



*United States Attorney
Southern District of New York*

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CONTACT: U.S. ATTORNEY'S OFFICE
YUSILL SCRIBNER,
JANICE OH
PUBLIC INFORMATION OFFICE
(212) 637-2600

**MANHATTAN FEDERAL JUDGE FINDS NEW YORK CITY
ENGAGED IN PATTERN OR PRACTICE
OF DISCRIMINATION AGAINST WOMEN**

PREET BHARARA, the United States Attorney for the Southern District of New York, announced that a Manhattan federal judge found late yesterday that the City of New York and its Department of Transportation ("DOT") engaged in a "pattern or practice" of unlawful discrimination on the basis of sex in the hiring of bridge painters, in violation of Title VII of the Civil Rights Act of 1964. The "pattern or practice" provision of Title VII prohibits widespread acts of intentional discrimination against individuals, that is, where intentional discrimination is an employer's standard operating procedure.

The U.S. Attorney's Office for the Southern District of New York filed its civil lawsuit against New York City and the DOT in March of 2007, alleging that the DOT had never hired, extended an offer to hire, or employed a single woman as a bridge painter, instead hiring less qualified men for that position even though qualified women had applied. The lawsuit also alleged that New York City and the DOT relied upon an arbitrary and subjective hiring process that had the effect of systematically excluding qualified women from obtaining the position of bridge painter at DOT.

Ruling on the basis of evidence presented by the United States during a four-day bench trial conducted in October 2009, District Judge WILLIAM H. PAULEY concluded, in a 43-page decision, that New York City and DOT had engaged in "unvarnished sex discrimination" by turning away women applicants for the bridge painter position, "[d]espite their years of bridge painting experience in the private sector, . . . solely because they were women." Judge PAULEY stated: "The evidence adduced at trial reveals a municipal division in America's largest city that refuses to hire women in spite of social norms, sound business practices, and city, state, and federal law."

Among other things, Judge PAULEY found that New York City and the DOT engaged in "intentional appeasement of DOT's existing all-male workforce," which Judge PAULEY found "resisted hiring or promoting female workers to preserve a de facto boys club in which lewd sexual images and cartoons were frequently displayed and employees disparaged their female supervisor, apparently without consequence." Judge PAULEY also faulted the City and the DOT for a hiring process that was "without meaningful objective standards or consistent guidelines." Judge PAULEY also found that New York City and the DOT subjected "every female applicant for the bridge painter position" to "less favorable treatment than less qualified male applicants." As Judge PAULEY recounted: "[T]he Government showed that the relevant decision makers at DOT always chose a man for a position when a more qualified female candidate was available."

The "net result," Judge PAULEY found, was "to exclude qualified and impressive women from pursuing careers they desired with the City of New York." The evidence, Judge PAULEY concluded, "leaves no room for dispute" that the United States proved its pattern or practice case by showing that New York City and DOT "failed to meet their legal obligations to treat men and women seeking City employment equally."

Judge PAULEY's decision adopted a set of systematic reforms that the U.S. Attorney's Office had proposed for the DOT's hiring practices for the bridge painter position. The Court's decision also directs that a hearing be held to determine the appropriate relief for the four women applicants who were subjected to discrimination.

U.S. Attorney PREET BHARARA stated: "Discriminatory employment practices cannot be tolerated in a world-class city like New York. Equal rights must apply to all persons in all walks of life in America. The Southern District of New York will continue to work vigorously to protect women's rights in the workplace."

Assistant United States Attorneys JEANNETTE A. VARGAS, ALLISON D. PENN, and LI YU are in charge of the case.

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