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## **EEOC Settles Sex Bias case with New York State Corrections Department for Almost \$1 Million**

### ***Corrections Department Provided Lesser Benefits to Female Corrections Officers Who Gave Birth While on Workers' Compensation Leave***

The New York State Department of Correctional Services will pay nearly \$1 million to settle a sex discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC) and the U.S. Attorney for the Southern District of New York, the two offices announced recently. The EEOC had charged the Corrections Department with violating federal law by providing inferior benefits to female employees on maternity leave.

The EEOC suit, filed under the Equal Pay Act of 1963, charged that the Corrections Department gave male employees with work-related injuries up to six months of paid workers' compensation leave. Female employees could be granted the same leave, but pregnant employees on such leave were involuntarily switched to maternity leave at or around the time they gave birth. The Corrections Department's maternity leave policy requires that women first use their accrued sick or vacation leave with pay; then, if approved, sick leave with half pay and then sick leave without pay.

The EEOC charged that switching women from workers' compensation leave to maternity leave resulted in lesser benefits for those women due to their sex and thus violated the Equal Pay Act (EPA). The EPA is a federal law requiring that employers pay men and women equally for equal work.

The U.S. Attorney for the Southern District of New York joined the lawsuit by adding claims under Title VII of the Civil Rights Act of 1964. The U.S. Attorney's Office alleged that the Corrections Department engaged in a pattern and practice of employment discrimination on the basis of sex as a result of its categorical determination that a female employee who gives birth to a child should be transferred from workers' compensation leave and benefits without making a determination whether, on an individual basis, an employee continues to be eligible for workers' compensation leave and benefits.

The court granted final approval of an Order and Stipulation Providing for Injunction and Affirmative Relief, which provides \$972,000 in compensatory damages, liquidated damages, back pay and interest to 23 female Corrections employees. The back pay, which includes the value of leave some women were forced to take, has already been paid. The order also contains a modification provision whereby the court may order additional monetary relief to additional victims who are identified following the settlement.

## *The Focus*

The Corrections Department will also give a packet of all applicable policies, procedures and benefits to each female employee preparing to take a maternity leave. It has amended its workers' compensation directive to provide that no female Corrections officer shall be removed from workers' compensation benefits due to pregnancy or the birth of a child, and it will provide anti-discrimination training to employees across the state, along with training in the administration of workers' compensation benefits to its personnel employees. The Corrections Department will also give to each female employee preparing to take a maternity leave a packet of all applicable policies, procedures and benefits.

### **Razzoo's to pay \$1 Million for Sex Bias against Men**

#### ***EEOC Said Cajun Eateries Refused to Hire or Promote Males to Bartender Jobs***

Razzoo's, a Dallas/Fort Worth-based Cajun food restaurant chain, will pay \$1 million and furnish significant remedial relief to settle a sex discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC), the agency announced recently. The EEOC had charged Razzoo's with discriminating against a class of male applicants and employees.

The EEOC said that Razzoo's refused to hire or promote men to the position of bartender in its restaurants. Razzoo's management set up and communicated to managers by e-mail a plan for an 80-20 ratio of women to men behind the bar, the EEOC said. Male applicants and servers were expected to testify at trial -- which will now be unnecessary because of this pre-trial settlement -- that managers told them Razzoo's wanted mostly "girls" behind the bar. Men who worked as servers at the restaurants were generally denied promotion to bartender because of their gender. The few men who were promoted to bartender were not allowed to work lucrative "girls-only" bartending events.

Sex discrimination violates Title VII of the Civil Rights Act of 1964. The EEOC filed suit after first attempting to reach a voluntary settlement.

As provided in the consent decree settling the suit, Razzoo's agreed to pay \$775,000 to be divided among a class of male applicants, male servers, and male bartenders who were discriminated against.

Razzoo's also agreed to retain the services of a human resources consultant or to develop an in-house human resources department. The decree required that Razzoo's would spend no less than \$225,000 for these human resources services. Also under the decree, Razzoo's agreed to injunctive relief requiring training on equal employment opportunity for all Razzoo's employees, the posting of an anti-discrimination notice, and EEOC monitoring of employee complaints of discrimination.