

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #  
DATE FILED: OCT 23 2006

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v.

TEAMSTERS LOCAL 804,

Defendant.

04 CV 02409 (PAC)

**STIPULATED ORDER**

Plaintiff, Equal Employment Opportunity Commission (hereinafter "Commission" or "EEOC"), an agency of the United States Government, commenced the above-captioned action alleging that Teamsters Local 804 (hereinafter "Local 804") disclosed that Charging Party ("John Doe") has AIDS to co-workers of John Doe and that such disclosure would violate Title I of the Americans with Disabilities Act of 1990 ("ADA") and Title I of the Civil Rights Act of 1991.

Local 804 denied the material allegations of EEOC's Complaint.

EEOC and Local 804 desire to settle this action to avoid the burden and expense of additional and protracted litigation.

EEOC and Local 804 hereby stipulate to the terms set forth herein and agree to the issuance of this Order by the Court. Local 804 and EEOC (hereinafter "the parties") agree that this Order be issued without Findings of Fact and Conclusions of Law having been made or entered by the Court. The parties agree and understand that this Order in no way affects EEOC's

right to process any other pending or future charges that may be filed against Local 804 and to commence civil actions on any such charges unrelated to this case and in no way affects Local 804's right to defend any other pending or future charges and to defend any civil actions on any such charges.

In consideration of the mutual promises of each party to this Order, the sufficiency of which is hereby acknowledged, the parties agree and the Court ORDERS as follows:

1. This Order resolves any and all claims raised in EEOC Charge Number 160-A2-00552 or in the Complaint, No. 04 CV 02409, filed by EEOC in this case.

2. The parties agree and the Court finds that this Court has jurisdiction of the subject matter of this action and of the parties, that venue is proper, and that all administrative prerequisites have been met. No party shall contest the validity of this Order, or the jurisdiction of the Court to enforce this Order and its terms.

3. This Order is being issued with the consent of the parties. This Order does not constitute an adjudication or finding by the Court on the merits of the allegations or claims set forth in the Complaint. This Order is not intended, and shall not be construed, as an admission that Local 804, or any of its officers, employees, or agents, violated any law or committed any wrong.

4. Local 804, its managers, officers, agents, successors, and assigns will not discriminate or retaliate against any individual with a disability, including, but not limited to, disclosing confidential medical information pursuant to the ADA.

5. Local 804 shall pay John Doe the total amount of \$20,000 which represents \$2500 in back pay, less applicable employment and withholding taxes, and \$17,500 in compensatory damages for which Local 804 shall issue an IRS form 1099 to John Doe.

6. Local 804 shall make the payment referenced in paragraph 5 within 14 (fourteen) days after receiving notice of the Court's execution of this Order. The payment shall be mailed to John Doe at an address to be provided by the EEOC to Local 804. A copy of the check and any accompanying transmittal papers shall be contemporaneously forwarded to Adela Santos, Trial Attorney, EEOC, New York District Office of the EEOC, New York District Office, 33 Whitehall Street, New York, New York, 10004-2112.

7. Local 804 shall post within 14 days after receiving notice of the Court's execution of this Order the EEOC's poster at its office permanently pursuant to 29 CFR §1601.30 and at all United Parcel Service (hereinafter "UPS") facilities within its jurisdiction which allow Local 804 to post material, in areas that are visually accessible to applicants, members, and employees of Local 804, for a period of one (1) year from the date of execution of this Order.

8. Local 804 shall post at its office and at the UPS facility where John Doe works, in areas that are visually accessible to applicants, members, and employees of Local 804, a copy of the notice printed on Local 804's letterhead in the form attached hereto as Exhibit "A", commencing January 1, 2007, and for the duration of the Order.

9. Local 804 shall provide two and one-half (2.5) hours of training in federal laws that prohibit discrimination in employment to all Local 804 business agents and officers servicing UPS' 43<sup>rd</sup> Street facility in Manhattan, NY. The training shall be conducted by an independent agency or contractor [previously approved by EEOC]. A copy of the training syllabus has been reviewed and approved by EEOC. This training shall be completed on or before December 31, 2006. No later than thirty (30) days after the training is provided, Local 804 will report to EEOC the names and titles of each person who attended and completed the training.

10. Local 804 will abide by the ADA as well as policies set forth in the IBT Constitution and Local 804 By-Laws that prohibit discrimination.

11. At John Doe's request, Local 804's current Secretary-Treasurer, Anthony Magrene, will assist John Doe process a request for a transfer to another UPS facility and/or Local 804, through Mr. Magrene, will approach UPS on John Doe's behalf to request such a transfer.

12. As set forth in paragraphs six (6) and nine (9) above, Local 804 will provide written notification to EEOC of its compliance with the terms of this Order. The parties will attempt to resolve any disputes which may arise regarding compliance with this Order prior to seeking relief from the Court.

13. The duration of the Order shall be for eighteen (18) months from the date of its execution by the Court.

14. Each party shall be responsible for its own costs and fees.

Dated: New York, New York  
October 9, 2006

Dated: New York, New York  
October 10, 2006

MEYER, SUOZZI, ENGLISH & KLEIN, P.C.

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

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ATTORNEYS FOR DEFENDANT  
TEAMSTERS LOCAL 804

ATTORNEYS FOR PLAINTIFF  
EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

SO ORDERED: OCT 28 2006  
Paul A. Crotty  
HON. PAUL A. CROTTY  
UNITED STATES DISTRICT JUDGE

# EXHIBIT A

**NOTICE**

1. This notice to employees and members of LOCAL 804, INTERNATIONAL BROTHERHOOD OF TEAMSTERS is being posted as part of an Order issued in a case between Local 804 and the United States Equal Employment Opportunity Commission ("EEOC").
2. Federal law prohibits employers and unions from discriminating against any employee, applicant for employment, or union member because of that person's sex, race, national origin, color, religion, age (40 and over), or disability with respect to hiring, compensation, promotion, discharge, or other terms, conditions or privileges of employment. Federal law also prohibits employers and unions from disclosing medical information required to be kept confidential by the Americans with Disabilities Act.
3. Local 804 will comply with such anti-discrimination laws in all aspects, and it will not retaliate against any employee or member for bringing a complaint pursuant to Local 804's anti-discrimination policies, or because such employee or member files charges of discrimination or cooperates with the EEOC, or otherwise opposes unlawful employment practices.
4. EEOC maintains offices throughout the United States. Its toll-free telephone number is 1-800-USA-EEOC. The New York District Office of the EEOC which has jurisdiction over the state of New York can be reached at 1-800-669-4000 or dialed directly at (212) 336-3620. The EEOC may also be contacted through its website at [www.eeoc.gov](http://www.eeoc.gov).
5. This NOTICE shall remain posted until \_\_\_\_\_, 2008.

SIGNED this \_\_\_\_ day of \_\_\_\_\_ 2006.

\_\_\_\_\_  
Howard Redmond  
President, Local 804