

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,**

**Plaintiff,**

**v.**

**COUNTY OF UNION, NEW JERSEY  
Department of Public Safety  
Division of Weights and Measures,  
Defendant.**

Civil Action No. 03-cv-3963 (DMC)

**CONSENT DECREE**

**INTRODUCTION**

A. This action was instituted by the United States Equal Employment Opportunity Commission ("the EEOC") on August 21, 2003, against Defendant, the County of Union, New Jersey ("County of Union"), to enforce provisions of Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 626(b) (the "ADEA"), which incorporates by reference Sections 16(c) and 17 of the Fair Labor Standards Act of 1938 (the "FLSA"), as amended, 29 U.S.C. §§ 216(c) and 217. The EEOC alleged that County of Union discriminated against Charging Party Joseph Freitas when it failed to promote him to the position of Superintendent of Weights and Measures due, in whole or in part, to his age, then 53.

B. This Consent Decree is entered into by the EEOC and County of Union. This Consent Decree shall be final and binding between the EEOC and County of Union, its directors, officers, agents, employees, successors or assigns and all persons in active concert or participation with it (collectively referred to as "County of Union").

C. The EEOC and County of Union do hereby agree to the entry of this Consent Decree, which shall fully and finally resolve all claims which were raised by the EEOC in its Complaint in Civil Action No. 03-cv-3963 (DMC). This Consent Decree shall not constitute an

adjudication of or finding on the merits of the case and shall not be construed as an admission by County of Union of any violation of the ADEA.

### **CONSENT DECREE**

Upon consent of the parties to this action, it is hereby ORDERED, ADJUDGED, and DECREED that:

#### **NON-DISCRIMINATION AND NON-RETALIATION**

1. This Court has jurisdiction over the parties and the subject matter of this action.
2. County of Union shall not engage in any employment practice which constitutes unlawful discrimination under the ADEA. Specifically, County of Union shall not make hiring, promotion, discharge or lay off decisions that are based on age.
3. County of Union shall not engage in any employment practices which retaliate in any manner against any person, including but not limited to Joseph Freitas because of that person's opposition to any practice alleged or believed to be unlawful under the ADEA, or because of the filing of a charge, the giving of testimony or assistance, or the participation in any manner in any investigation, hearing or proceeding under the ADEA.
4. County of Union, shall not divulge, directly or indirectly, to any employer or potential employer of Joseph Freitas, any of the facts or circumstances related to the charge of discrimination against Defendant County of Union, or any of the events relating to Joseph Freitas' participation in the litigation of this matter.
5. County of Union, shall comply fully with all provisions of the ADEA. Nothing in this Consent Decree, either by inclusion or exclusion, shall be construed to limit the obligations of County of Union under the ADEA or the EEOC's authority to process or litigate any charge of discrimination which may be filed against County of Union in the future.

### **MONETARY RELIEF**

6. County of Union agrees to pay monetary relief in the total amount of One Hundred Fifty Thousand Dollars and No Cents (\$150,000.00). Of that amount, \$13,644.00 shall be paid, less all lawful deductions, for back wages. The balance shall be paid as compensation for attorneys fees, costs, and lost opportunities, in full settlement of the claims against County of Union which were raised in the EEOC's Complaint. The check for \$13,644.00, less all lawful deductions, will be made payable to "Joseph Freitas." The remaining amount will be made payable to "Joseph Freitas and Bressler Amery & Ross." Within thirty (30) business days of the filing of this Consent Decree, Defendant will commence compliance with the terms of this Consent Decree by mailing the checks for monetary relief to Bressler Amery & Ross, P.O. Box 1980, Morristown, New Jersey 07962. County of Union, will mail a photocopy of the checks to the EEOC, to the attention of M. Jean Clickner, Senior Trial Attorney, EEOC, 1001 Liberty Avenue, Suite 300, Pittsburgh, Pennsylvania 15222, within five days of the date of mailing of the checks.

### **POSTING OF NOTICE**

7. Within ten (10) business days after entry of this Decree, County of Union shall post same-sized copies of the Notice attached as Exhibit 1 to this Decree on all bulletin boards usually used by County of Union for communicating with employees. The Notice shall remain posted for twelve months from the date of entry of this Decree. Counsel for County of Union shall provide a copy of the Notice, and an indication of the date and location of its posting, to the EEOC's Pittsburgh Area Office, attention, M. Jean Clickner, Senior Trial Attorney, within ten (10) days of the posting. County of Union shall permit a representative of the EEOC to enter County of Union's premises for purposes of verifying compliance with this Paragraph at any time during normal business hours without prior notice. County of Union shall take all reasonable steps to ensure that the posting is not altered, defaced or covered by any other material. Should



the posted copies become defaced, removed, marred, or otherwise illegible, Defendant agrees to immediately post a readable copy in the same manner as heretofore specified.

#### **TRAINING**

8. Defendant shall continue to provide training to its employees and management as is currently being provided.

#### **DISPUTE RESOLUTION**

9. In the event that either party to this Decree believes that the other party has failed to comply with any provision(s) of the Decree, the complaining party shall notify the other party of the alleged non-compliance within ten (10) days of the alleged non-compliance and shall afford the alleged non-complying party ten (10) business days to remedy the non-compliance or to satisfy the complaining party that the alleged non-complying party has complied. If the alleged non-complying party has not remedied the alleged non-compliance or satisfied the complaining party that it has complied within ten (10) business days, the complaining party may apply to the Court for appropriate relief.

#### **MISCELLANEOUS PROVISIONS**

10. Each party to this Decree shall bear its own expenses, costs and attorneys' fees.

11. The terms of this Decree are and shall be binding upon the present and future representatives, agents, directors, officers, assigns, and successors of County of Union in their capacities as representatives, agents, directors and officers of County of Union, and not in their individual capacities. This paragraph shall not be construed as placing any limit on remedies available to the Court in the event that any individual is found to be in contempt for a violation of this Decree.

12. This Consent Decree shall fully and finally resolve all claims which were raised by the EEOC in its Complaint in Civil Action No. 03-cv-3963 (DMC).

13. This Consent Decree shall be filed in the United States District Court for the District of New Jersey and shall continue to be in effect for a period of two (2) years. Any application by any party to modify or vacate this Consent Decree during such period shall be made by motion to the Court on no less than thirty (30) days notice to the other party.

14. The Court retains jurisdiction over this case in order to enforce the terms of the Consent Decree.

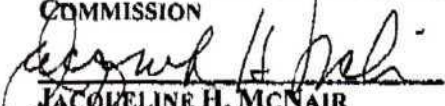
15. The Clerk of the District Court is hereby directed to send a file-stamped copy of this Consent Decree to counsel of record.

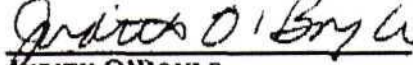
ERIC S. DREIBAND  
GENERAL COUNSEL


JAMES L. LEE  
DEPUTY GENERAL COUNSEL

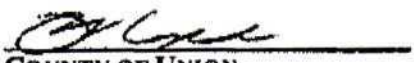
GWENDOLYN YOUNG REAMS  
ASSOCIATE GENERAL COUNSEL

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

  
JACQUELINE H. MCNAIR  
REGIONAL ATTORNEY

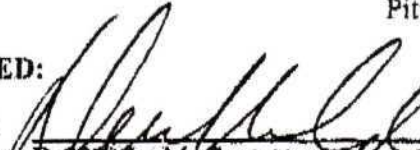
  
JUDITH O'BOYLE  
SUPERVISORY TRIAL ATTORNEY

  
M. JEAN CLICKNER  
SENIOR TRIAL ATTORNEY  
Pa. I.D. No. 42738  
EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
1001 Liberty Avenue, Suite 300  
Pittsburgh, PA 15222

  
COUNTY OF UNION  
Counsel - Union County

IT IS SO ORDERED:

BY THE COURT:

  
D. DENNIS M. CAVANAUGH  
UNITED STATES DISTRICT JUDGE

DATE: 6/21/05



**EXHIBIT 1**

**NOTICE TO ALL COUNTY OF UNION, NEW JERSEY EMPLOYEES**

This Notice is being posted pursuant to a Consent Decree entered by the federal court in *EEOC v. County of Union, New Jersey*, Civil Action Number 03-cv-3963 (D. NJ), resolving a lawsuit filed by the Equal Employment Opportunity Commission ("EEOC") against County of Union

The Age Discrimination in Employment Act, 29 U.S.C. Section 621, *et seq.*, as amended, ("The ADEA"), prohibits discrimination against employees and applicants for employment based upon their age. The ADEA further prohibits retaliation against employees or applicants who avail themselves of the rights under the ADEA by engaging in protected activities, such as filing a charge of discrimination and/or testifying or participating in a Commission investigation. The EEOC is the federal agency which investigates charges of unlawful employment discrimination. The EEOC has the authority to bring lawsuits in federal court to enforce the ADEA.

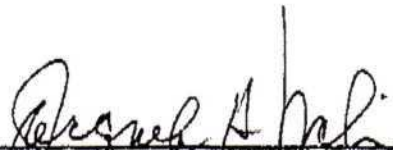
In its lawsuit, the EEOC alleged that County of Union discriminated against an employee in violation of his rights under the Age Discrimination in Employment Act. County of Union denies these allegations.


To resolve the case, County of Union and the EEOC have entered in to a Consent Decree which provided, among other things, that: (1) County of Union paid monetary relief; (2) County of Union will not discriminate on the basis of age; and, (3) County of Union will not retaliate against any person because he or she opposes any practice made unlawful by the ADEA, filed an ADEA charge of discrimination, participated in any ADEA proceeding, or asserted any rights under the Consent Decree.

If you believe you have been discriminated against, you may contact the EEOC at (800) 669-4000. The EEOC charges no fees and has employees who speak languages other than English.

**THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE**

**This Notice must remain posted for one years from the date below and must not be altered, defaced or covered by any other material. Any questions about this Notice or compliance with its terms may be directed to the: Regional Attorney, EEOC Philadelphia District Office, 21 South 5th Street, Philadelphia, PA 19106.**

  
\_\_\_\_\_  
U.S. Equal Employment Opportunity  
Commission

  
\_\_\_\_\_  
County of Union, New Jersey

DATED: 5/25/05

DATED: 5/16/05