FICA") on the back pay and benefit portion. Landis shall also make the employer contributions to the Social Security account of each Class Member using as a

basis therefore, the gross back wages and benefits paid to him or her.

C. Landis will send by certified mail with return receipt requested, the appropriate award check and a document setting forth the statutory deductions to the Class Member. Landis shall also provide a copy of said check, accompanying document, and the certified mail receipt to the Commission.

PART V.

MISCELLANEOUS PROVISIONS

Section 501 Commission Contact for Reporting and Mailings

All documents required to be forwarded to the Commission pursuant to the Decree shall be mailed, delivered, or sent by facsimile to:

Louis Graziano, Senior Trial Attorney
Equal Employment Opportunity Commission
New York District Office
7 World Trade Center, 18th Floor
New York, New York 10048

(Facsimile) (212) 748-8465

Dated: _____, 1999

Dated: _____, 1999

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

Landis Plastics, Inc.

By: _____

Katherine E. Bissell
Regional Attorney (Acting)

Louis Graziano
Senior Trial Attorney

New York District Office
7 World Trade Center, 18th Floor
New York, New York, 10007
(212) 748-8512

SO ORDERED.

Date: _____, 2000

United States District Judge

TABLE OF EXHIBITS

Exhibit A	Notice of Resolution of <u>E.E.O.C. v. Landis Plastics, Inc.</u>
Exhibit B	Applicant Flow Form
Exhibit C	Notice Regarding Applicant Flow Form
Exhibit D	Claim Form
Exhibit E	Notice of Fairness Hearing
Exhibit F	Claimant Status Letters
Exhibit G	E.E.O.C.'s Notice of Award
Exhibit H	Release

NOTICE TO ALL EMPLOYEES

This notice is being posted pursuant to a Consent Decree agreed to by Landis Plastics Sales, Inc. ("Landis Plastics") and the United States Equal Employment Opportunity Commission (E.E.O.C.), in resolution of E.E.O.C. v. Landis Plastics Sales, Inc., (N.D.N.Y.). In that lawsuit, the E.E.O.C. alleged that Landis Plastics failed to provide equal opportunity to females. Landis Plastics denied those allegations. However Landis Plastics does agree that the law does provide all employees and applicants the rights stated below.

Federal law prohibits discrimination in any aspect of employment because of an individual sex. In particular all employees regardless of their gender should be afforded equal opportunity regarding training and promotions. In addition it is a violation of the law to discipline an employee more severely because of their gender. Federal law also prohibits retaliation against any individual by an employer because the individual complains about discrimination, cooperates in the government's investigation of a charge of discrimination, participates as a witness or potential witness in litigation, or otherwise exercises his or her rights under the law.

Should you have any complaints of discrimination, you may contact your Landis Plastics Designated E.E.O. Officer and /or:

Equal Employment Opportunity Commission
Buffalo Local Office
6 Fountain Plaza, Suite 350
Buffalo, New York 14202

(716) 551-4441

THIS IS AN OFFICIAL NOTICE AND SHALL NOT BE DEFACED BY ANYONE

This notice must remain posted for four (4) years from the date of posting and may not be altered, defaced, or covered by any other material.

E.E.O.C. APPLICANT FLOW FORM

Please answer each question, below. Your participation is voluntary, but this information is essential for the E.E.O.C. to ensure equal employment opportunities.

Date you applied to Landis Plastics: _____

Name: _____

Social Security No.: _____

Address: _____

What position(s) did you apply for: _____

How did you find out about the position: _____

Please identify your gender: Male

Female

For Landis Plastics only:

Date of review of application			
Position(s) available			
Was applicant hired			
If so, for what position			
Date of hire			
Not in active file	Reason:		

NOTICE

You are being requested to voluntarily supply information regarding your gender. Please be advised that this is being done at the **request** of the United States Equal Employment Opportunity Commission pursuant to a Consent Decree in E.E.O.C. v. Landis Plastics Sales, Inc. in the United States Court for the Northern District of New York.

Landis Plastics Sales, Inc. will not use this information in any manner regarding your application for employment or any other employment decision. The information will be collected and submitted to the Equal Employment Opportunity Commission on a regular basis so that the Commission can monitor hiring practices and ensure equal opportunity.

The United States Equal Employment Opportunity Commission is the federal agency responsible for enforcing United States statutes prohibiting discrimination in employment.

Thank you for your cooperation and assistance.

Image Not
Available

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
New York District Office

7 World Trade Center, 18th Floor
New York, New York 10048-1102
Telephone: (212) 748-8500
TDD: (212) 748-8399
General FAX: (212) 748-8464
Legal FAX: (212) 748-8465

Louis Graziano
Trial Attorney
(212) 748-8496
louis.graziano@eeoc.gov

Dear Potential Claimant:

The Equal Employment Opportunity Commission (“EEOC”) was created by Congress and enforces Title VII of the Civil Rights Act of 1964 (“Title VII”), which prohibits employment discrimination based upon race, color, religion, sex (including sexual harassment), or national origin.

EEOC and Landis Plastics, Inc. (“Landis”) have entered into a Consent Decree that settles the claims against Landis for sex discrimination. The terms of the Consent Decree have been filed with the United States District Court for the Northern District of New York in EEOC v. Landis Plastics, Inc

As part of the settlement, a claims fund has been established to provide monetary relief to certain victims of discrimination. Landis employees and former employees who were employed by Landis between December 1, 1994 to , who were subjected to sex discrimination in violation of Title VII are entitled to make an application for an award from this fund.

To apply for an award from this fund, complete the enclosed claim form and return it to the following address:

The Equal Employment Opportunity Commission
New York District Office, Legal Unit
7 World Trade Center, 18 Fl.
New York, NY 10048
ATTN: Louis Graziano

In order to be eligible for an award you must return the attached form by .

No adverse action shall be taken by Landis against any employee or former employee for making a claim. Federal Law and the Consent Decree prohibit Landis from retaliating against any person alleging sexual harassment or participating in any manner in this lawsuit.

If you have any questions concerning this letter or the settlement you may contact Louis Graziano, EEOC Trial Attorney at (212)748-8496.

Sincerely,

Louis Graziano
Trial Attorney

CLAIM FORM

E.E.O.C. V. LANDIS PLASTICS, INC.

**This Claim Form must be postmarked by
to be considered for an award.**

It is important that you read the questions carefully and answer them as completely as possible. *After you have answered all the question, please sign and date the Certification at the end of the Form.* If you fail to respond by the deadline or do not complete the form properly, you will not be eligible for monetary relief under this lawsuit.

You must notify the E.E.O.C. of any change in your name, address, telephone number, or contact person. If you fail to do so, you may lose any rights you may have under this lawsuit.

The E.E.O.C. will review the information you provide in this Claim Form along with documentation from Landis Plastics, Inc. (“Landis Plastics”) to determine whether you are eligible for monetary relief.

If you need more space for any answer, attach additional sheets or continue on back of that page. Please write legibly.

If you are or were employed at Landis Plastics between December 1994 and _____, please complete a Claim Form.

1. Name: _____

2. Mailing Address: _____

_____ Zipcode _____

3. Your Daytime telephone number or the Daytime telephone of someone who can reach you:
Area code and number: _____

4. Please identify gender: Male Female

5. Date you applied to Landis Plastics: _____

6. Position or Positions you requested: Any
 Other Describe: _____

7. Type of employment sought: Permanent
 Temporary
 Seasonal
 Any

8. How many hours a week were you available and willing to work? _____

9. Did you fill out an application form? _____

10. Were you interviewed? _____

11. Did you take a test: Yes No

12. Were you hired: Yes No

13. What position were you hired for: _____

14. If not presently employed what was your last day at Landis Plastics? _____

15. Why did you leave Landis Plastics

17. While you were applying to or working at Landis Plastics, and if you applied for other positions while at Landis, did you experience or observe any incidents or comments which led you to believe that Landis Plastics hired or assigned only men to certain positions and women to less desirable or lower paying positions position?

Yes No If yes, describe: _____

18. Were you deterred from applying for other positions at Landis while employed at Landis.

19. Do you believe this affected your being hired or receiving a certain job assignment? *If yes, please explain.* _____

19. Did this emotionally or physically affect you in any way? If so, describe. _____

20. Educational Background

Education	Name of School	Major or Course of Study	Highest Grade Completed (circle)	Did you Graduate
Elementary			5 6 7 8	
High School			1 2 3 4	
College			1 2 3 4	
Graduate/ Professional School			1 2 3 4 Degree:	

21. Provide your job history **prior to applying at Landis Plastics**. Indicate the three jobs you held prior to your application.

1) Employer and Address: _____

Type of business: _____ Your position: _____

Dates employed: _____ No. of hours worked per week: _____

Reason for leaving: _____ Hourly wage: _____

2) Employer and Address: _____

Type of business: _____ Your position: _____

Dates employed: _____ No. of hours worked per week: _____

Reason for leaving: _____ Hourly wage: _____

3) Employer and Address: _____

Dates employed: _____ No. of hours worked per week: _____

Reason for leaving: _____ Hourly wage: _____

22. Provide your job history for the two years **following** your application to *or employment with* Brand Names. If you need more space, please attach additional sheets and be sure to provide all requested information.

1) Employer and Address: _____

Type of business: _____ Your position: _____

Dates employed: _____ No. of hours worked per week: _____

Reason for leaving: _____ Hourly wage: _____

2) Employer and Address: _____

Dates employed: _____ No. of hours worked per week: _____

Reason for leaving: _____ Hourly wage: _____

3) Employer and Address: _____

Dates employed: _____ No. of hours worked per week: _____

Reason for leaving: _____ Hourly wage: _____

You must provide copies of tax returns, W2s, or other documentation for this two year period.

23. If you were unemployed during any part of this two year period, please set forth all attempts you made to obtain employment. This may include reviewing the classified section of the local paper, reviewing job listings at public agencies, filing at employment agencies, filling out applications, contacting friends, associates, or family members about job opportunities, or any other method you used to try to find a job. It is important that you identify the approximate date of each attempt.

CERTIFICATION

I hereby certify that the information provided in this Claim Form is accurate and/or based on my best recollection. I understand providing false information to the E.E.O.C. will result in my disqualification as a claimant.

Dated:

SIGNATURE

Please mail this form with appropriate postage to:

E.E.O.C. Legal Unit
New York District Office
7 World Trade Center, 18th Floor
New York, New York 10048

NOTIFICATION TO CLAIMANT OF STATUS IN
E.E.O.C. V. LANDIS PLASTICS, INC.

Name

Address

The E.E.O.C. has carefully reviewed your Claim Form, any documentation you submitted, and the notes from any subsequent conversations with the E.E.O.C.

The following constitutes the E.E.O.C.'s determination:

A. Claimant Status

You meet all criteria to be a claimant in this action

You do not meet the criteria to be a claimant in this action

Comments:

B. Eligibility for Monetary Award

You are eligible for a monetary award

You are not eligible for a monetary award

Comments:

C.P proposed Monetary Award: **Backpay and benefits:**_____

Compensatory Damages:_____

Total:_____

Note: The check you receive, if any, will be this amount minus applicable withholdings.

Comments:

If you disagree with the E.E.O.C.'s determination, you have until DATE to submit a letter to the court indicating any disagreement you have with your Claimant Status or Monetary Award. Please send a letter stating your objection(s) and the reasons supporting your objection

to:

Louis Graziano, Senior Trial Attorney

E.E.O.C.

7 World Trade Center, 18th Floor

New York, NY 10048

**DO NOT SEND A LETTER IF YOU DO NOT OBJECT
TO THE AMOUNT OF YOUR AWARD.**

E.E.O.C.'S NOTICE OF COURT APPROVAL OF AWARD DISTRIBUTION
E.E.O.C. V. LANDIS PLASTICS, INC.

The United States District Court for the Western District of New York, after reviewing all objections thereto, has approved the Consent Decree and Award Distribution in the lawsuit, E.E.O.C. v. Landis Plastics, Inc.. The amount of your monetary award, if any, will be in accordance with the Notification To Claimant of Status form that you received previously.

If you are entitled to a monetary award pursuant to the Decree, you should receive in this envelope, two copies of a Release form. **The Release must be signed, notarized, and postmarked by [DATE/30 days +mailing] to:**

Landis Plastics, Inc.

Landis Plastics will mail your check and information regarding deductions and employer contributions within 21 days **from the date Landis Plastics receives your signed Release.**

If you have previously been notified that you are not entitled to monetary relief in this matter, this is your final mailing and will serve as notice that you are ineligible to recover pursuant to this lawsuit.

RELEASE

CLAIMANT, in consideration of the sum of XXXX dollars (\$XX,XXX) and other good and valuable consideration pursuant to the Consent Decree in the litigation captioned Equal Employment Opportunity Commission v. Landis Plastics, Inc., receipt whereof is hereby acknowledged, hereby discharges and releases Landis Plastics, Inc., its corporate parents and affiliates, and any and all of its current or previous respective officers, directors, employees, heirs, executors, administrators, successors, and assigns, from any and all alleged acts of employment discrimination *on the basis of gender* occurring on or before the date of the execution of this release.

By signing this Release, RELEASOR acknowledges that (s)he has carefully read it, that the terms thereof have been fully explained to him/her and that (s)he understands all of said terms. (S)he further acknowledges that (s)he has been given a reasonable and sufficient amount of time to review this Release, that (s)he has signed it voluntarily, and that (s)he has been given the opportunity to consult with counsel prior to signing.

This Release may not be changed orally.

IN WITNESS WHEREOF, the RELEASOR has caused this Release to be executed this ___ day of _____, 2000.

TYPED NAME OF CLAIMANT

Sworn to before me this
___ day of _____, 2000

Notary Public

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

-----X
EQUAL EMPLOYMENT OPPORTUNITY :
COMMISSION, : **Civil Action No.**
:
Plaintiff, :
:
-against- :
:
LANDIS PLASTICS, INC., :
:
Defendant, :
-----X

STIPULATION AND ORDER AS TO NOTICE OF HEARING

WHEREAS the Equal Employment Opportunity Commission (“EEOC”) and Landis Plastics, Inc. have entered into a Consent Decree (“Decree”) for the resolution of all claims in this action; and

Whereas, the parties have submitted this Decree to the Court on this day;

Whereas, the parties wish to establish procedures to ensure timely notification of all claimants as to the distribution of the damages agreed to and of their right to present objections thereto;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED as follows:

1. Notice of the proposed Consent Decree shall be given to all claimants that EEOC has determined may be entitled to damages based upon the information these claimants furnished to EEOC as follows:

(a) As part of the award notification process all “Potential Class Members” as

defined in the Consent Decree will be notified of their rights to object to the awards distribution including the right to this Fairness Hearing.

(b) After completion of this notice procedure, EEOC will inform the Court.

2. On _____ at _____ a.m., a hearing shall be held at which claimants shall have an opportunity to be heard regarding their written objections, if any, to the distribution of the damages. Written objections shall be filed no later than fourteen (14) days prior to the date set for the hearing. Persons who do not file timely written objections shall not be permitted to make an oral presentation at the scheduled hearing. The parties shall file their written response to the written and oral objections within ten (10) after the hearing.

3. After the hearing is concluded, the Court will approve or disapprove the method of distributing the damages.

Dated: New York New York
, 1999

Dated: New York, New York
, 1999

FOR THE PLAINTIFF

FOR THE DEFENDANT

Regional Attorney

LOUIS GRAZIANO (LG-0530)
Trial Attorney

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
7 World Trade Center
18th Floor
New York, New York 10048
(212) 748-8512

SO ORDERED

UNITED STATES DISTRICT JUDGE