

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.

★ MAR 16 2005 ★

BROOKLYN OFFICE

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EQUAL EMPLOYMENT OPPORTUNITY :
COMMISSION, :

Plaintiff, :

v. :

TRATAROS CONSTRUCTION INC., :

Defendant. :

CIVIL ACTION NO.
01-CV-5127 (DLI) (VP)

-----X
RUTH CAMPOS, ELAINE MARTINEZ, :
EDITH CENOSTIN, :

Plaintiff-Intervenors, :

v. :

TRATAROS CONSTRUCTION INC., :

Defendant. :
-----X

CONSENT DECREE

This cause of action was initiated on August 2, 2001, by the Equal Employment Opportunity Commission (hereinafter "EEOC"), an agency of the United States Government. The complaint alleged that Trataros Construction Inc. (hereinafter "Trataros") violated Title VII of the Civil Rights Act of 1964, as amended (hereinafter "Title VII"), and Title I of the Civil Rights Act of 1991 by subjecting female employees to a hostile work environment and discriminatory job assignments based on their sex and to retaliation when they complained.

The parties agree that it is in their mutual interest to fully resolve the matter without further litigation. This agreement is not an admission of liability by Trataros.

The EEOC, Ruth Campos, Edith Cesnostin and Elaine Martinez (hereinafter "Plaintiff-Intervenors") and Trataros do hereby stipulate and consent to the entry of this Decree as final and binding between the parties signatory hereto and their successors or assigns.

This Decree resolves all matters raised in the Complaint filed in this action. The parties have agreed that this Decree may be entered without Findings of Fact and Conclusions of Law having been made and entered by the Court.

In consideration of the mutual promises of each party to this Decree, the sufficiency of which is hereby acknowledged, it is agreed and **IT IS ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:**

1. This Decree resolves all of the issues raised by EEOC Charge Numbers 160-A0-1924, 160-A0-1925 and 160-A0-1926 and the EEOC Complaint in this action. This Decree in no way affects the EEOC's right to process any charge of discrimination currently pending before EEOC or any charge that may be filed in the future, in accordance with standard EEOC procedure, and to commence civil action on any such charges.
2. The parties agree that this Court has jurisdiction over the parties and the subject matter of

this action. The parties agree that venue is proper and that all administrative prerequisites have been met. The Decree conforms with the Federal Rules of Civil Procedure and Title VII, will further the objectives of Title VII and does not unreasonably or inequitably affect the rights and privileges of any third party.

3. No party shall contest the validity of this Decree or the jurisdiction of the federal district court to enforce this Decree and its terms. Breach of any term of this Decree will be deemed to be a substantive breach. Nothing in this Decree shall be construed to preclude the EEOC from bringing proceedings to enforce this Decree in the event that Defendant fails to perform any of the promises and representations contained herein.

4. In settlement of this dispute, Defendant agrees to pay a total of \$355,000.00 (three hundred fifty-five thousand dollars). Whereby Ruth Campos will receive \$90,000.00 (ninety thousand), Edith Cenostin will receive \$60,000.00 (sixty thousand) and Elaine Martinez will receive \$50,000.00 (fifty thousand). Plaintiff- Intervenor counsel will receive \$155,000.00 in legal fees and costs. The payment of the monetary settlement shall be in the form and manner agreed to by the Plaintiff-Intervenors, Defendant and Admiral Insurance Company. Upon issuance of the checks to Plaintiff-Intervenors, Defendant shall forward copies of each check to the EEOC, 33 Whitehall St., 5th Floor, New York, New York, 10004-2112, to the attention of Trial Attorney Monique J. Roberts.

5. In the event that Trataros resumes operations, Trataros or its successors in interest, within

thirty (30) days shall notify Monique Roberts of EEOC that is has resumed operations.

6. In the event that Trataros resumes operations, Trataros or its successors in interest, will file EEO-1 reports as required by federal law.

7. In the event Trataros resumes operations, Trataros or its successors in interest within sixty (60) days will provide four (4) hours of anti-discrimination training for all staff and management. Within ninety (90) days of resuming operations Trataros or its successors in interest will also provide two (2) additional hours for management personnel including but not limited to superintendents, foremen, project mangers and any other employee who has authority to hire, fire, promote, assign work, discipline transfer and/or layoff. This training will focus on equal employment opportunity rights and responsibilities, sexual harassment and gender discrimination. This training will be conducted semi-annually for all staff, skilled and unskilled workers and officers. It will also be conducted for new hires, transfers, and promotion within 60 (sixty) days of the commencement of the new position. After each training Trataros will forward to EEOC a summary of the topics covered and a copy of the attendance sheet within ten (10) days of the completion of the program.

8. In the event Trataros resumes operations, Trataros or its successors in interest, within thirty (30) days of resuming operations, shall submit to the EEOC for approval a copy of the curriculum, agenda and all training materials to be relied upon or presented at the training session

referenced in paragraph 7, above. The EEOC will review the proposal and respond within ten (10) days of submission. The EEOC will confer with Trataros to reach agreement on the terms of the proposal, but if no agreement is reached in thirty (30) days, the EEOC may seek the Court's intervention.

9. In the event Trataros resumes operations, Trataros or its successors in interest, within five (5) days of resuming operations, will post the Notice of Lawsuit and Settlement attached as Exhibit A at its main office and all offices and/or trailers located on its construction sites.

10. In the event Trataros resumes operations, Trataros or its successors in interest, within five (5) days of resuming operations, will post the EEOC poster, as required by law, outlining all applicable EEO laws at its main office and all offices and/or trailers located on its construction sites.

11. In the event Trataros resumes operations, Trataros or its successors in interest, within sixty (60) days of resuming operations, shall revise its policies on Equal Employment Opportunity and Harassment to contain, an equal employment opportunity policy and anti-harassment policy with a detailed complaint procedure that includes: (a) a clear explanation of prohibited conduct; (b) the assurance that employees who make complaints of discrimination or provide information related to such complaints will not be retaliated against; (c) a clearly described complaint process that provides accessible avenues of complaint; (d) the assurance that the employer will accept any and all complaints from employees who wish to file complaints

internally with the Company; (e) the assurance that the employer will protect the confidentiality of complaints to the extent possible; (f) a complaint process that provides a prompt, thorough, and impartial investigation, and (g) the assurance that the Defendant will take immediate and appropriate corrective action when it determines that discrimination has occurred. The new Harassment and Discrimination Policy shall be submitted to EEOC for its approval and then distributed to all current and future employees.

12. In the event Trataros resumes operations, Trataros or its successors in interest will within sixty (60) days of renewed operations partner with the National Association of Women in Construction (Greater New York Chapter or its Long Island Chapter), Professional Women in Construction (PWC), Non-traditional Employment for Women (NEW) or any such organization or consulting firm with a stated goal of increasing the number of women in non-traditional industries such as the construction industry. Defendant shall submit a proposal for approval to EEOC, which will include a contract or partnership agreement of no less than two years and a minimum of 10 hours annually between Trataros and said organization/firm containing specific provisions whereby Trataros will utilize the organization/firm to recruit, retain, train and develop women in its workforce. The EEOC will review this proposal and respond within ten (10) days of submission. The EEOC will confer with Tratoras to reach agreement on the terms of the proposal, but if no agreement is reached in thirty (30) days, the EEOC may seek the Court's intervention.

13. In the event Trataros resumes operations, Trataros or its successors in interest, its

manger(s), officer(s), agent(s), successor(s), and assign(s), agree that they will not discriminate against any individual because of the individual's sex, subject women to differential treatment regarding the terms and conditions of employment, engage in sexual harassment toward any employee, or engage in retaliation against any individual for asserting her or his rights under Title VII. In the event Trataros resumes operations, Trataros or its successors in interest, further agree not to retaliate against any individual who has participated in this matter in any way, given testimony in this matter or asserted her or his rights under Title VII, including but not limited to Plaintiff-Intervenors.

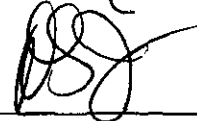
14. Other than what is stated in paragraph 4, each party shall bear its own attorney fees and costs incurred in this action.

15. This Decree constitutes the complete understanding among the parties. No other promises or agreement(s) shall be binding unless agreed to in writing and signed by these parties.

16. This Decree will remain in effect for five (5) years from the date of entry.

17. The EEOC, Richard Bellman, counsel for Plaintiff-Intervenors, and Trataros Construction, Inc., may execute this Consent Decree separately, with the signature pages being incorporated into one whole.

SO ORDERED, ADJUDGED AND DECREED this 11th day of March, 2005.



U.S. District Court Judge Dora L. Irizarry

APPROVED IN FORM AND CONTENT:

Dated:

February 28, 2005


February _____, 2005



ELIZABETH GROSSMAN, ESQ.
ACTING REGIONAL ATTORNEY

STUART BLANDER, ESQ.
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New York, NY 10004
212-336-3704



RICHARD BELLMAN, ESQ.
FOR PLAINTIFF-INTERVENORS
299 Broadway, Suite 1820
New York, NY 10007
212-346-7600

17. The EEOC, Richard Bellman, counsel for Plaintiff-Intervenors, and Trataros Construction, Inc., may execute this Consent Decree separately, with the signature pages being incorporated into one whole.

SO ORDERED, ADJUDGED AND DECREED this ____ day of _____, 2005.

U.S. District Court Judge Dora L. Irizarry

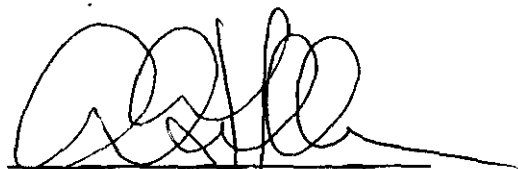
APPROVED IN FORM AND CONTENT:

Dated:

February ____, 2005

February ____, 2005

ELIZABETH GROSSMAN, ESQ.
ACTING REGIONAL ATTORNEY


~~STUART BLANDER, ESQ.~~ *ALAN A. HELLER*
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212-346-7600

NOTICE TO ALL EMPLOYEES

This notice is being posted pursuant to a Consent Decree entered into between Trataros Construction, Inc. and the United States Equal Employment Opportunity Commission ("EEOC"), in resolution of Case No.01 CV 5127. The EEOC filed this lawsuit against Trataros Construction, Inc., asserting allegations of sexual harassment, sex discrimination and retaliation. The parties have entered into this Decree voluntarily and without there being any findings of fact on the merits of the lawsuit, ruling or decision by the Court.

Federal law, Title VII of the Civil Rights Act of 1964, as amended, requires that there be no discrimination against any employee because of that person's sex, race, color, religion or national origin with respect to hiring, compensation, promotion, discharge or other terms, conditions or privileges of employment.

Federal law and the Consent Decree prohibit sexual harassment or other discrimination against any individual because of his or her sex.

Federal law also prohibits retaliation against any individual by an employer because the individual complains of discrimination, cooperates with the government's investigation or 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 call or write the:

Equal Employment Opportunity Commission
New York District Office
33 Whitehall Street, 5th Floor
New York, New York 10004
General Phone Number: 212-336-3620

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

This Notice must remain posted for five (5) years from the date of the Order and must not be altered, defaced, or covered by any other material. Any questions concerning this Notice or compliance with its provisions may be directed to the U.S. Equal Employment Opportunity Commission at the above numbers, or 1-800-669-4000, or TTY 1-800-669-6820, or to your Manager.