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FOR IMMEDIATE RELEASE
MAY 21, 2008

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**UNITED STATES SETTLES CIVIL RIGHTS LAWSUIT
ALLEGING PREGNANCY DISCRIMINATION AGAINST
NEW YORK STATE CORRECTIONS DEPARTMENT**

MICHAEL J. GARCIA, the United States Attorney for the Southern District of New York, announced that the United States, in partnership with the Equal Employment Opportunity Commission ("EEOC"), has reached a settlement which requires payment of \$972,000 in damages to 23 female correction officers, as well as assorted non-monetary relief, in coordinated civil rights lawsuits alleging pregnancy discrimination by the New York State Department of Correctional Services ("DOCS"). The settlement was approved late yesterday by United States District Judge SHIRA A. SCHEINDLIN in Manhattan federal court. The Government's lawsuit was filed on May 12, 2008, as a related case to an action previously filed in Manhattan federal court by the EEOC, Equal Employment Opportunity Commission v. New York State Department of Corrections, 07 Civ. 2587 (SAS) (HP). According to the Complaint filed by the United States:

DOCS, the agency responsible for the operation of the state's prisons, engaged in an unlawful pattern or practice of employment discrimination on the basis of sex, with respect to female employees on workers' compensation leave as a result of work-related injuries. Specifically, DOCS categorically determined that such a female employee who gives birth to a child should be transferred from workers' compensation leave benefit status, for which she was otherwise determined to be eligible, to maternity (or child-rearing) leave status, with a far lower level of benefits. The transfers occurred without DOCS making a determination as to whether, in an individual case, an employee continued to be eligible for workers' compensation leave and benefits. DOCS denies these allegations.

The United States filed its lawsuit under Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination on the basis of sex. The Pregnancy Discrimination Act, which amended Title VII, provides that it is unlawful for employers to treat pregnancy-related medical conditions or childbirth less favorably than other medical conditions. The EEOC's lawsuit, which challenged the same DOCS policy as the United States' lawsuit, was filed pursuant to

the Equal Pay Act, which requires that employers pay men and women equal pay for equal work. Title VII provides for the Department of Justice to have exclusive enforcement over state and local government employers, such as DOCS, whereas the EEOC has exclusive enforcement authority under the EPA.

Under the terms of the settlement, DOCS agreed to pay a total of \$972,000 to 23 current and former female correction officers, which constitutes restored backpay, interest, and compensatory and liquidated damages.

DOCS also agreed in the settlement to several elements of injunctive relief as to its facilities statewide. DOCS 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. DOCS agreed to provide anti-discrimination training to employees across the state, and to provide training in the administration of workers' compensation benefits to its personnel employees, over the period of the settlement agreement. DOCS further agreed to distribute a maternity leave notification, outlining DOCS policies and practices relating to maternity and child-rearing leave and workers' compensation leave, to each employee who notifies DOCS of her pregnancy. The settlement also contains a modification provision, whereby the Court may order additional monetary relief to victims who are identified following the settlement.

"Discrimination against pregnant women in the workplace is a violation of their civil rights," said United States Attorney MICHAEL J. GARCIA. "We are pleased that DOCS has agreed to implement comprehensive measures to ensure that its employees who give birth are treated equally."

Mr. GARCIA praised the EEOC for its extensive efforts and cooperation with the Department of Justice in this case.

Assistant United States Attorney WENDY H. WASZMER is in charge of this case.