

EOD 12-21-01

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

FILED-CLERK
DISTRICT COURT

01 DEC 18 PM 4:08

TX EASTERN-BEAUMONT

BY B. Carter

EQUAL EMPLOYMENT OPPORTUNITY §
COMMISSION, §

Plaintiff, §

v. §

CAUSE NO. 1:01-CV-00520

HOUSING AUTHORITY of the §
CITY OF PORT ARTHUR, TEXAS §

JURY

Defendant. §

JUDGE COBB

AGREED CONSENT DECREE

The Equal Employment Opportunity Commission ("Commission" or "EEOC") alleges that Defendant Housing Authority of the City of Port Arthur, Texas ("Housing Authority") is legally responsible for age discrimination, in violation of the Age Discrimination in Employment Act of 1967, as amended ("ADEA"). The EEOC's lawsuit alleges that Defendant for several years maintained an unlawful written policy of discrimination against employees who "reach[ed] their 70th birthday," and compelled the retirement of Joseph E. Londow because he attained the age of 70.

The parties stipulate to the jurisdiction of the Court and waive a hearing and the entry of findings of fact and conclusions of law.

It is therefore ORDERED that:

1. This Consent Decree is entered in full and complete

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settlement of any and all claims arising out of or contained in this lawsuit, Civil Action No. 1:01-CV-00520, and in EEOC Charge No. 330-A1-0842.

2. The Housing Authority agrees that it will not engage in any employment practices which violate the ADEA -- to the extent the Housing Authority is legally obligated to comply with the ADEA -- by unlawfully discriminating against any individual because of such individual's age.

3. The Housing Authority agrees that it will not retaliate against any individual who opposes any practice made an unlawful employment practice by the ADEA, or against any individual who has provided testimony or evidence related to this lawsuit or to the investigation of EEOC Charge No. 330-A1-0842.

4. At least five (5) business days before this Consent Decree is submitted to the Court for approval, the Housing Authority shall have provided the EEOC with a complete copy of its current personnel/Human Resources policies. Within twenty (20) days after the Court's entry of this Consent Decree, the Housing Authority shall distribute to all employees written notification that its former Retirement policy (i.e., "Employees may be retired from regular employment with the Authority upon reaching their 70th birthday") was improper, and has been rescinded.

5. Within ten (10) calendar days from the date of entry of this Decree, and subject to Mr. Londow executing a release,

Defendant agrees to pay the sum of TWENTY-TWO THOUSAND FIVE HUNDRED DOLLARS (\$22,500.00) to resolve claims for back pay, lost insurance and pension benefits, liquidated damages, and other monetary relief brought by the EEOC in its Original Complaint. The \$22,500.00 will be disbursed to Joseph E. Londow, and sent via certified mail, return receipt requested. A copy of this payment check shall be sent concurrently to the EEOC at the following address: Equal Employment Opportunity Commission, attn: Timothy M. Bowne, 1919 Smith Street, 7th Floor, Houston, Texas 77002.

6. Within ten (10) calendar days of the date of entry of this Decree, the Housing Authority will send to Joseph E. Londow a written offer of employment for a position as Maintenance Mechanic B. This position shall include the job duties which Mr. Londow performed prior to his involuntary retirement in October 2000, and shall not require "emergency work" (i.e., weekend hours and work after regular working hours), absent exceptional circumstances such as a natural disaster which requires all Maintenance Mechanic Bs to perform emergency work. Mr. Londow will be required to perform the essential functions of a Maintenance Mechanic B as described in the job description for that position. This offer shall be mailed to Mr. Londow, with a copy sent concurrently to the Commission at the following address: Equal Employment Opportunity Commission, attn: Timothy M. Bowne, 1919 Smith Street, 7th Floor, Houston, Texas 77002. Mr. Londow must accept the Housing Authority's offer of

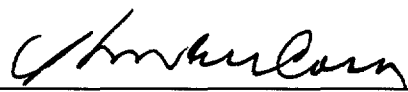
employment within thirty (30) calendar days from the date of entry of this Consent Decree; however, Mr. Londow may choose to defer his starting date up to three (3) months after the date of entry of the Consent Decree. If Mr. Londow chooses not to accept the offer, the Housing Authority will not be obligated to offer Mr. Londow a second Mechanic B position.

7. If Defendant's personnel/Human Resources policies regarding retirement or any other issues governed by or related to the ADEA are modified in any way during the period in which this Consent Decree is in effect, a copy of the amended or revised policies shall be sent to the EEOC -- within a month of the modification -- at the address listed in the preceding paragraphs.

8. This Decree shall remain in effect for two (2) years from the date of signing. During such time, the Court shall retain jurisdiction to assure compliance with this Decree and to permit entry of such further orders or modifications as may be necessary or appropriate.

9. The parties shall bear their own costs and attorney's fees.

Signed on this 18th day of December, 2001.



HOWELL COBB
UNITED STATES DISTRICT JUDGE